

**Environmental Assessment Statement  
and  
Supplemental Report**

**for**

**1164 Broadway Special Permit  
1164 Broadway  
New York, NY**

**Prepared by:**

**Compliance Solutions Services, LLC  
434 West 20<sup>th</sup> Street  
New York, NY 10011**

**January 2017**

# **EAS FORM**



## City Environmental Quality Review

### ENVIRONMENTAL ASSESSMENT STATEMENT (EAS) FULL FORM

Please fill out and submit to the appropriate agency ([see instructions](#))

#### Part I: GENERAL INFORMATION

**PROJECT NAME** 1164 Broadway - 74-711 Special Permit

#### 1. Reference Numbers

CEQR REFERENCE NUMBER (to be assigned by lead agency)  
17DCP063M

BSA REFERENCE NUMBER (if applicable)

ULURP REFERENCE NUMBER (if applicable)  
170182ZSM

OTHER REFERENCE NUMBER(S) (if applicable)  
(e.g., legislative intro, CAPA)

#### 2a. Lead Agency Information

NAME OF LEAD AGENCY  
NYC Department of City Planning

NAME OF LEAD AGENCY CONTACT PERSON  
Robert Dobruskin

ADDRESS 120 Broadway, 31<sup>st</sup> floor

CITY New York

STATE NY

ZIP 10271

TELEPHONE 212-720-3423

EMAIL  
rdobrus@planning.nyc.gov

#### 2b. Applicant Information

NAME OF APPLICANT  
1170 Broadway Associates, LLC

NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON  
John J. Strauss, Compliance Solutions Services, LLC

ADDRESS 434 West 20th Street, Suite 8

CITY New York

STATE NY

ZIP 10011

TELEPHONE 212-741-3432

EMAIL jstrauss-  
css@nyc.rr.com

#### 3. Action Classification and Type

##### SEQRA Classification

UNLISTED  TYPE I: Specify Category (see 6 NYCRR 617.4 and NYC Executive Order 91 of 1977, as amended): 617.4(b)(9)

**Action Type** (refer to [Chapter 2](#), "Establishing the Analysis Framework" for guidance)

LOCALIZED ACTION, SITE SPECIFIC  LOCALIZED ACTION, SMALL AREA  GENERIC ACTION

#### 4. Project Description

The Applicant, 1170 Broadway Associates, LLC, is seeking a Special Permit pursuant to NYC Zoning Resolution (ZR) Section 74-711 (Landmarks Preservation in all Districts) to modify the setback and sky exposure plane requirements set forth in ZR Section 43-43 (Maximum Height of Front Wall and Required Front Setbacks) to facilitate an 19,175 gsf enlargement of a portion of the Nomad Hotel located at 1164 – 1170 Broadway and 12 West 28<sup>th</sup> Street (Block 829, Lot 50) to conform to the street wall design the NYC Landmarks Preservation Commission has determined is appropriate within the Madison Square North Historic District in which the property is located. The Special Permit would apply to the entire development site but the proposed enlargement would only affect an existing non-historic 4-story portion of the hotel known as 1164 Broadway.

#### Project Location

BOROUGH Manhattan

COMMUNITY DISTRICT(S) 5

STREET ADDRESS 1164 Broadway

TAX BLOCK(S) AND LOT(S) Block 829, Lot 50

ZIP CODE 10001

DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS east side of Broadway between West 27th and West 28th Streets

EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY M1-6

ZONING SECTIONAL MAP NUMBER 8d

#### 5. Required Actions or Approvals (check all that apply)

**City Planning Commission:**  YES  NO  UNIFORM LAND USE REVIEW PROCEDURE (ULURP)

CITY MAP AMENDMENT

ZONING CERTIFICATION

CONCESSION

ZONING MAP AMENDMENT

ZONING AUTHORIZATION

UDAAP

ZONING TEXT AMENDMENT

ACQUISITION—REAL PROPERTY

REVOCABLE CONSENT

SITE SELECTION—PUBLIC FACILITY

DISPOSITION—REAL PROPERTY

FRANCHISE

HOUSING PLAN & PROJECT

OTHER, explain:

SPECIAL PERMIT (if appropriate, specify type:  modification;  renewal;  other); EXPIRATION DATE:

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION 43-43, 74-711

**Board of Standards and Appeals:**  YES  NO

VARIANCE (use)

VARIANCE (bulk)

<input type="checkbox"/> SPECIAL PERMIT (if appropriate, specify type: <input type="checkbox"/> modification; <input type="checkbox"/> renewal; <input type="checkbox"/> other); EXPIRATION DATE: SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION	
<b>Department of Environmental Protection:</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If "yes," specify:	
<b>Other City Approvals Subject to CEQR</b> (check all that apply)	
<input type="checkbox"/> LEGISLATION <input type="checkbox"/> RULEMAKING <input type="checkbox"/> CONSTRUCTION OF PUBLIC FACILITIES <input type="checkbox"/> 384(b)(4) APPROVAL <input type="checkbox"/> OTHER, explain:	<input type="checkbox"/> FUNDING OF CONSTRUCTION, specify: <input type="checkbox"/> POLICY OR PLAN, specify: <input type="checkbox"/> FUNDING OF PROGRAMS, specify: <input type="checkbox"/> PERMITS, specify:
<b>Other City Approvals Not Subject to CEQR</b> (check all that apply)	
<input type="checkbox"/> PERMITS FROM DOT'S OFFICE OF CONSTRUCTION MITIGATION AND COORDINATION (OCMC)	<input checked="" type="checkbox"/> LANDMARKS PRESERVATION COMMISSION APPROVAL <input checked="" type="checkbox"/> OTHER, explain: NYC Department of Buildings building permit
<b>State or Federal Actions/Approvals/Funding:</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If "yes," specify:	
<b>6. Site Description:</b> <i>The directly affected area consists of the project site and the area subject to any change in regulatory controls. Except where otherwise indicated, provide the following information with regard to the directly affected area.</i> <b>Graphics:</b> <i>The following graphics must be attached and each box must be checked off before the EAS is complete. Each map must clearly depict the boundaries of the directly affected area or areas and indicate a 400-foot radius drawn from the outer boundaries of the project site. Maps may not exceed 11 x 17 inches in size and, for paper filings, must be folded to 8.5 x 11 inches.</i>	
<input checked="" type="checkbox"/> SITE LOCATION MAP <input checked="" type="checkbox"/> TAX MAP <input checked="" type="checkbox"/> PHOTOGRAPHS OF THE PROJECT SITE TAKEN WITHIN 6 MONTHS OF EAS SUBMISSION AND KEYED TO THE SITE LOCATION MAP	<input checked="" type="checkbox"/> ZONING MAP <input type="checkbox"/> FOR LARGE AREAS OR MULTIPLE SITES, A GIS SHAPE FILE THAT DEFINES THE PROJECT SITE(S) <input checked="" type="checkbox"/> SANBORN OR OTHER LAND USE MAP
<b>Physical Setting</b> (both developed and undeveloped areas)	
Total directly affected area (sq. ft.): 13,461	Waterbody area (sq. ft.) and type: 0
Roads, buildings, and other paved surfaces (sq. ft.): 129,163	Other, describe (sq. ft.): 0
<b>7. Physical Dimensions and Scale of Project</b> (if the project affects multiple sites, provide the total development facilitated by the action)	
SIZE OF PROJECT TO BE DEVELOPED (gross square feet): 148,338 (19,175 gsf enlargement to existing 129,163 gsf building)	
NUMBER OF BUILDINGS: 3	GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): 106,829 (existing); 7,981 (existing); 33,528 (proposed)
HEIGHT OF EACH BUILDING (ft.): 162'-7" (existing), 56'-4" (existing), 160'-6" (proposed)	NUMBER OF STORIES OF EACH BUILDING: 12 + PH (existing), 4 (existing), 12 + PH (proposed)
Does the proposed project involve changes in zoning on one or more sites? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO If "yes," specify: The total square feet owned or controlled by the applicant: The total square feet not owned or controlled by the applicant:	
Does the proposed project involve in-ground excavation or subsurface disturbance, including, but not limited to foundation work, pilings, utility lines, or grading? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO If "yes," indicate the estimated area and volume dimensions of subsurface disturbance (if known):	
AREA OF TEMPORARY DISTURBANCE: _____ sq. ft. (width x length)	VOLUME OF DISTURBANCE: 10,834.4 cubic ft. (width x length x depth)
AREA OF PERMANENT DISTURBANCE: 2,708.6 sq. ft. (width x length)	
<b>8. Analysis Year</b> <a href="#">CEQR Technical Manual Chapter 2</a>	
ANTICIPATED BUILD YEAR (date the project would be completed and operational): 2019	
ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: 18 months	
WOULD THE PROJECT BE IMPLEMENTED IN A SINGLE PHASE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF MULTIPLE PHASES, HOW MANY?	
BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE:	
<b>9. Predominant Land Use in the Vicinity of the Project</b> (check all that apply)	
<input checked="" type="checkbox"/> RESIDENTIAL <input checked="" type="checkbox"/> MANUFACTURING <input checked="" type="checkbox"/> COMMERCIAL	<input type="checkbox"/> PARK/FOREST/OPEN SPACE <input type="checkbox"/> OTHER, specify:

**DESCRIPTION OF EXISTING AND PROPOSED CONDITIONS**

The information requested in this table applies to the directly affected area. The directly affected area consists of the project site and the area subject to any change in regulatory control. The increment is the difference between the No-Action and the With-Action conditions.

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
<b>LAND USE</b>				
<b>Residential</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify the following:				
Describe type of residential structures				
No. of dwelling units				
No. of low- to moderate-income units				
Gross floor area (sq. ft.)				
<b>Commercial</b>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
If "yes," specify the following:				
Describe type (retail, office, other)	Hotel (168 units), retail, restaurant, accessory office uses, hotel amenity areas	Hotel (171 units), retail, restaurant, accessory office uses, hotel amenity areas	Hotel (204 units), retail, restaurant, accessory office uses, hotel amenity areas	+ 33 hotel units
Gross floor area (sq. ft.)	129,163	129,163	148,338	+ 19,175
<b>Manufacturing/Industrial</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify the following:				
Type of use				
Gross floor area (sq. ft.)				
Open storage area (sq. ft.)				
If any unenclosed activities, specify:				
<b>Community Facility</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify the following:				
Type				
Gross floor area (sq. ft.)				
<b>Vacant Land</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," describe:				
<b>Publicly Accessible Open Space</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify type (mapped City, State, or Federal parkland, wetland—mapped or otherwise known, other):				
<b>Other Land Uses</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," describe:				
<b>PARKING</b>				
<b>Garages</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify the following:				
No. of public spaces				
No. of accessory spaces				
Operating hours				
Attended or non-attended				
<b>Lots</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," specify the following:				
No. of public spaces				
No. of accessory spaces				
Operating hours				
<b>Other</b> (includes street parking)	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If "yes," describe:				
<b>POPULATION</b>				
<b>Residents</b>	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
If "yes," specify number:				
Briefly explain how the number of residents was calculated:				
<b>Businesses</b>	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
If "yes," specify the following:				
No. and type	1 hotel (168 rooms), accessory offices, 1 retail store, 2 restaurants	1 hotel (171 rooms), accessory offices, 1 retail store, 2 restaurants	1 hotel (204 rooms), accessory offices, 1 retail store, 2 restaurants	+ 33 hotel rooms
No. and type of workers by business	Daily: 110 hotel & accessory office employees, 30 retail employees, 60 restaurant employees	Daily: 110 hotel & accessory office employees, 30 retail employees, 60 restaurant employees	Daily: 114 hotel & accessory office employees, 30 retail employees, 60 restaurant employees	+ 4 daily hotel & accessory office employees
No. and type of non-residents who are not workers	Daily: 200 hotel guests, 3 accessory office visitors, 250 retail customers, 400 restaurant patrons	Daily: 200 hotel guests, 3 accessory office visitors, 250 retail customers, 400 restaurant patrons	Daily: 234 hotel guests, 3 accessory office visitors, 250 retail customers, 420 restaurant patrons	+ 34 daily hotel guests, + 20 daily restaurant patrons
Briefly explain how the number of businesses was calculated:	The property is occupied by an existing hotel, restaurants, retail store, and accessory office space. The action includes an enlargement of the existing hotel and the provision of additional guest rooms. Information was provided by the Applicant.			
<b>Other</b> (students, visitors, concert-goers, etc.)	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
If any, specify type and number:				
Briefly explain how the number was calculated:				
<b>ZONING</b>				
Zoning classification	M1-6	M1-6	M1-6	
Maximum amount of floor area that can be developed	134,610 SF	134,610 SF	134,610 SF	
Predominant land use and zoning classifications within land use study area(s) or a 400 ft. radius of proposed project	Office, retail, hotel; M1-6, C5-2	Office, retail, hotel; M1-6, C5-2	Office, retail, hotel; M1-6, C5-2	
Attach any additional information that may be needed to describe the project.				
If your project involves changes that affect one or more sites not associated with a specific development, it is generally appropriate to include total development projections in the above table and attach separate tables outlining the reasonable development scenarios for each site.				

**Part II: TECHNICAL ANALYSIS**

**INSTRUCTIONS:** For each of the analysis categories listed in this section, assess the proposed project’s impacts based on the thresholds and criteria presented in the CEQR Technical Manual. Check each box that applies.

- If the proposed project can be demonstrated not to meet or exceed the threshold, check the “no” box.
- If the proposed project will meet or exceed the threshold, or if this cannot be determined, check the “yes” box.
- For each “yes” response, provide additional analyses (and, if needed, attach supporting information) based on guidance in the CEQR Technical Manual to determine whether the potential for significant impacts exists. Please note that a “yes” answer does not mean that an EIS must be prepared—it means that more information may be required for the lead agency to make a determination of significance.
- The lead agency, upon reviewing Part II, may require an applicant to provide additional information to support the Full EAS Form. For example, if a question is answered “no,” an agency may request a short explanation for this response.

	YES	NO
<b>1. LAND USE, ZONING, AND PUBLIC POLICY:</b> <a href="#">CEQR Technical Manual Chapter 4</a>		
(a) Would the proposed project result in a change in land use different from surrounding land uses?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Would the proposed project result in a change in zoning different from surrounding zoning?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Is there the potential to affect an applicable public policy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) If “yes,” to (a), (b), and/or (c), complete a preliminary assessment and attach.		
(e) Is the project a large, publicly sponsored project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If “yes,” complete a PlaNYC assessment and attach.		
(f) Is any part of the directly affected area within the City’s Waterfront Revitalization Program boundaries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If “yes,” complete the <a href="#">Consistency Assessment Form</a> .		
<b>2. SOCIOECONOMIC CONDITIONS:</b> <a href="#">CEQR Technical Manual Chapter 5</a>		
(a) Would the proposed project:		
o Generate a net increase of more than 200 residential units or 200,000 square feet of commercial space?		
▪ If “yes,” answer both questions 2(b)(ii) and 2(b)(iv) below.		
o Directly displace 500 or more residents?		
▪ If “yes,” answer questions 2(b)(i), 2(b)(ii), and 2(b)(iv) below.		
o Directly displace more than 100 employees?		
▪ If “yes,” answer questions under 2(b)(iii) and 2(b)(iv) below.		
o Affect conditions in a specific industry?		
▪ If “yes,” answer question 2(b)(v) below.		
(b) If “yes” to any of the above, attach supporting information to answer the relevant questions below. If “no” was checked for each category above, the remaining questions in this technical area do not need to be answered.		
<b>i. Direct Residential Displacement</b>		
o If more than 500 residents would be displaced, would these residents represent more than 5% of the primary study area population?		
o If “yes,” is the average income of the directly displaced population markedly lower than the average income of the rest of the study area population?		
<b>ii. Indirect Residential Displacement</b>		
o Would expected average incomes of the new population exceed the average incomes of study area populations?		
o If “yes:”		
▪ Would the population of the primary study area increase by more than 10 percent?		
▪ Would the population of the primary study area increase by more than 5 percent in an area where there is the potential to accelerate trends toward increasing rents?		
o If “yes” to either of the preceding questions, would more than 5 percent of all housing units be renter-occupied and unprotected?		
<b>iii. Direct Business Displacement</b>		
o Do any of the displaced businesses provide goods or services that otherwise would not be found within the trade area, either under existing conditions or in the future with the proposed project?		
o Is any category of business to be displaced the subject of other regulations or publicly adopted plans to preserve,		

	YES	NO
enhance, or otherwise protect it?		
<b>iv. Indirect Business Displacement</b>		
o Would the project potentially introduce trends that make it difficult for businesses to remain in the area?	<input type="checkbox"/>	<input type="checkbox"/>
o Would the project capture retail sales in a particular category of goods to the extent that the market for such goods would become saturated, potentially resulting in vacancies and disinvestment on neighborhood commercial streets?	<input type="checkbox"/>	<input type="checkbox"/>
<b>v. Effects on Industry</b>		
o Would the project significantly affect business conditions in any industry or any category of businesses within or outside the study area?	<input type="checkbox"/>	<input type="checkbox"/>
o Would the project indirectly substantially reduce employment or impair the economic viability in the industry or category of businesses?	<input type="checkbox"/>	<input type="checkbox"/>
<b>3. COMMUNITY FACILITIES:</b> <a href="#">CEQR Technical Manual Chapter 6</a>		
<b>(a) Direct Effects</b>		
o Would the project directly eliminate, displace, or alter public or publicly funded community facilities such as educational facilities, libraries, health care facilities, day care centers, police stations, or fire stations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>(b) Indirect Effects</b>		
<b>i. Child Care Centers</b>		
o Would the project result in 20 or more eligible children under age 6, based on the number of low or low/moderate income residential units? (See Table 6-1 in <a href="#">Chapter 6</a> )	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project result in a collective utilization rate of the group child care/Head Start centers in the study area that is greater than 100 percent?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the project increase the collective utilization rate by 5 percent or more from the No-Action scenario?	<input type="checkbox"/>	<input type="checkbox"/>
<b>ii. Libraries</b>		
o Would the project result in a 5 percent or more increase in the ratio of residential units to library branches? (See Table 6-1 in <a href="#">Chapter 6</a> )	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project increase the study area population by 5 percent or more from the No-Action levels?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the additional population impair the delivery of library services in the study area?	<input type="checkbox"/>	<input type="checkbox"/>
<b>iii. Public Schools</b>		
o Would the project result in 50 or more elementary or middle school students, or 150 or more high school students based on number of residential units? (See Table 6-1 in <a href="#">Chapter 6</a> )	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project result in a collective utilization rate of the elementary and/or intermediate schools in the study area that is equal to or greater than 100 percent?	<input type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the project increase this collective utilization rate by 5 percent or more from the No-Action scenario?	<input type="checkbox"/>	<input type="checkbox"/>
<b>iv. Health Care Facilities</b>		
o Would the project result in the introduction of a sizeable new neighborhood?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project affect the operation of health care facilities in the area?	<input type="checkbox"/>	<input type="checkbox"/>
<b>v. Fire and Police Protection</b>		
o Would the project result in the introduction of a sizeable new neighborhood?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the project affect the operation of fire or police protection in the area?	<input type="checkbox"/>	<input type="checkbox"/>
<b>4. OPEN SPACE:</b> <a href="#">CEQR Technical Manual Chapter 7</a>		
<b>(a)</b> Would the project change or eliminate existing open space?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>(b)</b> Is the project located within an under-served area in the <a href="#">Bronx</a> , <a href="#">Brooklyn</a> , <a href="#">Manhattan</a> , <a href="#">Queens</a> , or <a href="#">Staten Island</a> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>(c)</b> If "yes," would the project generate more than 50 additional residents or 125 additional employees?	<input type="checkbox"/>	<input type="checkbox"/>
<b>(d)</b> Is the project located within a well-served area in the <a href="#">Bronx</a> , <a href="#">Brooklyn</a> , <a href="#">Manhattan</a> , <a href="#">Queens</a> , or <a href="#">Staten Island</a> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>(e)</b> If "yes," would the project generate more than 350 additional residents or 750 additional employees?	<input type="checkbox"/>	<input type="checkbox"/>
<b>(f)</b> If the project is located in an area that is neither under-served nor well-served, would it generate more than 200 additional residents or 500 additional employees?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>(g)</b> If "yes" to questions (c), (e), or (f) above, attach supporting information to answer the following:		
o If in an under-served area, would the project result in a decrease in the open space ratio by more than 1 percent?	<input type="checkbox"/>	<input type="checkbox"/>
o If in an area that is not under-served, would the project result in a decrease in the open space ratio by more than 5	<input type="checkbox"/>	<input type="checkbox"/>



	YES	NO
percent?		
<ul style="list-style-type: none"> <li>o If "yes," are there qualitative considerations, such as the quality of open space, that need to be considered?</li> </ul> Please specify:	<input type="checkbox"/>	<input type="checkbox"/>
<b>5. SHADOWS:</b> <a href="#">CEQR Technical Manual Chapter 8</a>		
(a) Would the proposed project result in a net height increase of any structure of 50 feet or more?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Would the proposed project result in any increase in structure height and be located adjacent to or across the street from a sunlight-sensitive resource?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If "yes" to either of the above questions, attach supporting information explaining whether the project's shadow would reach any sunlight-sensitive resource at any time of the year. See attached report.		
<b>6. HISTORIC AND CULTURAL RESOURCES:</b> <a href="#">CEQR Technical Manual Chapter 9</a>		
(a) Does the proposed project site or an adjacent site contain any architectural and/or archaeological resource that is eligible for or has been designated (or is calendared for consideration) as a New York City Landmark, Interior Landmark or Scenic Landmark; that is listed or eligible for listing on the New York State or National Register of Historic Places; or that is within a designated or eligible New York City, New York State or National Register Historic District? (See the <a href="#">GIS System for Archaeology and National Register</a> to confirm)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Would the proposed project involve construction resulting in in-ground disturbance to an area not previously excavated?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) If "yes" to either of the above, list any identified architectural and/or archaeological resources and attach supporting information on whether the proposed project would potentially affect any architectural or archeological resources. See attached report.		
<b>7. URBAN DESIGN AND VISUAL RESOURCES:</b> <a href="#">CEQR Technical Manual Chapter 10</a>		
(a) Would the proposed project introduce a new building, a new building height, or result in any substantial physical alteration to the streetscape or public space in the vicinity of the proposed project that is not currently allowed by existing zoning?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Would the proposed project result in obstruction of publicly accessible views to visual resources not currently allowed by existing zoning?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If "yes" to either of the above, please provide the information requested in <a href="#">Chapter 10</a> . See attached report.		
<b>8. NATURAL RESOURCES:</b> <a href="#">CEQR Technical Manual Chapter 11</a>		
(a) Does the proposed project site or a site adjacent to the project contain natural resources as defined in Section 100 of <a href="#">Chapter 11</a> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," list the resources and attach supporting information on whether the project would affect any of these resources.		
(b) Is any part of the directly affected area within the <a href="#">Jamaica Bay Watershed</a> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," complete the <a href="#">Jamaica Bay Watershed Form</a> and submit according to its <a href="#">instructions</a> .		
<b>9. HAZARDOUS MATERIALS:</b> <a href="#">CEQR Technical Manual Chapter 12</a>		
(a) Would the proposed project allow commercial or residential uses in an area that is currently, or was historically, a manufacturing area that involved hazardous materials?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to hazardous materials that preclude the potential for significant adverse impacts?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Would the project require soil disturbance in a manufacturing area or any development on or near a manufacturing area or existing/historic facilities listed in <a href="#">Appendix 1</a> (including nonconforming uses)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Would the project result in the development of a site where there is reason to suspect the presence of hazardous materials, contamination, illegal dumping or fill, or fill material of unknown origin?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Would the project result in development on or near a site that has or had underground and/or aboveground storage tanks (e.g., gas stations, oil storage facilities, heating oil storage)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(f) Would the project result in renovation of interior existing space on a site with the potential for compromised air quality; vapor intrusion from either on-site or off-site sources; or the presence of asbestos, PCBs, mercury or lead-based paint?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(g) Would the project result in development on or near a site with potential hazardous materials issues such as government-listed voluntary cleanup/brownfield site, current or former power generation/transmission facilities, coal gasification or gas storage sites, railroad tracks or rights-of-way, or municipal incinerators?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(h) Has a Phase I Environmental Site Assessment been performed for the site?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o If "yes," were Recognized Environmental Conditions (RECs) identified? Briefly identify: See attached report.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(i) Based on the Phase I Assessment, is a Phase II Investigation needed? See attached report.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>10. WATER AND SEWER INFRASTRUCTURE:</b> <a href="#">CEQR Technical Manual Chapter 13</a>		
(a) Would the project result in water demand of more than one million gallons per day?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If the proposed project located in a combined sewer area, would it result in at least 1,000 residential units or 250,000 square feet or more of commercial space in Manhattan, or at least 400 residential units or 150,000 square feet or more of commercial space in the Bronx, Brooklyn, Staten Island, or Queens?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	YES	NO
(c) If the proposed project located in a <a href="#">separately sewerred area</a> , would it result in the same or greater development than that listed in Table 13-1 in <a href="#">Chapter 13</a> ?	<input type="checkbox"/>	<input type="checkbox"/>
(d) Would the project involve development on a site that is 5 acres or larger where the amount of impervious surface would increase?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) If the project is located within the <a href="#">Jamaica Bay Watershed</a> or in certain <a href="#">specific drainage areas</a> , including Bronx River, Coney Island Creek, Flushing Bay and Creek, Gowanus Canal, Hutchinson River, Newtown Creek, or Westchester Creek, would it involve development on a site that is 1 acre or larger where the amount of impervious surface would increase?	<input type="checkbox"/>	<input type="checkbox"/>
(f) Would the proposed project be located in an area that is partially sewerred or currently unsewerred?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(g) Is the project proposing an industrial facility or activity that would contribute industrial discharges to a Wastewater Treatment Plant and/or contribute contaminated stormwater to a separate storm sewer system?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(h) Would the project involve construction of a new stormwater outfall that requires federal and/or state permits?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(i) If "yes" to any of the above, conduct the appropriate preliminary analyses and attach supporting documentation.		
<b>11. SOLID WASTE AND SANITATION SERVICES:</b> <a href="#">CEQR Technical Manual Chapter 14</a>		
(a) Using Table 14-1 in <a href="#">Chapter 14</a> , the project's projected operational solid waste generation is estimated to be (pounds per week): 25,680 lbs for existing facility; 440 lbs additional for hotel expansion		
o Would the proposed project have the potential to generate 100,000 pounds (50 tons) or more of solid waste per week?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project involve a reduction in capacity at a solid waste management facility used for refuse or recyclables generated within the City?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the proposed project comply with the City's Solid Waste Management Plan?	<input type="checkbox"/>	<input type="checkbox"/>
<b>12. ENERGY:</b> <a href="#">CEQR Technical Manual Chapter 15</a>		
(a) Using energy modeling or Table 15-1 in <a href="#">Chapter 15</a> , the project's projected energy use is estimated to be (annual BTUs): 27,937,957 for existing facility; 4,147,552 for new hotel space		
(b) Would the proposed project affect the transmission or generation of energy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>13. TRANSPORTATION:</b> <a href="#">CEQR Technical Manual Chapter 16</a>		
(a) Would the proposed project exceed any threshold identified in Table 16-1 in <a href="#">Chapter 16</a> ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) If "yes," conduct the appropriate screening analyses, attach back up data as needed for each stage, and answer the following questions:		
o Would the proposed project result in 50 or more Passenger Car Equivalents (PCEs) per project peak hour?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If "yes," would the proposed project result in 50 or more vehicle trips per project peak hour at any given intersection? <i>**It should be noted that the lead agency may require further analysis of intersections of concern even when a project generates fewer than 50 vehicles in the peak hour. See Subsection 313 of <a href="#">Chapter 16</a> for more information.</i>	<input type="checkbox"/>	<input type="checkbox"/>
o Would the proposed project result in more than 200 subway/rail or bus trips per project peak hour?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If "yes," would the proposed project result, per project peak hour, in 50 or more bus trips on a single line (in one direction) or 200 subway/rail trips per station or line?	<input type="checkbox"/>	<input type="checkbox"/>
o Would the proposed project result in more than 200 pedestrian trips per project peak hour?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
If "yes," would the proposed project result in more than 200 pedestrian trips per project peak hour to any given pedestrian or transit element, crosswalk, subway stair, or bus stop?	<input type="checkbox"/>	<input type="checkbox"/>
<b>14. AIR QUALITY:</b> <a href="#">CEQR Technical Manual Chapter 17</a>		
(a) <i>Mobile Sources:</i> Would the proposed project result in the conditions outlined in Section 210 in <a href="#">Chapter 17</a> ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) <i>Stationary Sources:</i> Would the proposed project result in the conditions outlined in Section 220 in <a href="#">Chapter 17</a> ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o If "yes," would the proposed project exceed the thresholds in Figure 17-3, Stationary Source Screen Graph in <a href="#">Chapter 17</a> ? (Attach graph as needed) See attached report.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Does the proposed project involve multiple buildings on the project site?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Does the proposed project require federal approvals, support, licensing, or permits subject to conformity requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to air quality that preclude the potential for significant adverse impacts?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) If "yes" to any of the above, conduct the appropriate analyses and attach any supporting documentation.		
<b>15. GREENHOUSE GAS EMISSIONS:</b> <a href="#">CEQR Technical Manual Chapter 18</a>		
(a) Is the proposed project a city capital project or a power generation plant?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project fundamentally change the City's solid waste management system?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Would the proposed project result in the development of 350,000 square feet or more?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) If "yes" to any of the above, would the project require a GHG emissions assessment based on guidance in <a href="#">Chapter 18</a> ?	<input type="checkbox"/>	<input type="checkbox"/>

	YES	NO
o If "yes," would the project result in inconsistencies with the City's GHG reduction goal? (See <u>Local Law 22 of 2008</u> ; § 24-803 of the Administrative Code of the City of New York). Please attach supporting documentation.	<input type="checkbox"/>	<input type="checkbox"/>

**16. NOISE:** CEQR Technical Manual Chapter 19

(a) Would the proposed project generate or reroute vehicular traffic?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Would the proposed project introduce new or additional receptors (see Section 124 in <u>Chapter 19</u> ) near heavily trafficked roadways, within one horizontal mile of an existing or proposed flight path, or within 1,500 feet of an existing or proposed rail line with a direct line of site to that rail line?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Would the proposed project cause a stationary noise source to operate within 1,500 feet of a receptor with a direct line of sight to that receptor or introduce receptors into an area with high ambient stationary noise?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to noise that preclude the potential for significant adverse impacts?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) If "yes" to any of the above, conduct the appropriate analyses and attach any supporting documentation.		

**17. PUBLIC HEALTH:** CEQR Technical Manual Chapter 20

(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Air Quality; Hazardous Materials; Noise?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If "yes," explain why an assessment of public health is or is not warranted based on the guidance in <u>Chapter 20</u> , "Public Health." Attach a preliminary analysis, if necessary.		

**18. NEIGHBORHOOD CHARACTER:** CEQR Technical Manual Chapter 21

(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Open Space; Historic and Cultural Resources; Urban Design and Visual Resources; Shadows; Transportation; Noise?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If "yes," explain why an assessment of neighborhood character is or is not warranted based on the guidance in <u>Chapter 21</u> , "Neighborhood Character." Attach a preliminary analysis, if necessary.		

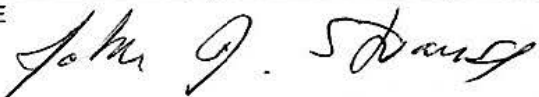
**19. CONSTRUCTION:** CEQR Technical Manual Chapter 22

(a) Would the project's construction activities involve:		
o Construction activities lasting longer than two years?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Construction activities within a Central Business District or along an arterial highway or major thoroughfare?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o Closing, narrowing, or otherwise impeding traffic, transit, or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, etc.)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o The operation of several pieces of diesel equipment in a single location at peak construction?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Closure of a community facility or disruption in its services?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Activities within 400 feet of a historic or cultural resource?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o Disturbance of a site containing or adjacent to a site containing natural resources?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Construction on multiple development sites in the same geographic area, such that there is the potential for several construction timelines to overlap or last for more than two years overall?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If any boxes are checked "yes," explain why a preliminary construction assessment is or is not warranted based on the guidance in <u>Chapter 22</u> , "Construction." It should be noted that the nature and extent of any commitment to use the Best Available Technology for construction equipment or Best Management Practices for construction activities should be considered when making this determination.		
See attached report.		


**20. APPLICANT'S CERTIFICATION**

I swear or affirm under oath and subject to the penalties for perjury that the information provided in this Environmental Assessment Statement (EAS) is true and accurate to the best of my knowledge and belief, based upon my personal knowledge and familiarity with the information described herein and after examination of the pertinent books and records and/or after inquiry of persons who have personal knowledge of such information or who have examined pertinent books and records.

Still under oath, I further swear or affirm that I make this statement in my capacity as the applicant or representative of the entity that seeks the permits, approvals, funding, or other governmental action(s) described in this EAS.

APPLICANT/REPRESENTATIVE NAME John J. Strauss, Compliance Solutions Services, LLC	SIGNATURE 	DATE January 13, 2017
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**PLEASE NOTE THAT APPLICANTS MAY BE REQUIRED TO SUBSTANTIATE RESPONSES IN THIS FORM AT THE DISCRETION OF THE LEAD AGENCY SO THAT IT MAY SUPPORT ITS DETERMINATION OF SIGNIFICANCE.**

Part III: DETERMINATION OF SIGNIFICANCE (To Be Completed by Lead Agency)		
<b>INSTRUCTIONS:</b> In completing Part III, the lead agency should consult 6 NYCRR 617.7 and 43 RCNY § 6-06 (Executive Order 91 or 1977, as amended), which contain the State and City criteria for determining significance.		
<b>1.</b> For each of the impact categories listed below, consider whether the project may have a significant adverse effect on the environment, taking into account its (a) location; (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude.	<b>Potentially Significant Adverse Impact</b>	
	<b>YES</b>	<b>NO</b>
<b>IMPACT CATEGORY</b>		
Land Use, Zoning, and Public Policy	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Socioeconomic Conditions	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Community Facilities and Services	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Open Space	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Shadows	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Historic and Cultural Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Urban Design/Visual Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Natural Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Hazardous Materials	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Water and Sewer Infrastructure	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Solid Waste and Sanitation Services	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Energy	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Transportation	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Air Quality	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Greenhouse Gas Emissions	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Noise	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Public Health	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Neighborhood Character	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Construction	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>2.</b> Are there any aspects of the project relevant to the determination of whether the project may have a significant impact on the environment, such as combined or cumulative impacts, that were not fully covered by other responses and supporting materials?  If there are such impacts, attach an explanation stating whether, as a result of them, the project may have a significant impact on the environment.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>3. Check determination to be issued by the lead agency:</b>  <input type="checkbox"/> <b>Positive Declaration:</b> If the lead agency has determined that the project may have a significant impact on the environment, and if a Conditional Negative Declaration is not appropriate, then the lead agency issues a <i>Positive Declaration</i> and prepares a draft Scope of Work for the Environmental Impact Statement (EIS).  <input type="checkbox"/> <b>Conditional Negative Declaration:</b> A <i>Conditional Negative Declaration</i> (CND) may be appropriate if there is a private applicant for an Unlisted action AND when conditions imposed by the lead agency will modify the proposed project so that no significant adverse environmental impacts would result. The CND is prepared as a separate document and is subject to the requirements of 6 NYCRR Part 617.  <input checked="" type="checkbox"/> <b>Negative Declaration:</b> If the lead agency has determined that the project would not result in potentially significant adverse environmental impacts, then the lead agency issues a <i>Negative Declaration</i> . The <i>Negative Declaration</i> may be prepared as a separate document (see <a href="#">template</a> ) or using the embedded Negative Declaration on the next page.		
<b>4. LEAD AGENCY'S CERTIFICATION</b>		
TITLE Director, Environmental Review and Assessment Division	LEAD AGENCY Department of City Planning	
NAME Robert Dobruskin, AICP	DATE 1/13/2017	
SIGNATURE 		

# **PROJECT DESCRIPTION**

**1164 Broadway Special Permit**  
**Project Description**

**Introduction**

The Applicant, 1170 Broadway Associates, LLC, is seeking a Special Permit pursuant to NYC Zoning Resolution (ZR) Section 74-711 (Landmarks Preservation in all Districts) to modify the setback and sky exposure plane requirements set forth in ZR Section 43-43 (Maximum Height of Front Wall and Required Front Setbacks) to facilitate an 19,175 gsf enlargement of a portion of the Nomad Hotel located at 1164 - 1170 Broadway and 12 West 28<sup>th</sup> Street (Block 829, Lot 50) in an M1-6 zoning district in the Madison Square neighborhood of Manhattan, Community District 5. The modified setback and sky exposure plane of the building would conform to the street wall design the NYC Landmarks Preservation Commission (LPC) has determined is appropriate within the Madison Square North Historic District in which the property is located. The Special Permit would apply to the entire development site but the proposed enlargement would only affect an existing non-historic 4-story portion of the hotel known as 1164 Broadway.

Pursuant to ZR Section 43-43, developments and enlargements within an M1-6 zoning district along a wide street (Broadway) must set back 15 feet from the street line at a height of 6 stories or 85 feet, whichever is less. The slope of the required sky exposure plane above 85 feet is 5.6 to 1. The proposed enlargement would extend the height of the existing street wall of the 4-story portion of the hotel at the street line to 12 stories/148'-6"<sup>1</sup>, thereby encroaching on the required setback area and sky exposure plane.

**Existing Conditions**

The development site is located on the north side of the Madison Square Park neighborhood of Manhattan. This area is primarily developed with commercial office and retail uses and contains small, mid-size, and large buildings occupied by wholesale, office and related commercial uses, ground floor retail space, and parking. Development in the neighborhood was spurred by the Madison Square Park restoration project in 2000-2001 and it has since become a more attractive area for upscale businesses, particularly hotels and restaurants. Buildings in the surrounding area range from one- to 24-stories in height with the majority of structures being between four- and twelve-stories in height. The buildings are primarily commercial structures with wholesale businesses, office space, or hotel use, often with ground floor retail space including restaurants and other eating and drinking establishments.

The Historic District consists of approximately 96 buildings representing the period of New York City's commercial history from the 1870s to the 1930s, when this area first developed as a major entertainment district of hotels, clubs, stores and apartment buildings, and then as a mercantile district of high-rise office and loft structures. The district also contains numerous rowhouses, Art Deco-style towers, as well as modest twentieth-century commercial structures. The construction of large, ten- to eighteen-story office and wholesale loft buildings around the turn of the 20<sup>th</sup> century increased the scale and density of the district. The buildings in the Historic District ordinarily rise without setback from the street line, including buildings much taller than the maximum base heights permitted in the M1-6 zoning district.

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<sup>1</sup> Measured from an average curb level of 41.97'.

The development site is located along the east side of Broadway between West 27<sup>th</sup> and West 28<sup>th</sup> Streets and the south side of West 28<sup>th</sup> Street between Broadway and 5<sup>th</sup> Avenue, and has a lot area of approximately 13,461 square feet. The site is entirely located within an M1-6 zoning district in the Madison Square North Historic District. The site is improved with three structures, which currently house the NoMad Hotel and related uses controlled and operated by the Applicant: 1164 Broadway, a 4-story and cellar structure which the LPC has determined does not contribute to the Historic District; 1166-1170 Broadway, a 12-story (plus penthouse) and cellar structure which the LPC has determined contributes to the Historic District; and 12 West 28<sup>th</sup> Street, a 4-story and cellar structure which the LPC has determined contributes to the Historic District. Restorative work has been performed on 1170 Broadway per LPC's request. These three structures are further described as follows:

- 1164 Broadway- a four-story and cellar structure that currently contains a ground floor Use Group 6 restaurant use and Use Group 5 transient hotel use above (accessory amenity and office space and one guest suite)<sup>2</sup>;
- 1170 Broadway- a twelve-story (plus penthouse) and cellar structure that contains ground floor Use Group 6 retail with Use Group 5 hotel use above; and
- 12 West 28<sup>th</sup> Street- a four-story and cellar structure that contains ground floor Use Group 6 retail use and Use Group 5 hotel use above.

Historically, the three structures were separate buildings, but have been combined into a single building housing the Nomad Hotel. The hotel contains a total of 168 units, 161 of which are within 1170 Broadway, one of which is in 1164 Broadway, and six of which are within 12 West 28<sup>th</sup> Street.

The development site has approximately 132.06 feet of frontage along Broadway, which is 75 feet wide and constitutes a wide street under ZR Sec. 12-10 (Definitions), and approximately 127.67 feet of frontage along West 28<sup>th</sup> Street, which is 60 feet wide and constitutes a narrow street under ZR Sec. 12-10. The portion of the site occupied by 1164 Broadway has approximately 26.29 feet of frontage on Broadway, 24.69 feet of width, and an average depth of approximately 110 feet.

The buildings on the project site contain approximately 129,163 gross square feet (gsf) and 111,338 zoning square feet (zsf) of floor area. The hotel contains 168 hotel rooms, two restaurants, meeting rooms, a retail store, guest amenity areas, and hotel operational areas. The building at 1164 Broadway, which would be enlarged under the proposed action, contains 14,353 gsf of floor area.

### **Description of the Proposed Development**

The Applicant is proposing to construct an addition of 8 stories plus a penthouse to the existing 4-story structure at 1164 Broadway and to re-clad the existing 4-story portion of 1164 Broadway. The proposed enlargement would contain 19,175 gsf of Use Group 5 hotel use. The proposed enlargement would closely align with the height of the existing 148'-0" street wall of 1170

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<sup>2</sup> 1164 Broadway contains a cellar which is occupied by Use Group 6 restaurant storage and Use Group 5 hotel utility spaces. Floors 2 through 4 contain accessory amenity and office space and one hotel unit on the 4<sup>th</sup> floor.

Broadway<sup>3</sup> and the floor plates of the structures would connect. On October 27, 2015, the LPC voted to approve the proposed enlargement and to issue a report to the City Planning Commission pursuant to ZR Section 74-711 stating that a continuing maintenance program has been established that will result in the preservation of the buildings on the site and that the proposed enlargement contributes to a preservation purpose.

The project site has a lot area of 13,461 square feet. The M1-6 District has a maximum base permitted floor area ratio (FAR) of 10.0, which would permit 134,610 zsf on the property. The M1-6 district permits certain community facility uses within Use Group 4, commercial uses within Use Groups 5 through 14 and 16, and light manufacturing uses in Use Group 17. Residential uses are not permitted within the M1-6 district. The buildings currently contain a total of 168 hotel rooms and approximately 129,163 gsf (111,338 zsf of floor area for an FAR of 8.27), 111,401 gsf (95,112 zsf or 7.1 FAR) of which is in Use Group 5 hotel use and 17,762 gsf (16,225 zsf or 1.2 FAR) of which is in Use Group 6 retail use. 1164 Broadway contains 14,353 gsf (11,484 zsf), 6,082 gsf (3,519 zsf) of which is retail and 8,271 gsf (7,966 zsf) of which is hotel use. 1170 Broadway contains 106,829 gsf (93,910 zsf), 7,914 gsf (7,677 zsf) of which is retail and 98,915 gsf (86,233 zsf) of which is hotel use. 12 West 28<sup>th</sup> contains 7,981 gsf (5,943 zsf), 3,766 gsf (1,854 zsf) of which is retail and 4,215 gsf (4,089 zsf) of which is hotel use.

The proposed enlargement would add 36 net hotel rooms to the existing 168 rooms, for a total of 204 hotel rooms, and approximately 19,175 gsf/18,302 zsf of floor area, resulting in a total of approximately 148,338 gsf/129,640 zsf on the development site for an FAR of 9.63. The enlarged 1164 Broadway building would contain 33,528 gsf of floor area. Guests of the new hotel rooms within the proposed enlargement would use the existing entrance, lobby, elevator, and corridor of 1170 Broadway for access.

With the proposed enlargement, 1164 Broadway would have a 12-story street wall located 3'-4 1/2" from the street line, which would rise straight up to a height of 148'-6", thereby closely matching the street wall height of 1170 Broadway at 148'-0"<sup>4</sup>, before setting back 12'-8" at the penthouse level (approximately 16' from the street line). Including the penthouse, the building would rise to a total height of 160'-6". The proposed enlargement also includes a mechanical equipment stack above the penthouse that will be screened with a 12'-2" foot masonry wall. Including both the penthouse and the mechanical screen, therefore, the building would rise to a total height of 172'-8". As discussed further below, this massing would not comply with the bulk requirements applicable to enlargements in the M1-6 District.

### **Build Year**

The grant of the Special Permit is a discretionary land use action subject to review under the Uniform Land User Review Procedure (ULURP) and the City Environmental Quality Review (CEQR).

An application cannot be certified into ULURP until DCP determines that the application includes all forms, plans and supporting documents that are necessary to address all issues related to the application. The CEQR review must also be completed with the issuance of a

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<sup>3</sup> Due to differences in the average curb level across the zoning lot, the proposed enlargement would have a street wall height of 148'-6", in order to align with 1170 Broadway's 148'-0" street wall.

<sup>4</sup> Measured from an average curb level of 42.50'.



negative declaration, conditional negative declaration or a notice of completion of a Draft Environmental Impact Statement before an application can be certified. There is no mandated time by which this pre-certification review must be completed.

Once CPC certifies the application into ULURP, the New York City Charter mandates time frames within which application review must take place. Key participants in the ULURP process are the Department of City Planning (DCP) and the City Planning Commission (CPC), the affected Community Board, the Borough President, the City Council and the Mayor. The ULURP process usually requires approximately 6 to 7 months to complete.

Based on the expected length of the ULURP process for the Special Permit and an anticipated construction period of 18 months, the proposed build year is 2019.

### **Purpose and Need of the Proposed Action**

The proposed action is the grant of the Special Permit pursuant to ZR Section 74-711 to permit the modification of certain bulk requirements applicable to enlargements in the M1-6 zoning district. Pursuant to ZR Section 43-43, a 15-foot setback from a wide street is required above 6 stories or 85 feet, whichever is lower, and the required sky exposure plane above a height of 85 feet is 5.6 to 1. The LPC, however, has approved a design for the proposed enlargement that would rise without setback to 12 stories, thereby encroaching on the required setback area and the sky exposure plane. Accordingly, the Special Permit is needed to construct the LPC-approved design for the proposed enlargement.

The massing of the proposed enlargement would conform with the massing of the 1170 Broadway building portion of the hotel facility, which is a contributing structure to the Madison Square North Historic District. The Board of Standards and Appeals recently approved a 14-story hotel building at 1162 Broadway, which is immediately to the south of the proposed enlargement and which will be built with a street wall at the street line to a height of 150'. Furthermore, most other contributing buildings in the Historic District have street walls that rise without visible setbacks from the street line. As noted above, LPC has approved the design for the proposed enlargement and will issue a Certificate of Appropriateness, thereby meeting one of the conditions for the grant of a Special Permit pursuant to ZR Section 74-711 that LPC has found that "such bulk modifications relate harmoniously to the subject landmark building or buildings in the Historic District." The LPC has also approved a continuing maintenance plan for the buildings on the project site in connection with this application. As noted in their Status Update Letter 17-8592, LPC will issue its report to CPC as required by ZR Section 74-711 once the following items are submitted to, reviewed and approved by LPC: (1) a final restrictive declaration and cyclical maintenance plan; and (2) final specifications for restorative work.

### **Future No-Action Scenario**

In the future without the action, the Reasonable Worst Case Development Scenario (RWCDs) would reflect the following assumptions:

In the future, absent the Special Permit, there would be no change to the existing bulk conditions of any of the buildings on the development site. Therefore, the existing 129,163 gsf/111,338 zsf contained on the site would remain. Under the No-Action Scenario, existing floor space on the third and fourth floors at 1164 Broadway, currently used for accessory amenity and office space and one hotel unit, would be converted to create two hotel rooms per

floor facing Broadway, for a total of 4 hotel rooms at 1164 Broadway and a net increase of 3 hotel rooms on the project site<sup>5</sup> thereby increasing the existing 168 hotel rooms on the site to a total of 171. The rear portions of the existing 2<sup>nd</sup> through 4<sup>th</sup> floors of 1164 Broadway would be used for accessory hotel uses such as accessory office use and guest amenity space.

The building at 1164 Broadway would contain 14,353 gsf of floor area as it does currently. The mezzanine, ground floor, and cellar of 1164 Broadway would continue to contain 6,082 gsf of Use Group 6 eating and drinking establishment uses while the remaining floors and a portion of the cellar would be comprised of 8,271 gsf of Use Group 5 hotel uses.

### **Future With-Action Scenario**

In the future with the action, the RWCDs would reflect the following assumptions:

In the future, with the proposed action, the total development site would contain approximately 148,338 gsf/129,640 zsf. There would be no change to the existing conditions for 1170 Broadway and 12 West 28<sup>th</sup> Street. At 1164 Broadway, an 8-story (plus penthouse) addition with a complying 20-foot rear yard would be constructed above the existing 4 floors to remain. Two hotel rooms facing Broadway would be provided on the second floor, two hotel rooms would be provided on the fourth floor, four hotel rooms would be provided on each of the newly-constructed floors five through twelve, and one floor-through hotel room would be provided on the newly-constructed penthouse, for a total of 37 hotel rooms at 1164 Broadway, thereby increasing the existing 168 hotel rooms on the site by 36<sup>6</sup>, to a total of 204, for an increase from the No-Action Scenario of 33 hotel units.

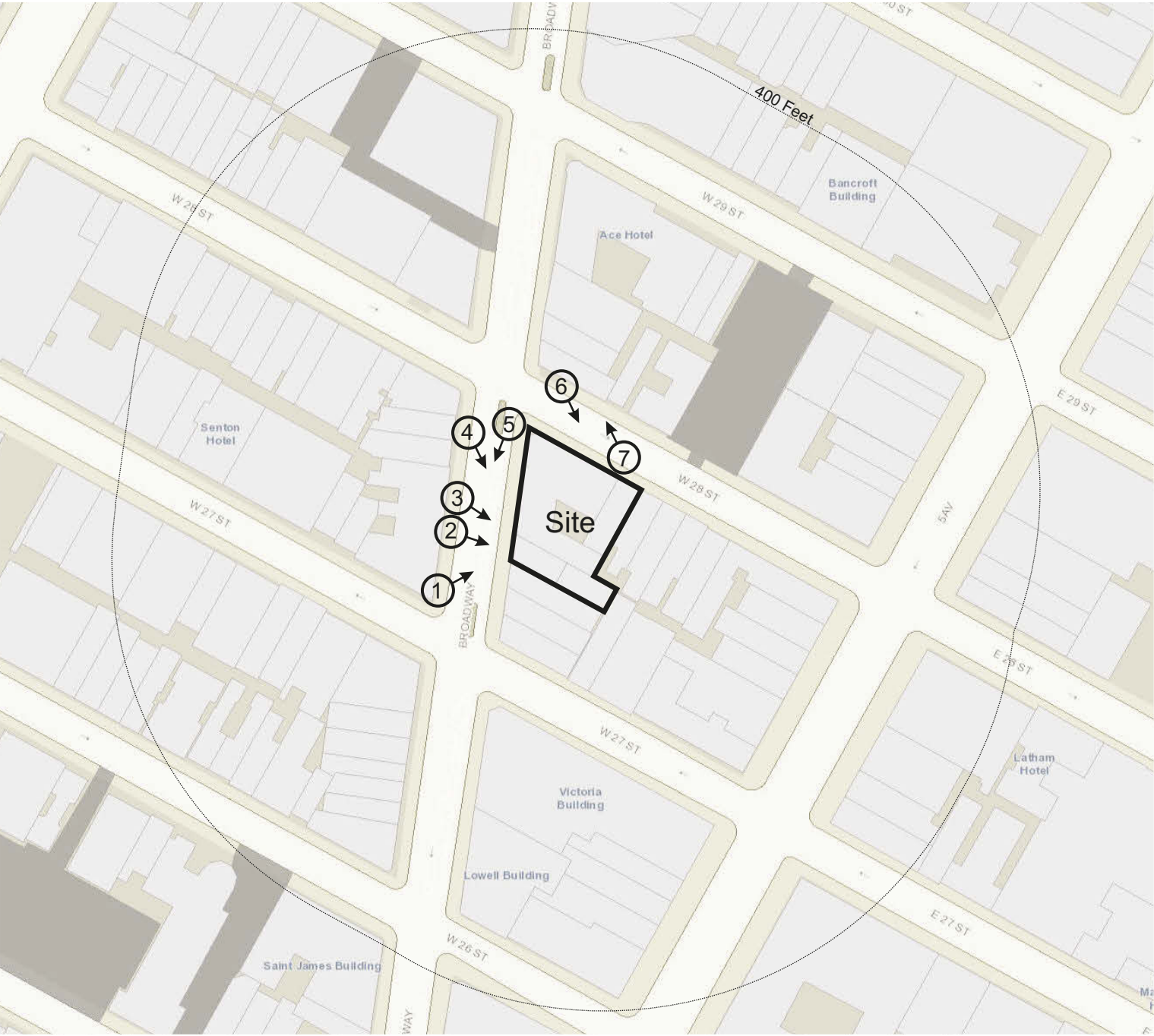
The building at 1164 Broadway would be enlarged with a 19,175 gsf addition to contain 33,528 gsf of floor area. The third floor and the rear portions of the second and fourth floors of 1164 Broadway would be used for accessory hotel uses such as accessory office use and guest amenity space. The mezzanine, ground floor, and cellar of 1164 Broadway would continue to contain 6,082 gsf of Use Group 6 eating and drinking establishment uses while the remaining floors and a portion of the cellar would be comprised of 27,446 gsf of Use Group 5 hotel uses.

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<sup>5</sup> One of the 168 existing hotel rooms in the hotel is on the 4<sup>th</sup> floor of 1164 Broadway.

<sup>6</sup> One of the 168 existing hotel rooms in the hotel is on the 4<sup>th</sup> floor of 1164 Broadway.

# **FIGURES & PHOTOGRAPHS**



1



2



3



4





5



6



7





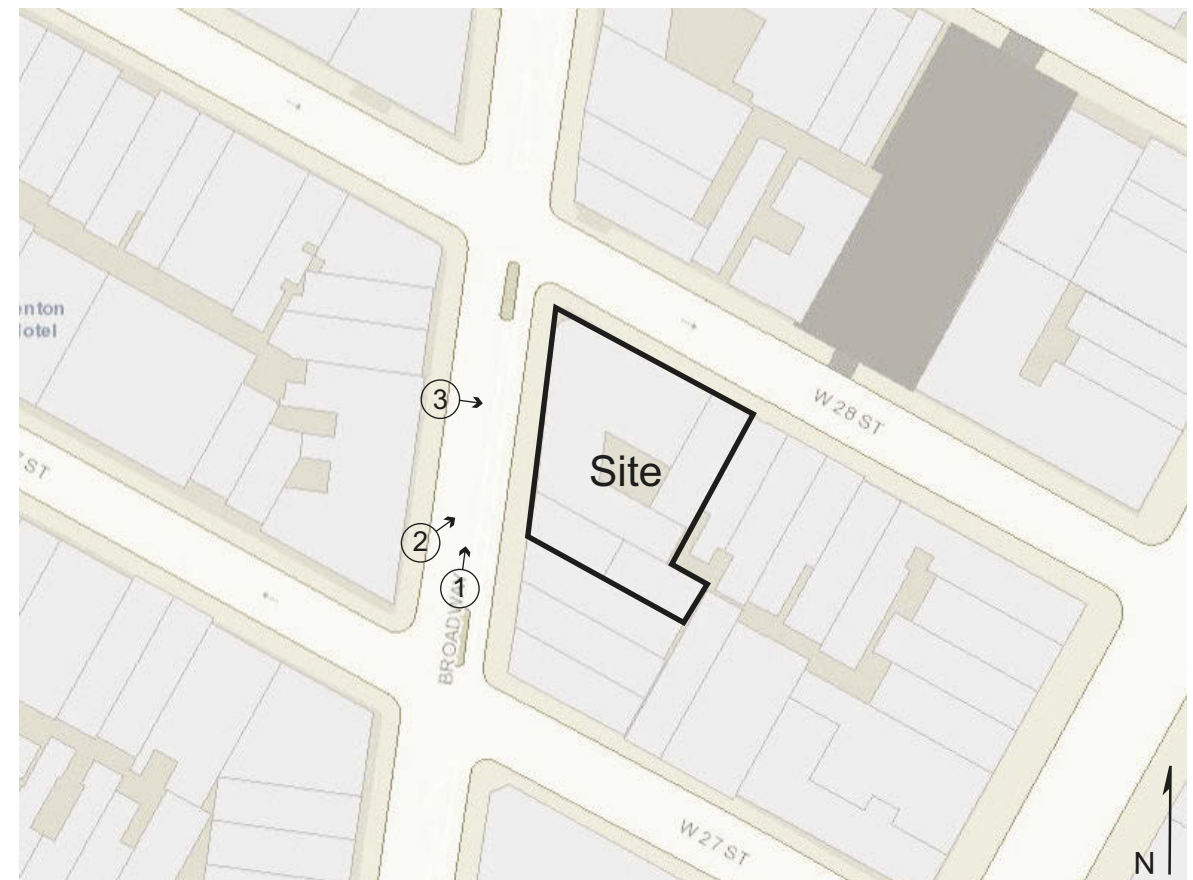
1. View of Broadway facing north (Site at right).



2. View of the Site facing northeast from Broadway.



3. View of the Site facing east from Broadway.

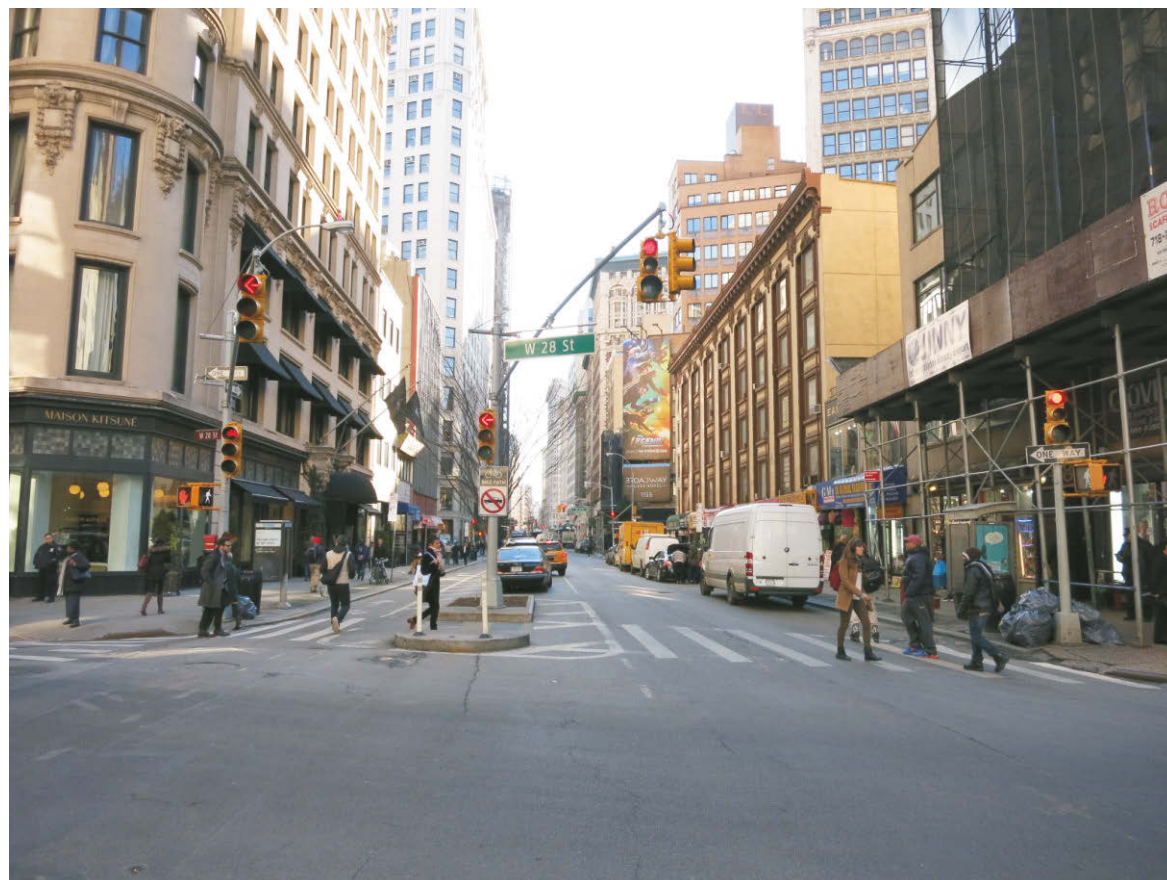




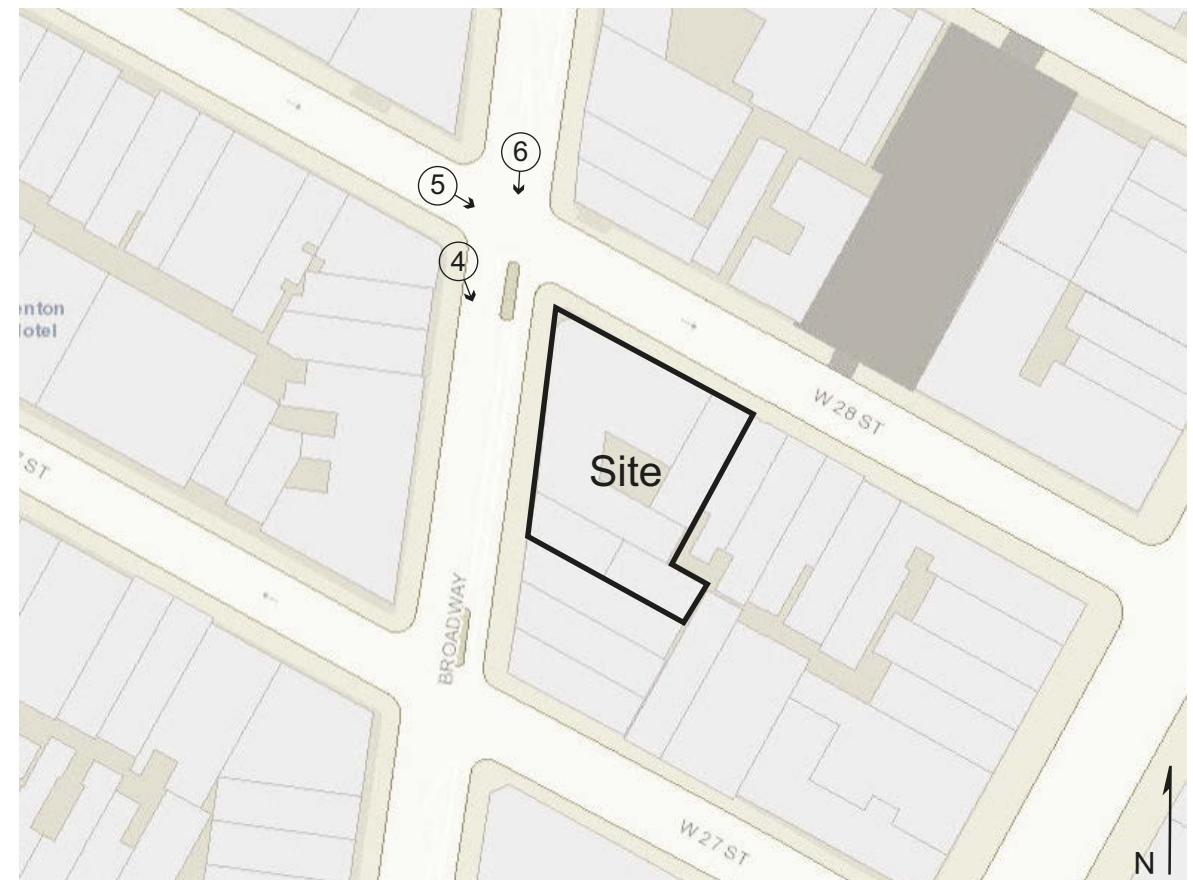
4. View of the Site facing southeast from Broadway.



5. View of West 28th Street facing east (Site at right).



6. View of Broadway facing south (Site at left).





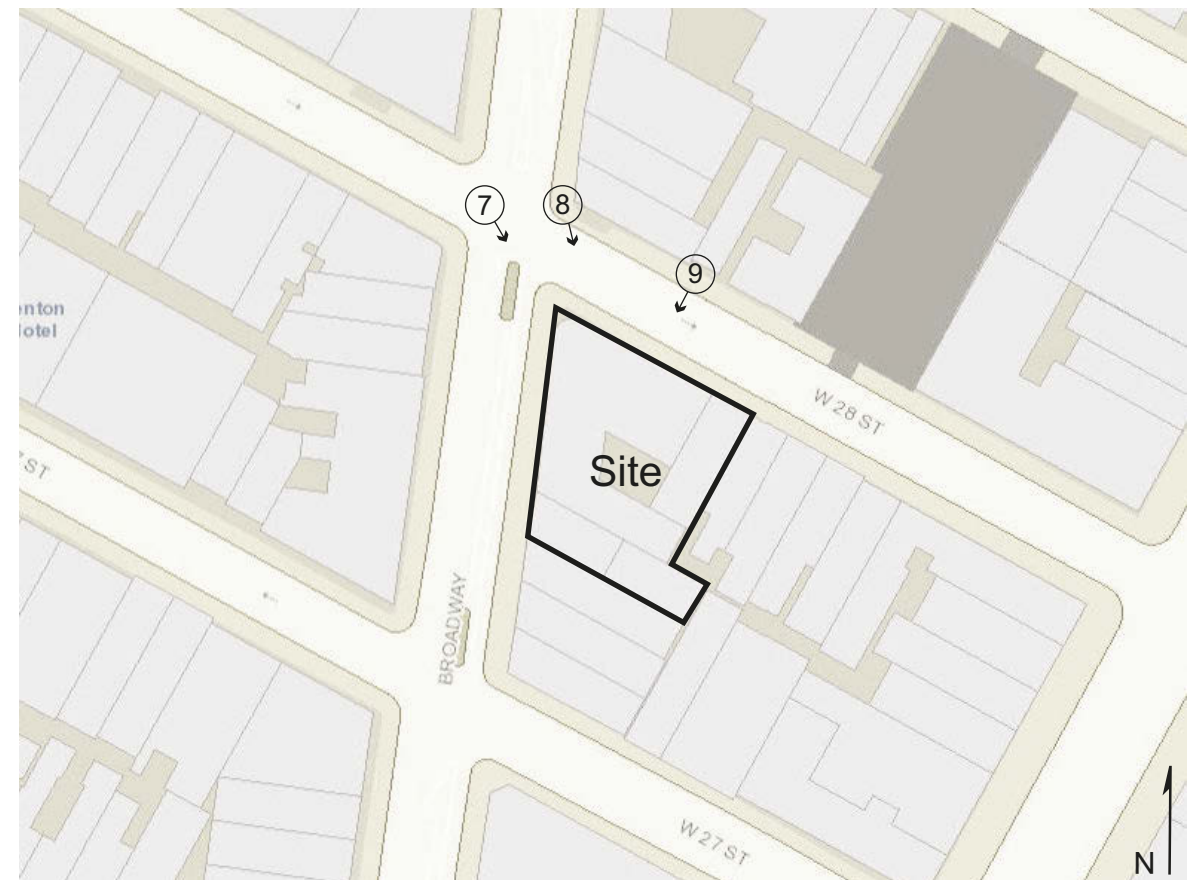
7. View of the Site facing southeast from the intersection of West 28th Street and Broadway.



8. View of the Site facing southeast from West 28th Street.



9. View of the Site facing south from West 28th Street.





10. View of the Site facing southwest from West 28th Street.



11. View of West 28th Street facing west (Site at left).



12. View of the sidewalk along the south side of West 28th Street facing west (Site at left).





13. View of the side of West 28th Street facing northeast from the Site.



14. View of the sidewalk along the south side of West 28th Street facing east from Broadway (Site at right).



15. View of the intersection of West 28th Street and Broadway facing northwest from the Site.







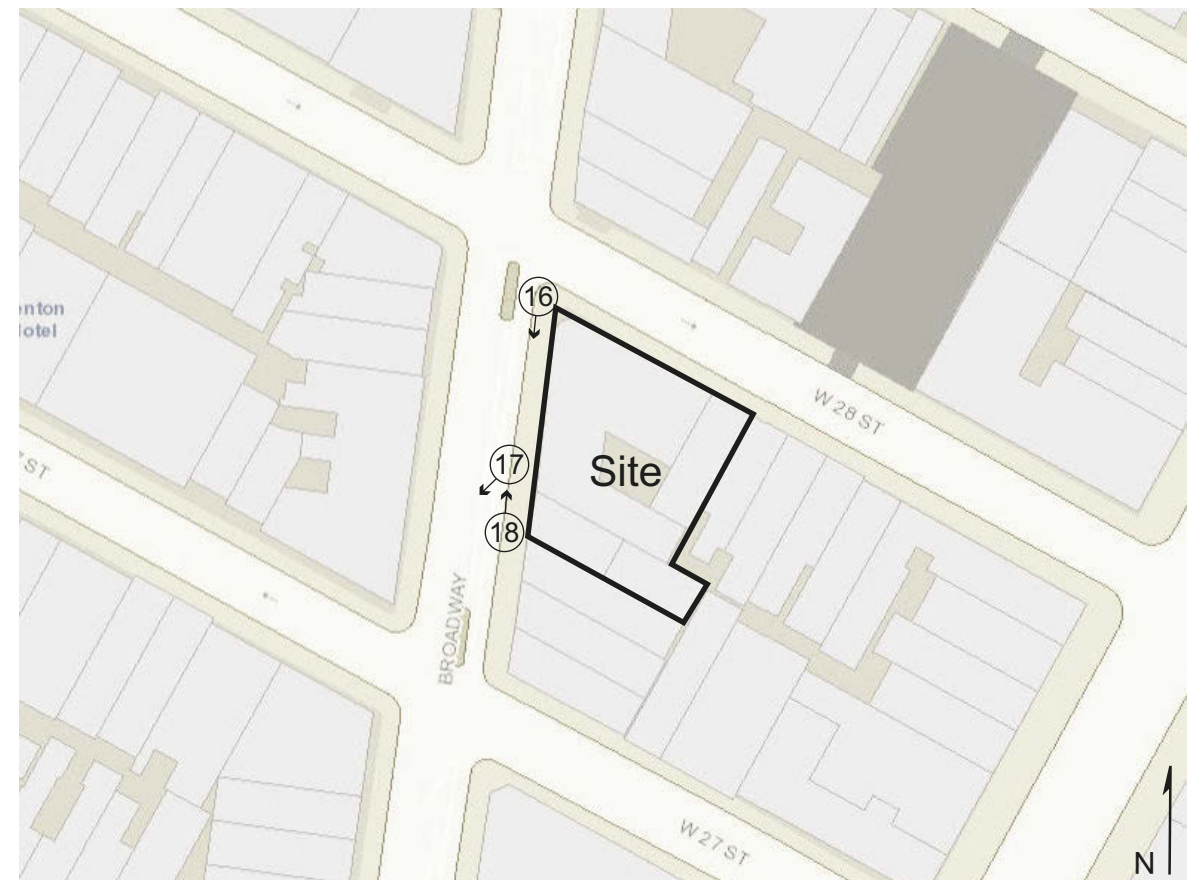
16. View of the sidewalk along the east side of Broadway facing south from West 28th Street (Site at left).



17. View of the side of Broadway facing southwest from the Site.

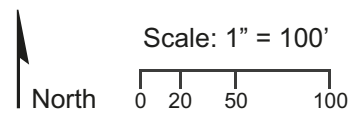


18. View of the sidewalk along the east side of Broadway facing north (Site at right).



Legend

- # - Lot Numbers (within radius)
- ### - Block Numbers
- ..... - 400 Foot Radius



Site Information

Block 829, Lot 50

Zoning Map: 8d

Zoning District: M1-6

Special District: n/a

Lot and Building Information

# - Lot Numbers (within radius)

### - Block Numbers

I, II, III - Story Height

MD - Multiple Dwelling

D - Dwelling

R - Retail

G - Garage

C - Commercial

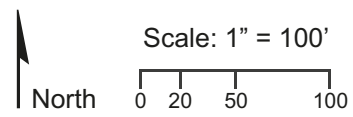
I - Industrial

M - Manufacturing

W - Warehouse

V - Vacant

Cf - Community Facility

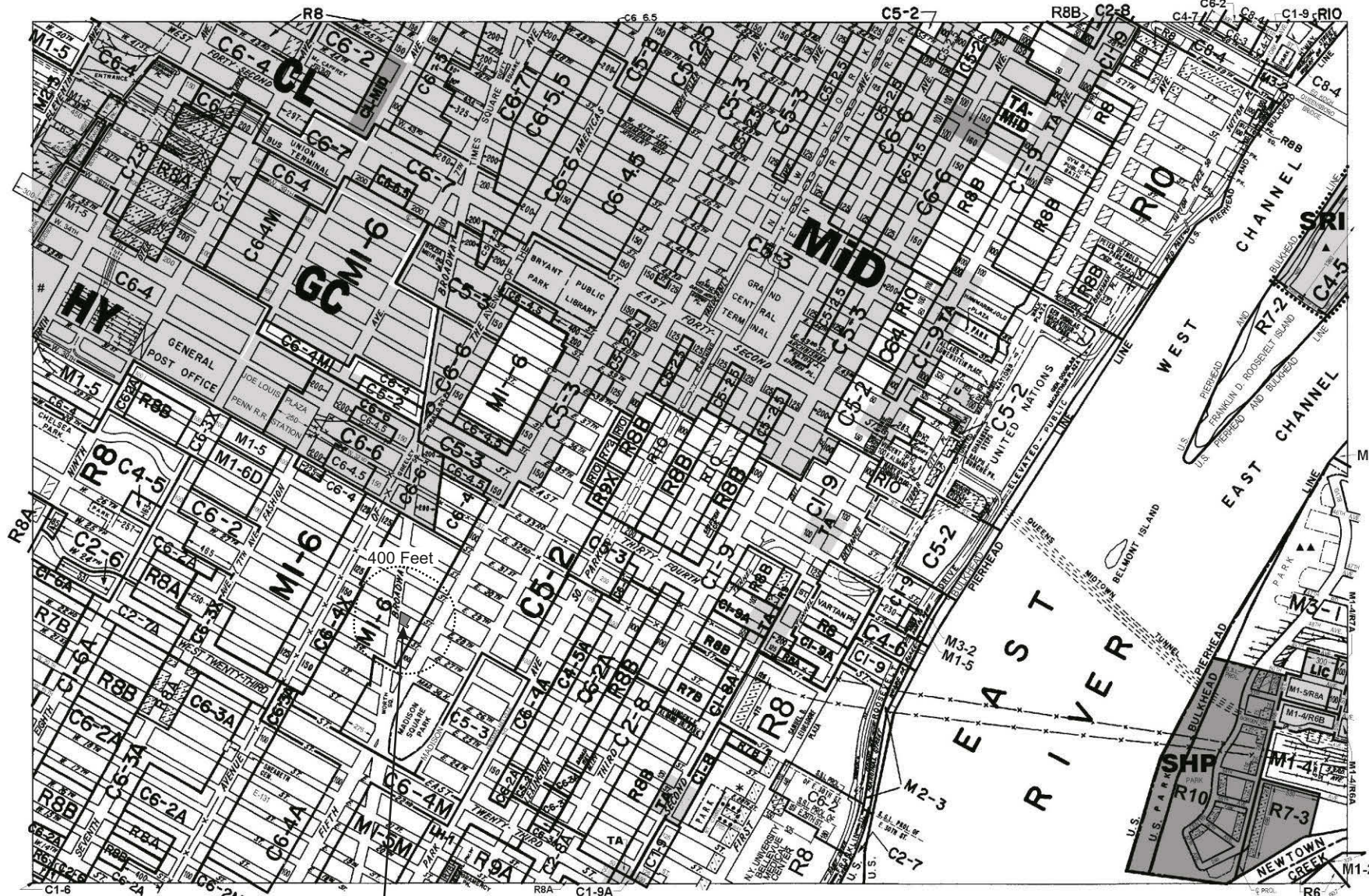


Commercial Overlays

	C1-1		C2-1
	C1-2		C2-2
	C1-3		C2-3
	C1-4		C2-4
	C1-5		C2-5

Land Uses

- One and Two-Family Homes
- Multiple Dwelling
- Commercial
- Mixed Use (Residential/Commercial)
- Manufacturing
- Open Space / Park Land
- Institutional / Community Facility
- Parking / Automotive
- Vacant



## ZONING MAP

THE NEW YORK CITY PLANNING COMMISSION

**Major Zoning Classifications:**  
 The number(s) and/or letter(s) that follows an R, C or M District designation indicates use, bulk and other controls as described in the text of the Zoning Resolution.

- R – RESIDENTIAL DISTRICT
- C – COMMERCIAL DISTRICT
- M – MANUFACTURING DISTRICT
- SPECIAL PURPOSE DISTRICT  
 The letter(s) within the shaded area designates the special purpose district as described in the text of the Zoning Resolution.
- AREA(S) REZONED

**Effective Date(s) of Rezoning:**

- \*10-30-2013 C 130235 ZMM
- 05-08-2013 C 130076 ZMM

**Special Requirements:**

For a list of lots subject to CEQR environmental requirements, see APPENDIX C.

For a list of lots subject to "D" restrictive declarations, see APPENDIX D.

For Inclusionary Housing designated areas on this map, see APPENDIX F.

**CITY MAP CHANGE(S):**

- ▲▲ 04-11-2014 C 110253 MMQ
- ▲ 10-12-2013 C 130007 ZMM

**MAP KEY**

8a	8c	9a
8b	<b>8d</b>	9b
12a	12c	13a

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ZONING MAP 8d

# NOTE: STREETS FOR THE STREET MAP CHANGE C 040508 ZMM ARE SHOWN ON THIS MAP PRIOR TO BECOMING EFFECTIVE IN ORDER TO LOCATE ZONING DISTRICT BOUNDARIES.

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

NOTE: Where no dimensions for zoning district boundaries appear on the zoning maps, such dimensions are determined in Article VII, Chapter 9 (Location of District Boundaries) of the Zoning Resolution.

NOTE: Zoning information as shown on this map is subject to change. For the most up-to-date zoning information for this map, visit the Zoning section of the Department of City Planning website: [www.nyc.gov/planning](http://www.nyc.gov/planning) or contact the Zoning Information Desk at (212) 720-9291.

# **SUPPLEMENTAL REPORT**

**EAS NARRATIVE ATTACHMENT**  
**1164 BROADWAY - SPECIAL PERMIT**

**ENVIRONMENTAL ASSESSMENT STATEMENT**

**INTRODUCTION**

Based on the analysis and the screens contained in the Environmental Assessment Statement Full Form, the analysis areas that require further explanation include land use, zoning, and public policy (required for all projects), shadows, historic and cultural resources, urban design, hazardous materials, air quality, noise, and construction as further detailed below. Transportation is also discussed to verify that the project can be screened out from further analysis. The subject heading numbers below correlate with the relevant chapters of the 2014 *CEQR Technical Manual*.

**REASONABLE WORST CASE DEVELOPMENT SCENARIO**

*Future No-Action Scenario*

In the future and absent the action, development on the project site would be governed by the provisions of the existing M1-6 zoning district mapped on the property and the provisions of the Madison Square North Historic District in which the property is located. Additional development relative to bulk cannot occur as-of-right on the subject property as NYC Landmarks Preservation Commission (LPC) approval would be required for any such development. The LPC has determined that additional development on the project site in conformance with the property's M1-6 zoning as related to setback and sky exposure plane requirements is not appropriate within the Madison Square North Historic District.

In the future, absent the Special Permit, there would be no change to the existing bulk conditions of any of the buildings on the project site. Therefore, the existing 129,163 gross square feet (gsf) contained on the site would remain. Under the No-Action Scenario, existing floor space on the third and fourth floors at 1164 Broadway would be converted to create two hotel rooms per floor facing Broadway, for a total of 4 hotel rooms at 1164 Broadway and a net increase of 3 hotel rooms on the project site<sup>1</sup> thereby increasing the existing 168 hotel rooms on the site to a total of 171. The rear portions of the existing 2<sup>nd</sup> through 4<sup>th</sup> floors of 1164 Broadway would be used for accessory hotel uses such as accessory office use and guest amenity space.

The building at 1164 Broadway would contain 14,353 gsf of floor area as it does currently. The mezzanine, ground floor, and cellar of 1164 Broadway would continue to contain 6,082 gsf of Use Group 6 eating and drinking establishment uses while the

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<sup>1</sup> One of the 168 existing hotel rooms in the hotel is on the 4th floor of 1164 Broadway.

remaining floors and a portion of the cellar would be comprised of 8,271 gsf of Use Group 5 hotel uses.

### Future With-Action Scenario

In the future and absent the action, development on the project site would be governed by the provisions of the existing M1-6 zoning district mapped on the property and the provisions of the Madison Square North Historic District in which the property is located. The M1-6 setback and sky exposure plane requirements for the proposed building enlargement at 1164 Broadway would be modified so that the building would conform to the street wall design that the LPC has determined is appropriate to the Madison Square North Historic District. These requirements would be modified through the issuance of a Special Permit by the NYC City Planning Commission (CPC) pursuant to ZR Section 74-711. The design of the proposed building enlargement would conform with the massing of most other buildings in the Madison Square North Historic District and would satisfy LPC requirements for new development on the property.

In the future, with the proposed action, the total project site would contain approximately 148,338 gsf. There would be no change to the existing conditions for 1170 Broadway and 12 West 28<sup>th</sup> Street. At 1164 Broadway, an 8-story (plus penthouse) addition with a complying 20-foot rear yard would be constructed above the existing four floors. Two hotel rooms facing Broadway would be provided on both the second and fourth floors, four hotel rooms would be provided on each of the newly-constructed floors five through twelve, and one floor-through hotel room would be provided on the newly-constructed penthouse, for a total of 37 hotel rooms at 1164 Broadway, thereby increasing the existing 168 hotel rooms on the site by 36<sup>2</sup>, to a total of 204, for an increase from the No-Action Scenario of 33 hotel units. The third floor and the rear portions of the second and fourth floors of 1164 Broadway would be used for accessory hotel uses such as accessory office use and guest amenity space.

The building at 1164 Broadway would be enlarged with a 19,175 gsf addition to contain 33,528 gsf of floor area. The mezzanine, ground floor, and cellar of 1164 Broadway would continue to contain 6,082 gsf of Use Group 6 eating and drinking establishment uses while the remaining floors and a portion of the cellar would be comprised of 27,446 gsf of Use Group 5 hotel uses.

### **Analysis Framework**

In general, the environmental analysis will be prepared to address the difference between the Future No-Action and Future With-Action development scenarios on the project site.

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<sup>2</sup> One of the 168 existing hotel rooms in the hotel is on the 4<sup>th</sup> floor of 1164 Broadway.

As indicated under the Future No-Action Scenario above, for CEQR analysis purposes, the existing bulk conditions on the site, consisting of 129,163 gsf of floor area in a 4-story building, would constitute the No-Action scenario. However, existing floor space on the second and fourth floors at 1164 Broadway would be converted to create two hotel rooms per floor facing Broadway, for a total of 4 hotel rooms at 1164 Broadway and a net increase of 3 hotel rooms on the project site thereby increasing the existing 168 hotel rooms on the site to a total of 171.

The Future With-Action Scenario described above would result in the development of an 8-story (plus penthouse) proposed enlargement to 1164 Broadway and re-cladding of the existing 4-story portion of 1164 Broadway. The proposed enlargement would add 33 net hotel rooms, for a total of 204 hotel rooms in the hotel, and approximately 19,175 gsf of floor area, resulting in a total of approximately 148,338 gsf on the project site.

The CEQR analysis will focus on the net increase of 19,175 gsf of building floor area, 33 hotel rooms, and 8 stories (plus penthouse) on the project site following the construction of the proposed enlargement to the building at 1164 Broadway. It will also discuss and analyze the modification of the required 15-foot setback at the street line at a height of 6 stories or 85 feet, and the slope of the required sky exposure plane above 85 feet of 5.6 to 1 under the Future With-Action Scenario.

It should be noted that this methodology would not apply to impacts of the project relative to historic resource and hazardous materials issues, for example, as the impact of the project on these analysis areas results from the use of the entire building from which the additional floor area, etc. cannot be segmented.



## 4. LAND USE, ZONING, AND PUBLIC POLICY

### EXISTING CONDITIONS

#### Land Use

##### Project Site

The project site at 1164 Broadway is identified as Block 829, Lots 50, and consists of an approximately 13,461 square foot lot located along the east side of Broadway between West 27<sup>th</sup> and West 28<sup>th</sup> Streets and the south side of West 28<sup>th</sup> Street between Broadway and 5<sup>th</sup> Avenue in the Madison Square neighborhood of Manhattan, Community District 5. The project site has approximately 132.06 feet of frontage along Broadway and approximately 127.67 feet of frontage along West 28<sup>th</sup> Street. The portion of the site occupied by 1164 Broadway has approximately 26.29 feet of frontage on Broadway, 24.69 feet of width, and an average depth of approximately 110 feet. The property is located within the Madison Square North Historic District.

The site is improved with three structures: 1164 Broadway, a 4-story and cellar non-contributing structure; 1166-1170 Broadway, a 12-story (plus penthouse) and cellar contributing structure; and 12 West 28<sup>th</sup> Street, a 4-story and cellar contributing structure. Historically, the three structures were separate buildings, but 1164 Broadway and 1170 Broadway have been combined into a single building. These three structures, which currently house the NoMad Hotel and related uses controlled and operated by the Applicant, are further described as follows:

- 1164 Broadway- a four-story and cellar structure<sup>2</sup> that currently contains a ground floor Use Group 6 restaurant use and Use Group 5 transient hotel use above (accessory amenity and office and one guest suite);
- 1170 Broadway- a twelve-story (plus penthouse) and cellar structure that contains ground floor Use Group 6 retail with Use Group 5 hotel use above; and
- 12 West 28<sup>th</sup> Street- a four-story and cellar structure that contains ground floor Use Group 6 retail use and Use Group 5 hotel use above.

The buildings on the project site contain approximately 129,163 gsf and 111,338 zsf of floor area. The hotel contains 168 hotel rooms, two restaurants, meeting rooms, a retail store, guest amenity areas, and hotel operational areas including accessory office space. The building at 1164 Broadway, which would be enlarged under the proposed action, contains 14,353 gsf of floor area.

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<sup>2</sup> 1164 Broadway contains a cellar which is occupied by Use Group 6 restaurant storage and Use Group 5 hotel utility spaces.

## Site History

According to the Madison Square North Historic District's designation report, the structure located at 1164 Broadway was originally a mid-nineteenth-century dwelling upon which new facades were installed in 1919 and 1985. According to 1164 Broadway's Certificates of Occupancy, from approximately 1943 to 1986, 1164 Broadway contained storage, display, and sales rooms throughout the three-story building (including the cellar), and light manufacturing uses on the second and third floors. In the mid-1980's, the structure was converted to stores and a bank.

In February 2000, the Department of City Planning (DCP) received a proposal to rezone three existing zoning districts to contextual zoning districts to strengthen the existing neighborhood context (Application No. C000398ZMM). The proposed area to be rezoned was generally bounded by East 22<sup>nd</sup> Street to the south, East 38<sup>th</sup> Street to the north, Park Avenue to the east, and 5<sup>th</sup> Avenue or Broadway to the west. In June 2000, after four months of processing this rezoning application, the application was withdrawn and the CPC deemed to application "completed/terminated."

On June 26, 2008, the LPC approved the Applicant's proposal to complete interior and exterior work on 1170 Broadway and 12 West 28<sup>th</sup> Street which are also located on the zoning lot (Certificate of Appropriateness No. 08-8612), in connection with the Applicant's proposal to renovate these structures and operate the NoMad Hotel therein.

On March 24, 2015, the Board of Standards and Appeals (BSA) granted a variance in connection with the construction of a new fourteen-story hotel at 1162 Broadway, immediately south of the zoning lot (No. 175-14-BZ), waiving setback, height and side yard requirements to enable the construction of the hotel pursuant to an LPC-approved design with a street wall that rises without setback at the street line to the height of the building.

## Study Area

The project study area extends approximately 400 feet in all directions from the project site. The study area is roughly bounded by an area between West 29<sup>th</sup> and West 30<sup>th</sup> Streets to the north, West 26<sup>th</sup> Street to the south, an area between Fifth and Madison Avenues to the east, and an area between Broadway and the Avenue of the Americas to the west. Existing land uses were obtained from the NYC Department of City Planning's PLUTO database which were verified and updated as relevant based on a field survey.

The area surrounding the project site can generally be characterized as a mixed-use commercial and loft building industrial area containing small, mid-size, and large buildings occupied by wholesale, office and related commercial uses, ground floor retail space, and parking. The study area also includes a few scattered multiple dwellings and a large church.

Buildings in the study area range from one- to 25-stories in height with the majority of structures being between four- and twelve-stories in height. Buildings generally range from 18 feet in width or street frontage to over 250 feet with most buildings in the 25- to 125-foot range.

The project site is bordered by Broadway to the west and West 28<sup>th</sup> Street to the north. A two-story commercial office building with ground floor retail space borders the project site to the south at 1162 Broadway<sup>3</sup>. A five-story residential building with ground floor retail space is located adjacent to the project site to the east at 10 West 28<sup>th</sup> Street.

The remainder of the project site block (Block 829 - east) is primarily developed with five- to 11-story commercial structures containing wholesale businesses and office space. Many of these buildings contain ground floor retail space. A 5-story multiple dwelling with ground floor commercial space is located along the 5<sup>th</sup> Avenue frontage of the block.

Block 829 - west across Broadway from the project site to the west is developed with buildings and uses similar to those on the project site block. The portion of the block within 400 feet of the project site is developed with one- to 12-story commercial structures containing wholesale businesses and office space. The block also contains a five-story multiple dwelling along its West 27<sup>th</sup> Street frontage.

The eastern and western portions of Block 830 located north of the project site block across West 28<sup>th</sup> Street are developed with buildings and uses similar to those on the project site block. The portions of these blocks within 400 feet of the project site are developed with one- to 21-story commercial structures containing wholesale businesses and office space. The Ace Hotel is located on the eastern portion of Block 830 at the southeast corner of Broadway and West 29<sup>th</sup> Street. There is one 5-story and one 16-story multiple dwelling along West 29<sup>th</sup> Street between Broadway and Fifth Avenue, and one 5-story multiple dwelling with ground floor commercial space along West 28<sup>th</sup> Street between Broadway and the Avenue of the Americas. Block 830 - east also contains a large parking lot that extends through the block between West 28<sup>th</sup> and West 29<sup>th</sup> Streets. Block 830 - west contains a seven-story parking garage fronting on West 28<sup>th</sup> Street.

The southern half of Block 831 between Broadway and 5<sup>th</sup> Avenue along West 29<sup>th</sup> Street located within 400 feet of the project site is developed with 1- to 10-story structures including one 5-story and one 10-story commercial/retail building, two 4-story multiple dwellings with ground floor commercial space, an 8-story multiple dwelling, and the Marble Collegiate Reformed Church along the block's 5<sup>th</sup> Avenue frontage.

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<sup>3</sup> 1162 Broadway was the subject of a BSA bulk variance for the construction of a 14-story hotel on the property.

The eastern and western portions of Block 828 located south of the project site block across West 27<sup>th</sup> Street are developed with buildings and uses similar to those on the project site block. The portions of these blocks within 400 feet of the project site are developed with three- to 20-story commercial structures containing wholesale businesses and office space. There is one 5-story multiple dwelling with ground floor commercial space along West 26<sup>th</sup> Street and one 7-story and one 6-story multiple dwelling along West 27<sup>th</sup> Street between Broadway and the Avenue of the Americas.

Small portions of other blocks are also located within 400 feet of the project site. As with the other blocks within a 400-foot radius of the project site, these areas are primarily developed with buildings and uses similar to those on the project site block. The portions of these blocks within 400 feet of the project site are developed with five- to 24-story commercial structures containing wholesale businesses and office space. The only exceptions include a 13-story multiple dwelling with ground floor retail space along Fifth Avenue between West 26<sup>th</sup> and West 27<sup>th</sup> Streets, a 20-story multiple dwelling with ground floor retail space along Fifth Avenue between West 27<sup>th</sup> and West 28<sup>th</sup> Streets, an 8-story multiple dwelling with ground floor retail space at West 29<sup>th</sup> Street and Broadway, and a church which extends between West 25<sup>th</sup> and West 26<sup>th</sup> Streets west of Broadway.

## ZONING

### Project Site

The project site is located in a M1-6 manufacturing zoning district. The M1 district is often a buffer between M2 and M3 districts and adjacent residential or commercial districts. Light industries typically found in M1 areas include woodworking shops, auto storage and repair shops, and wholesale service and storage facilities. Offices, hotels, and most retail uses are also permitted. Certain community facilities, such as hospitals, are allowed in M1 districts only by special permit, but houses of worship are allowed as-of-right. Strict performance standards are common to all M1 districts.

The M1-6 zoning district is the highest density manufacturing district and is mapped only in Manhattan. It provides for a standard floor area ratio (FAR) of 10.0 for manufacturing, commercial, and community facility uses. An FAR of 12.0 can be achieved with a bonus for a public plaza. Except along district boundaries, no side yards are required. However, if side yards are provided, they must be a minimum of 8 feet in width. Rear yards at least 20 feet deep are usually required, except within 100 feet of a corner. Parking is not required in M1-6 districts.

The CPC and the New York City Council recently approved two zoning text amendments that have implications for actions currently undergoing environmental review: the Zoning for Quality and Affordability (ZQA) text amendment and the Mandatory Inclusionary Housing (MIH) text amendment.

The MIH text amendment requires permanently affordable housing set-asides for all developments over 10 units or 12,500 zsf within designated Mandatory Inclusionary Housing areas. The MIH program does not affect existing provisions in the Zoning Resolution that apply to commercial uses in M1-6 Districts. Accordingly, no changes would be made with respect to the proposed enlargement or the other hotel buildings as a result of the MIH Text Amendment.

The ZQA text amendment includes a set of targeted changes to zoning regulations to support the creation of new affordable housing and encourage better residential buildings. The ZQA Text Amendment does not modify the bulk regulations applicable to commercial enlargements in M1-6 Districts. Accordingly, no changes would be made with respect to the proposed enlargement or the other hotel buildings as a result of the ZQA Text Amendment.

### Study Area

The 400-foot radius study area surrounding the project site north of West 26<sup>th</sup> Street and 100 feet west of Fifth Avenue shares the M1-6 zoning of the property. Therefore, the zoning use and bulk provisions relevant to the project site and discussed above also apply to this portion of the project study area.

The only other zoning district mapped within 400 feet of the project site is the C5-2 commercial zoning district mapped over the area north of West 26<sup>th</sup> Street starting 100 feet west of Fifth Avenue and extending to the east. The C5-2 district is also mapped over most of the project study area south of West 26<sup>th</sup> Street. C5 districts are central commercial districts with continuous retail frontage intended for offices and retail establishments that serve the entire metropolitan region. Department stores, large office buildings, and mixed buildings with residential space above office or commercial floors are typical C5 uses. Use Groups 5 (hotels), 6, 9, and 10 (retail shops and business services), and 11 (custom manufacturing) are permitted in C5 districts. The maximum commercial, residential (residential equivalent R10), and community facility FAR in the C5-2 district is 10.0. Floor area may be increased up to 12.0 with the inclusion of a public plaza for commercial and community facility uses or Inclusionary Housing for residential uses. All commercial uses in C5 districts are exempt from off-street parking requirements because public transportation is easily accessible.

### **PUBLIC POLICY**

The Madison Square neighborhood of Manhattan in the area of the project site, which is located in Manhattan Community District 5, is primarily developed with commercial office and retail uses. According to the 2010 U. S. Census, the population of the area, which includes the primarily commercial neighborhoods of Midtown and Union, Herald, and Times Squares as well as the more residential areas of Murray Hill and Gramercy Park, increased by 17.4 percent from 44,028 people in 2000 to 51,673 people in 2010.

In addition to the Zoning Resolution discussed above, several other public policies relate to the project site and the surrounding study area as further discussed below:

- *Historic Resources* – The project site and nearly the entire 400-foot radius project study area are located within the LPC designated Madison Square North Historic District. The historic street lamppost at the southwest corner of Fifth Avenue and West 28<sup>th</sup> Street is an individually designated historic resource located within 400 feet of the project site. The Serbian Orthodox Cathedral of St. Sava at 13 West 25<sup>th</sup> Street is located along the southwestern edge of the project study area. Future development on the property is therefore subject to New York City landmarks preservation regulations. (See Historic and Cultural Resources section below for further discussion and analysis.)
- *Business Improvement District* - The project site and much of the 400-foot radius project study area are located within the Flatiron-23<sup>rd</sup> Street Partnership Business Improvement District (BID). This BID is approximately 0.1 square mile in area and extends from as far north as West 29<sup>th</sup> Street to as far south as East/West 20<sup>th</sup> Street in an irregular area bounded by an area west of the Avenue of the Americas to the west and Third Avenue on the east. The Flatiron/23<sup>rd</sup> Street Partnership BID, formed in 2006, is a nonprofit organization whose mission is to enhance the area's reputation as one of New York's most vital and exciting neighborhoods. This is accomplished by maintaining a clean and safe environment for the district's businesses, residents, and visitors; by spearheading area improvement projects; and by marketing the diverse business and retail options in this vibrant and historic neighborhood.
- *FRESH Program* - The City has established the Food Retail Expansion to Support Health (FRESH) program in response to the issues raised in neighborhoods that are underserved by grocery stores. FRESH provides zoning and financial incentives to promote the establishment and retention of neighborhood grocery stores in underserved communities throughout the five boroughs. The FRESH program is open to grocery store operators renovating existing retail space or developers seeking to construct or renovate retail space that will be leased by a full-line grocery store operator. The portion of the 400-foot radius project study north of West 28<sup>th</sup> Street is eligible for various tax incentives related to grocery store development and operation.

No other public policies relate to the project site or the surrounding study area. The site and project study area are not located within the City's Coastal Zone Boundary and are therefore not subject to the provisions of the New York City Waterfront Revitalization Program. The project site and study area are not covered by any 197-a or other community plans, and are not within an urban renewal area and are therefore not subject to the provisions of an urban renewal plan.

## **FUTURE NO-ACTION CONDITION**

### **Land Use**

In the future and absent the action, development on the project site would continue to be governed by the provisions of the existing M1-6 zoning district.

#### *Future No-Action Scenario*

In the future, absent the Special Permit, there would be no change to the existing bulk conditions of any of the buildings on the project site. Therefore, the existing 129,163 gsf/111,338 zsf contained on the site would remain. Under the No-Action Scenario, existing floor space on the third and fourth floors at 1164 Broadway would be converted to create two hotel rooms per floor facing Broadway, for a total of 4 hotel rooms at 1164 Broadway and a net increase of 3 hotel rooms on the project site<sup>4</sup> thereby increasing the existing 168 hotel rooms on the site to a total of 171. The rear portions of the existing 2<sup>nd</sup> through 4<sup>th</sup> floors of 1164 Broadway would be used for accessory hotel uses such as accessory office use and guest amenity space.

The building at 1164 Broadway would contain 14,353 gsf of floor area as it does currently. The mezzanine, ground floor, and cellar of 1164 Broadway would continue to contain 6,082 gsf of Use Group 6 eating and drinking establishment uses while the remaining floors and a portion of the cellar would be comprised of 8,271 gsf of Use Group 5 hotel uses.

No development plans are known to exist for the 400-foot radius project study area by the project build year of 2019. No recent development projects (within the past 5 years) have been identified for the 400-foot radius project study area based on a review of the CEQR listings of DCP's Land Use & CEQR Application Tracking System (LUCATS) for Manhattan Community District 5.

Surrounding land uses within the immediate study area are expected to remain largely unchanged by the project build year of 2019. With the exception of a large parking lot, the project study area is generally fully developed with buildings of substantial size where significant new development would not be anticipated.

### **Zoning**

In the future without the action, the project site and surrounding 400-foot project study area would continue to be governed by the provisions of the existing zoning districts discussed in the existing conditions section above.

Based on a review of the CEQR listings of the DCP's LUCATS list for Manhattan Community District 5, no rezonings are proposed for the 400-foot radius project study area by the project build year of 2019. In addition, the DCP website does not indicate

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<sup>4</sup> One of the 168 existing hotel rooms in the hotel is on the 4th floor of 1164 Broadway.

any proposed changes to the zoning districts and zoning regulations relating to the project site or the surrounding study area in the near future. No changes are anticipated to the zoning districts and zoning regulations relating to the project site or the surrounding study area by the project build year of 2019.

### **Public Policy**

In the future without the action, the project site and surrounding 400-foot project study area would continue to be governed by the provisions of the public policy documents discussed in the existing conditions section above.

No other public policy initiatives are anticipated to pertain to the project site or to the 400-foot study area around the property by the project build year of 2019. No changes are anticipated to any public policy documents relating to the project site or the surrounding study area by the project build year of 2019.

### **FUTURE WITH-ACTION CONDITION**

#### **Land Use**

In the future, with the proposed action, the total project site would contain approximately 148,338 gsf/129,640 zsf, an increase of 19,175 gsf/18,302 zsf relative to the future no-action condition. There would be no change to the existing conditions for 1170 Broadway and 12 West 28<sup>th</sup> Street. At 1164 Broadway, an 8-story (plus penthouse) addition with a complying 20-foot rear yard would be constructed above the existing 4 floors. Two hotel rooms facing Broadway would be provided on both the second and fourth floors, four hotel rooms would be provided on each of the newly-constructed floors five through twelve, and one floor-through hotel room would be provided on the newly-constructed penthouse, for a total of 37 hotel rooms at 1164 Broadway, thereby increasing the existing 168 hotel rooms on the site by 36<sup>5</sup>, to a total of 204 hotel rooms. There would be an increase of 33 hotel rooms relative to the future no-action condition. The third floor and the rear portions of the second and fourth floors of 1164 Broadway would be used for accessory hotel uses such as accessory office use and guest amenity space.

The building at 1164 Broadway would be enlarged with a 19,175 gsf addition to contain 33,528 gsf of floor area. The mezzanine, ground floor, and cellar of 1164 Broadway would continue to contain 6,082 gsf of Use Group 6 eating and drinking establishment uses while the remaining floors and a portion of the cellar would be comprised of 27,446 gsf of Use Group 5 hotel uses. See plans in Architectural Appendix.

The proposed development consists of an 8-story (plus penthouse) proposed enlargement to 1164 Broadway and re-cladding of the existing 4-story portion of 1164 Broadway. The proposed enlargement would closely align with the existing street wall

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<sup>5</sup> One of the 168 existing hotel rooms in the hotel is on the 4<sup>th</sup> floor of 1164 Broadway.



of 1170 Broadway<sup>6</sup> and the floor plates of the structures would connect. On October 27, 2015, the LPC voted to approve the proposed enlargement and to issue a report to the City Planning Commission pursuant to ZR Section 74-711 stating that a continuing maintenance program has been established that will result in the preservation of the buildings on the site and that the proposed enlargement contributes to a preservation purpose.

No potentially significant adverse impacts related to land use are expected to occur as a result of the proposed action. Therefore, further analysis of land use is not warranted.

### **Zoning**

The proposed project is the request for a Special Permit pursuant to ZR Section 74-711 to modify setback and sky exposure plane requirements to facilitate the proposed enlargement of the 4-story portion of the Nomad Hotel at 1164 Broadway. Pursuant to ZR Section 43-43, developments and enlargements along wide streets within an M1-6 zoning district must set back 15 feet from the street line at a height of 6 stories or 85 feet, whichever is less. The slope of the required sky exposure plane above 85 feet is 5.6 to 1. The proposed enlargement would extend the height of the existing street wall of the 4-story portion of the hotel at the street line to 12 stories/148'-6"<sup>7</sup>, thereby encroaching on the required setback area and sky exposure plane. The LPC, however, has approved a design for the proposed enlargement that would rise without setback to 12 stories, thereby encroaching on the required setback area and the sky exposure plane. Accordingly, the Special Permit is needed to construct the LPC-approved design for the proposed enlargement.

The project site has a lot area of 13,461 square feet. The M1-6 District has a maximum base permitted FAR of 10.0, which would permit 134,610 zsf on the property. The buildings currently contain 168 hotel rooms and approximately 129,163 gsf/111,338 zsf of floor area for an FAR of 8.27. The proposed enlargement would add 36 hotel rooms (33 hotel rooms relative to the future no-action condition), for a total of 204 hotel rooms, and approximately 19,175 gsf/18,302 zsf of floor area, resulting in a total of approximately 148,338 gsf/129,640 zsf on the project site for an FAR of 9.63. Guests of the new hotel rooms within the proposed enlargement would use the existing entrance, lobby, elevator, and corridor of 1170 Broadway for access.

With the proposed enlargement, 1164 Broadway would have a 12-story street wall located 3'-4 1/2" from the street line, which would rise straight up to a height of 148'-6", thereby closely matching the street wall height of 1170 Broadway, before setting back 12'-8" at the penthouse level (approximately 16' from the street line). Including the

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<sup>6</sup> Due to differences in the average curb level across the zoning lot, the proposed enlargement would have a street wall height of 148'-6", in order to align with 1170 Broadway's 148'-0" street wall.

<sup>7</sup> Measured from an average curb level of 41.97'.

penthouse, the building would rise to a total height of 160'-6". The proposed enlargement also includes a mechanical equipment stack above the penthouse that will be screened with a 12'-2" masonry wall. Including both the penthouse and the mechanical screen, therefore, the building would rise to a total height of 172'-8". As discussed further below, this massing would not comply with the bulk requirements applicable to enlargements in the M1-6 District.

The project site is underdeveloped relative to the maximum FAR permitted on the property and is therefore underutilized. The proposed development, which would comply with the applicable use and bulk regulations of the M1-6 zoning district to the maximum extent feasible, would not constitute a significant adverse zoning impact. The proposed development would comply with the findings requirements of ZR Section 74-711 as detailed in the ULURP application accompanying this EAS.

The modified setback and sky exposure plane of the building would conform to the street wall design the LPC has determined is appropriate within the Madison Square North Historic District in which the property is located. The proposed enlarged building would therefore be appropriate in the context of the surrounding neighborhood.

Potentially significant adverse impacts related to zoning are not expected to occur as a result of the proposed action, and further assessment of zoning is not warranted. The proposed action would not have a significant impact on the extent of conformity with the current zoning in the surrounding area, and it would not adversely affect the viability of conforming uses on nearby properties.

### **Public Policy**

No impact to public policies would occur as a result of the proposed action. The proposed development would be compatible with the New York City landmarks preservation regulations applicable to the site and the immediately surrounding area (see the Historic and Cultural Resources section below). The project would meet the economic development goals of the Flatiron-23<sup>rd</sup> Street Partnership BID. No other public policies relevant to the project study area would be affected by the proposed development.

The massing of the proposed enlargement would conform with the massing of the 1170 Broadway building portion of the hotel facility, which is a contributing structure to the Madison Square North Historic District. The BSA recently approved a 14-story hotel building at 1162 Broadway, which is immediately to the south of the proposed enlargement and which will be built with a street wall at the street line to a height of 150'. Furthermore, most other contributing buildings in the Historic District have street walls that rise without visible setbacks from the street line. LPC has approved the design for the proposed enlargement and has issued a Certificate of Appropriateness, thereby meeting one of the conditions for the grant of a Special Permit pursuant to ZR

Section 74-711 that LPC has found that “such bulk modifications relate harmoniously to the subject landmark building or buildings in the Historic District.” The LPC has also approved a continuing maintenance plan for the buildings on the project site in connection with this application.

The proposed action would provide for significant new development on an underdeveloped site. The proposed project would provide new hotel rooms and related services for visitors to the area. The project would complement and strengthen the surrounding area by developing a modern, high quality building on the project site and by providing amenities to the surrounding neighborhood.

The action would be an appropriate development on the project site and would be a positive addition to the surrounding neighborhood. No potentially significant adverse impacts related to public policy are anticipated to occur as a result of the proposed action, and further assessment of public policy is not warranted.

## 8. SHADOWS

### Introduction

Under CEQR, a shadow is defined as the circumstance in which a building or other built structure blocks the sun from the land. An adverse shadow impact is considered to occur when the shadow from a proposed project falls upon a publicly accessible open space, a historic landscape, or other historic resource if the features that make the resource significant depend on sunlight, or if the shadow falls on an important natural feature and adversely affects its uses or threatens the survival of important vegetation.

Features of architectural resources that are considered sunlight-sensitive include the following:

- Buildings containing design elements that are part of a recognized architectural style that depends on the contrast between light and dark design elements (*e.g.*, deep recesses or voids such as open galleries, arcades, recessed balconies, deep window reveals, and prominent rustication).
- Buildings distinguished by elaborate, highly carved ornamentation.
- Buildings with stained glass windows.
- Exterior materials and color that depend on direct sunlight for visual character (*e.g.*, the polychromy (multicolored) features found on Victorian Gothic Revival or Art Deco facades).
- Historic landscapes, such as scenic landmarks including vegetation recognized as an historic feature of the landscape (*e.g.*, weeping beeches or pansy beds).
- Features in structures where the effect of direct sunlight is described as playing a significant role in the structure's significance as an historic landmark.

An adverse shadows impact would occur only if the shadow would fall on a location that would otherwise be in sunlight; the assessment therefore distinguishes between existing shadows and new shadows resulting from a proposed project. Finally, the determination of whether the impact of new shadows on an open space or a natural or historic resource would be significant is dependent on their extent and duration. In general, shadows on City streets and sidewalks or on most other buildings are not considered significant under CEQR. In addition, shadows occurring within an hour and a half of sunrise or sunset generally are not considered significant under CEQR.

According to the 2014 *CEQR Technical Manual*, a shadows assessment is not required unless the project would include a structure at least 50 feet tall or if it would contain shorter structures that might cast substantial new shadows on an adjacent park, historic resource, or an important natural resource.

## Shadows Assessment

### Potentially Sunlight-Sensitive Resources Within Maximum Shadow Radius of Project

The project includes the construction of an 8-story (plus penthouse) enlargement to the existing 4-story, 57'-8" structure at 1164 Broadway. With the proposed enlargement, 1164 Broadway would have a 12-story street wall located 3'-4 1/2" from the street line, which would rise straight up to a height of 148'-6", thereby closely matching the street wall height of 1170 Broadway<sup>8</sup>, before setting back 12'-8" at the penthouse level (approximately 16' from the street line). Including the penthouse, the building would rise to a total height of 160'-6". The proposed enlargement also includes a mechanical equipment stack above the penthouse that will be screened with a 12'-2" masonry wall. Including both the penthouse and the mechanical screen, therefore, the building would rise to a total height of 172'-8". Based on *CEQR Technical Manual* criteria, the longest shadow that any building would cast during the year (except within an hour and a half of sunrise or sunset which is not deemed to be of concern) is 4.3 times its height.

Applying the 4.3 factor to the existing building height of 57'-8" would result in a maximum shadow distance of 248.0 feet. Applying the 4.3 factor to the proposed maximum building height with the mechanical screen of 172'-8" would result in a maximum shadow distance of 742.5 feet. The proposed building would therefore cast potential additional shadows of 494.5 feet in length.

There are several potential sunlight-sensitive resources, including open space areas and historic resources, within 742.5 feet of the project site. The following open space and historic resources are located within 742.5 feet of the project site. See attached Tier 1 and 2 Screening Assessment Diagrams.

1. Madison Square Park, bounded by East 23<sup>rd</sup> and East 26<sup>th</sup> Streets, Madison Avenue, Broadway, and Fifth Avenue, located approximately 500 feet southeast of the project site.
2. Worth Square (General William Jenkins Worth Monument), bounded by West 24<sup>th</sup> and West 25<sup>th</sup> Streets, Broadway, and Fifth Avenue, located approximately 670 feet southeast of the project site.
3. Madison Square North Historic District bounded by West 25<sup>th</sup> Street, East/West 29<sup>th</sup> Street, Madison Avenue, and the Avenue of the Americas. Most of the Madison Square North Historic District lies within 742.5 feet of the project site and the project site lies close to the center of the Historic District.
4. Serbian Orthodox Cathedral of St. Sava, 13 West 25<sup>th</sup> Street, located approximately 405 feet southwest of the project site.

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<sup>8</sup> Measured from an average curb level of 42.50'.

5. Gilsey House, 1200 Broadway, located approximately 430 feet north of the project site.
6. Marble Collegiate Reformed Church, 270 Fifth Avenue, located approximately 430 northeast of the project site.
7. Rectory of the Church of the Transfiguration, 1 East 29<sup>th</sup> Street, located approximately 540 feet northeast of the project site.
8. The Wilbraham Building, 1 West 30<sup>th</sup> Street, located approximately 690 feet northeast of the project site.
9. The historic street lamppost at the southwest corner of Fifth Avenue and West 28<sup>th</sup> Street, located approximately 270 feet northeast of the project site.

No other parks, historic resources, or important natural resources are located within 742.5 feet of the project site.

No significant adverse new shadows would be cast on the above listed open space or historic resources as further explained below.

#### Shadows Assessment

1. Madison Square Park – No new shadows would be cast on the park by the proposed 12-story hotel due to the presence of an intervening 20-story building occupying the entire frontage of West 27<sup>th</sup> Street between Broadway and Fifth Avenue (228 Fifth Avenue; Block 828, Lot 41) which would block any shadows cast by the proposed building. In addition, the park lies partially in the triangular area south of the project site between -108 and +108 degrees from true north in which no shadows are cast in the northern hemisphere.
2. Worth Square (General William Jenkins Worth Monument) – No new shadows would be cast on the square by the proposed 12-story hotel due to the presence of an intervening 20-story building occupying the entire frontage of West 27<sup>th</sup> Street between Broadway and Fifth Avenue (228 Fifth Avenue; Block 828, Lot 41) which would block any shadows cast by the proposed building. In addition, the square lies partially in the triangular area south of the project site between -108 and +108 degrees from true north in which no shadows are cast in the northern hemisphere.
3. Madison Square North Historic District – The proposed 12-story hotel may cast new shadows on building facades located across Broadway from the project site that are within the Madison Square North Historic District. However, the only affected building façade would be the five-story commercial retail/office building at 1161 Broadway (Block 829, Lot 22). The façade of this building would not be considered sunlight sensitive based on the criteria noted in the introduction to this section above.

4. Serbian Orthodox Cathedral of St. Sava - No new shadows would be cast on the church by the proposed 12-story hotel due to the presence of an intervening 13-story building at the corner of Broadway and West 27<sup>th</sup> Street (1155 Broadway; Block 828, Lot 53) and a 12-story building located directly across the street from the church (15 West 26<sup>th</sup> Street; Block 828, Lot 22) between the project site and the church. In addition, the church lies in the triangular area south of the project site between -108 and +108 degrees from true north in which no shadows are cast in the northern hemisphere.

5. Gilsey House - No new shadows would be cast on Gilsey House by the proposed 12-story hotel due to the presence of an intervening 12-story building adjacent to the project site (the existing 12-story portion of the hotel on Block 829, Lot 50), an intervening 16-story building on the block north of the project site (1182 Broadway, Block 830, Lot 26), and a 13-story building located directly across the street from Gilsey House (1186 Broadway, Block 830, Lot 54) between the project site and Gilsey House.

6. Marble Collegiate Reformed Church - No new shadows would be cast on the church by the proposed 12-story hotel due to the presence of an intervening 12-story building adjacent to the project site (the existing 12-story portion of the hotel on Block 829, Lot 50) and a 16-story building located directly across the street from the church (2 West 29<sup>th</sup> Street; Block 830, Lot 46) which lies between the project site and the church.

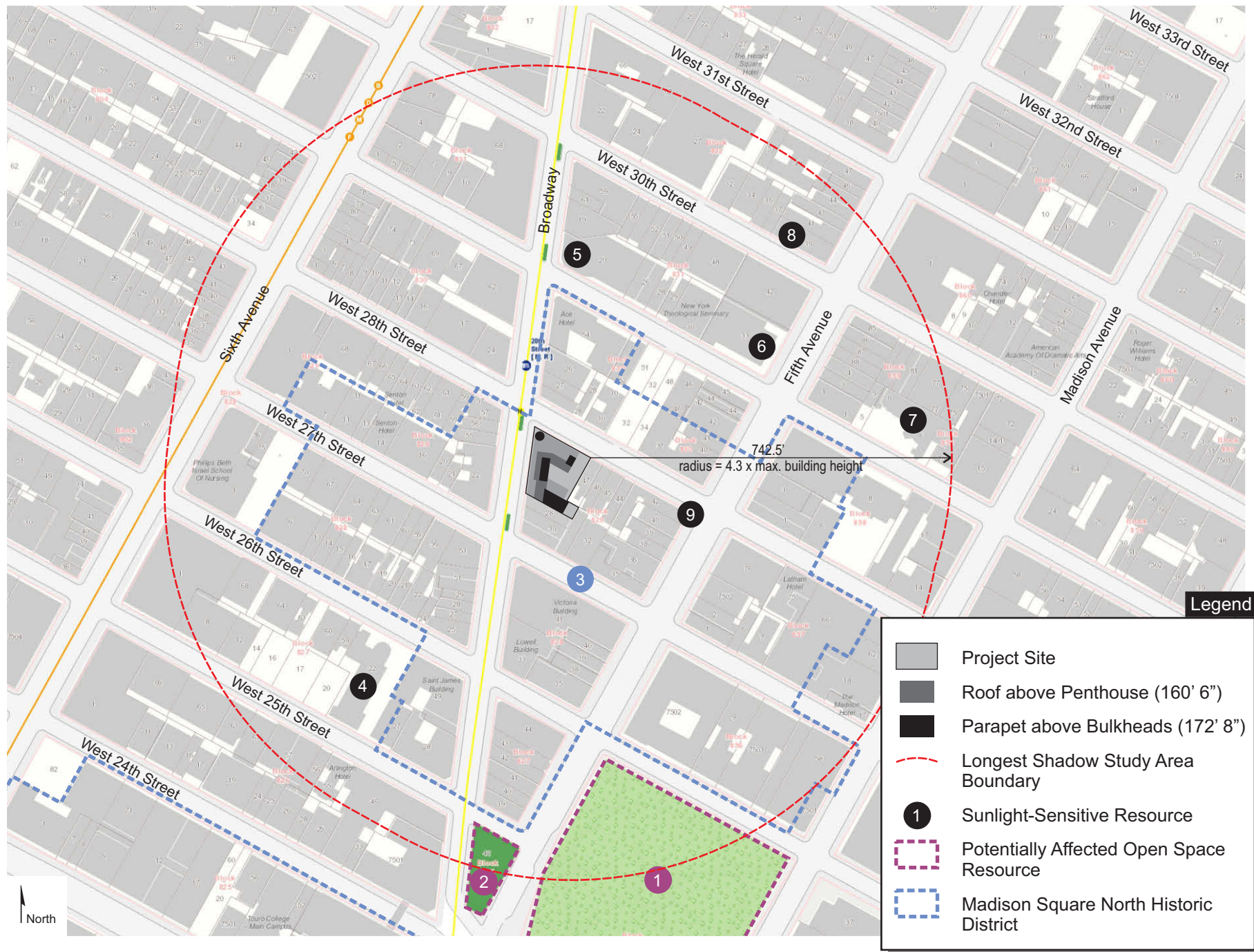
7. Rectory of the Church of the Transfiguration - No new shadows would be cast on the rectory by the proposed 12-story hotel due to the presence of an intervening 12-story building adjacent to the project site (the existing 12-story portion of the hotel on Block 829, Lot 50) and a 25-story building located directly across the street from the rectory (259 Fifth Avenue; Block 858, Lot 78) which lies between the project site and the rectory.

8. The Wilbraham Building - No new shadows would be cast on this 8-story building by the proposed 12-story hotel due to the presence of an intervening 12-story building adjacent to the project site (the existing 12-story portion of the hotel on Block 829, Lot 50) and an 11-story building located directly across the street from the building (276 Fifth Avenue; Block 831, Lot 42) which lies between the project site and the Wilbraham Building.

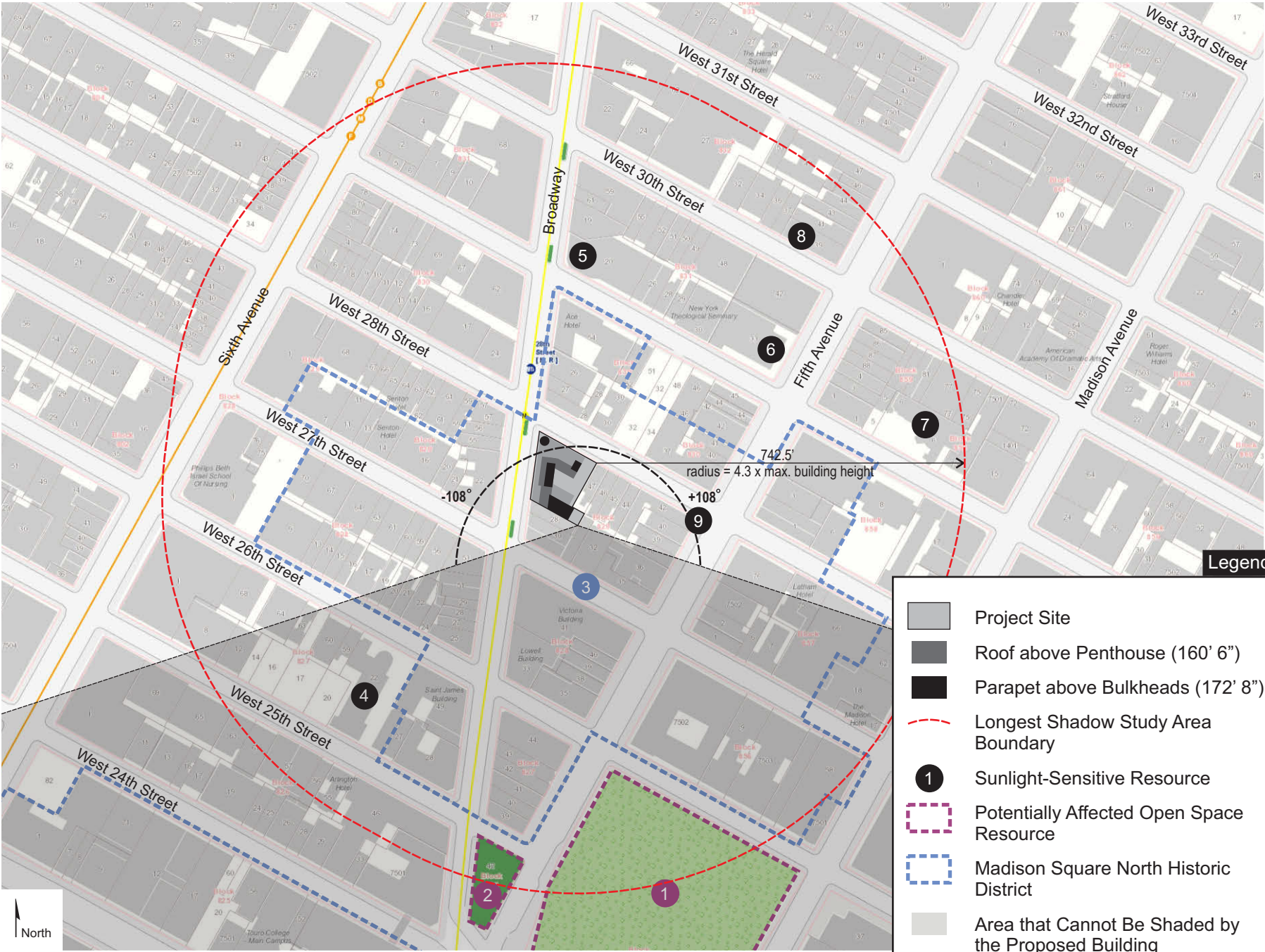
9. The historic street lamppost at the southwest corner of Fifth Avenue and West 28<sup>th</sup> Street - No new shadows would be cast on the lamppost due to the presence of a six-story building (246 Fifth Avenue; Block 829, Lot 42) and an 11-story building (244 Fifth Avenue; Block 829, Lot 40) directly west of the lamppost between the proposed hotel and the lamppost.

## **Conclusion**

The proposed action would not cast any incremental shadows on parks, shadow sensitive historic resources, or important natural resources. Therefore, the proposed action would not result in any significant adverse shadows impacts, and no further assessment is needed for the project.







**Legend**

- Project Site
- Roof above Penthouse (160' 6")
- Parapet above Bulkheads (172' 8")
- Longest Shadow Study Area Boundary
- 1 Sunlight-Sensitive Resource
- Potentially Affected Open Space Resource
- Madison Square North Historic District
- Area that Cannot Be Shaded by the Proposed Building

## **9. HISTORIC AND CULTURAL RESOURCES**

The project site consists of an approximately 13,461 square foot lot located along the east side of Broadway between West 27<sup>th</sup> and West 28<sup>th</sup> Streets and the south side of West 28<sup>th</sup> Street between Broadway and 5<sup>th</sup> Avenue. The site is entirely located within an M1-6 zoning district in the Madison Square North Historic District. The site is improved with three structures: 1164 Broadway, a 4-story and cellar non-contributing structure; 1166-1170 Broadway, a 12-story (plus penthouse) and cellar contributing structure; and 12 West 28<sup>th</sup> Street, a 4-story and cellar contributing structure. Historically, the three structures were separate buildings, but 1164 Broadway and 1170 Broadway have been combined into a single building. These three structures currently house the NoMad Hotel and related uses controlled and operated by the Applicant.

The project site has approximately 132.06 feet of frontage along Broadway, which is 75 feet wide and constitutes a wide street under ZR Sec. 12-10, and approximately 127.67 feet of frontage along West 28<sup>th</sup> Street, which is 60 feet wide and constitutes a narrow street under ZR Sec. 12-10. The portion of the site occupied by 1164 Broadway has approximately 26.29 feet of frontage on Broadway, 24.69 feet of width, and an average depth of approximately 110 feet.

The buildings on the project site contain approximately 129,163 gsf and 111,338 zsf of floor area. The hotel contains 168 hotel rooms, two restaurants, meeting rooms, a retail store, guest amenity areas, and hotel operational areas. The building at 1164 Broadway, which would be enlarged under the proposed action, contains 14,353 gsf of floor area.

The project site and most of the 400-foot radius project study area are located within the Madison Square North Historic District. The NYC Landmark Preservation Commission's (LPC) June 26, 2001 Madison Square North Historic District Designation Report states the following in regards to the subject property.

### ***1164 BROADWAY***

*Borough of Manhattan Tax Map Block 829, Lot 50 in part (formerly lot 27)*

Date of Construction: c. 1985

Architect: Not determined

Original Owner: Not determined

Type: Store and offices

Style: None

Stories: 4

Structure/Materials: Brick

### *History*

Originally a mid-nineteenth-century dwelling, this built (building) was later converted to stores and lofts. New facades were installed in 1919 and c. 1985; the latter façade remains.

### *Description*

Three bays; non-historic storefront, bulkhead, security gate, and lighting; fixed sash on the upper floors. South elevation: Cement stucco, lot-line windows with non-historic sash; projecting chimney flues.

### *Significant Alterations*

1875 - Building extended at the rear (ALT 1142-1875); architect: Michael McDermott; lessee: William H. Atkinson.

According to the Designation Report, the 12-story building located at 1166-1172 Broadway was built between 1902 and 1903. It was designed by Schickel & Ditmars in the "Beaux Arts" style, and known as the "Johnston Building." The Designation Report specifically notes that the "building remains remarkably intact above the first story" with design features that include "[F]ive bays, paired fenestration; [a] semi-circular corner bay with dome and cupola; [a] three-story base featuring recessed fenestration, molded reveals, molded crown with elaborate brackets, masks, festoons, and cartouches; historic arched entryway featuring coffered reveal, foliated brackets, lions' masks, festoons, scrolled keystone, [and] dentils." 12 West 28<sup>th</sup> Street was originally constructed in the mid-nineteenth century, but was given a new, "neo-Classical" limestone commercial façade in 1912 by Samuel Edson Gage in the "neo-Classical" style. The Designation Report adds that the "building remains largely intact to the 1912 alteration" and contains both historic and non-historic architectural elements. The existing building located at 12 West 28<sup>th</sup> Street is approximately 56'-4"<sup>9</sup> in height and contains four stories.

The Madison Square North Historic District extends in an irregular alignment between 29<sup>th</sup> Street on the north, 25<sup>th</sup> Street on the south, Madison Avenue on the east, and up to approximately 100 feet east of the Avenue of the Americas on the west. The LPC Designation Report describes the Historic District, in part, as follows.

The Madison Square North Historic District consists of approximately 96 buildings representing the period of New York City's commercial history from the 1870s to the 1930s, when this section prospered, first, as a major entertainment district of hotels, clubs, stores and apartment buildings, and then, as a mercantile district of high-rise office and loft structures. Located to the north and west of Madison Square Park, along Fifth Avenue and Broadway, the district also contains numerous rowhouses, Art Deco-style towers, as well as modest twentieth-century commercial structures, all of which testify to each successive phase in area's development.

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<sup>9</sup> Measured from an average curb level of 41.77'.

The Madison Square North Historic District retains its character as an early twentieth century commercial district. In contrast to other sections of midtown Manhattan, many structures continue to serve their original, or a related purpose. While most of the residences and hotels have been converted to new uses, the majority of office and loft buildings continue to accommodate a varied group of wholesale businesses.

There are no individually designated historic resources within 400 feet of the project site with the exception of the historic street lamppost at the southwest corner of Fifth Avenue and West 28<sup>th</sup> Street (designated June 17, 1997) located approximately 270 feet from the subject property.

#### **FUTURE NO-ACTION CONDITION**

In the future, absent the Special Permit, there would be no change to the existing bulk conditions of any of the buildings on the project site. Therefore, the existing 129,163 gsf/111,338 zsf contained on the site would remain. Under the No-Action Scenario, existing floor space on the third and fourth floors at 1164 Broadway would be converted to create two hotel rooms per floor facing Broadway, for a total of 4 hotel rooms at 1164 Broadway and a net increase of 3 hotel rooms on the project site<sup>10</sup> thereby increasing the existing 168 hotel rooms on the site to a total of 171. The rear portions of the existing 2<sup>nd</sup> through 4<sup>th</sup> floors of 1164 Broadway would be used for accessory hotel uses such as accessory office use and guest amenity space.

The building at 1164 Broadway would contain 14,353 gsf of floor area as it does currently. The mezzanine, ground floor, and cellar of 1164 Broadway would continue to contain 6,082 gsf of Use Group 6 eating and drinking establishment uses while the remaining floors and a portion of the cellar would be comprised of 8,271 gsf of Use Group 5 hotel uses.

The conversion of interior space in the building at 1164 Broadway to hotel rooms would not result in any architectural impacts to the exterior of the building. The conversion would also not result in any potential archaeological impacts as LPC has determined that the site has no archaeological significance (see Historic and Cultural Resources Appendix).

#### **FUTURE WITH-ACTION CONDITION**

In the future, with the proposed action, the total project site would contain approximately 148,338 gsf/129,640 zsf. There would be no change to the existing conditions for 1170 Broadway and 12 West 28<sup>th</sup> Street. At 1164 Broadway, an 8-story (plus penthouse) addition with a complying 20-foot rear yard would be constructed above the existing 4 floors. Two hotel rooms facing Broadway would be provided on both the second and fourth floors, four hotel rooms would be provided on each of the

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<sup>10</sup> One of the 168 existing hotel rooms in the hotel is on the 4th floor of 1164 Broadway.

newly-constructed floors five through twelve, and one floor-through hotel room would be provided on the newly-constructed penthouse, for a total of 37 hotel rooms at 1164 Broadway, thereby increasing the existing 168 hotel rooms on the site by 36<sup>11</sup>, to a total of 204 hotel rooms (33 additional rooms relative to the future no-action condition). The third floor and the rear portions of the second and fourth floors of 1164 Broadway would be used for accessory hotel uses such as accessory office use and guest amenity space.

The building at 1164 Broadway would be enlarged with a 19,175 gsf addition to contain 33,528 gsf of floor area. The third floor and the rear portions of the second and fourth floors of 1164 Broadway would be used for accessory hotel uses such as accessory office use and guest amenity space. The mezzanine, ground floor, and cellar of 1164 Broadway would continue to contain 6,082 gsf of Use Group 6 eating and drinking establishment uses while the remaining floors and a portion of the cellar would be comprised of 27,446 gsf of Use Group 5 hotel uses.

The proposed development consists of an 8-story (plus penthouse) 19,175 gsf/18,302 zsf proposed enlargement to 1164 Broadway and re-cladding of the existing 4-story portion of 1164 Broadway. The proposed enlargement would align with the existing street wall of 1170 Broadway and the floor plates of the structures would connect. Guests of the new hotel rooms within the proposed enlargement would use the existing entrance, lobby, elevator, and corridor of 1170 Broadway for access.

With the proposed enlargement, 1164 Broadway would have a 12-story street wall located 3'-4 1/2" from the street line, which would rise straight up to a height of 148'-6", thereby closely matching the street wall height of 1170 Broadway, before setting back 12'-8" at the penthouse level (approximately 16' from the street line). Including the penthouse, the building would rise to a total height of 160'-6". The proposed enlargement also includes a mechanical equipment stack above the penthouse that will be screened with a 12'-2" masonry wall. Including both the penthouse and the mechanical screen, therefore, the building would rise to a total height of 172'-8". As discussed above, this massing would not comply with the bulk requirements applicable to enlargements in the M1-6 District. However, LPC has approved the design for the proposed enlargement which would encroach on the required setback area and the sky exposure plane.

The proposed action would not result in any significant adverse impacts to historic resources as further discussed below. The massing of the proposed enlargement would conform with the massing of the 1170 Broadway building portion of the hotel facility, which is a contributing structure to the Madison Square North Historic District. The BSA recently approved a 14-story hotel building at 1162 Broadway, which is

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<sup>11</sup> One of the 168 existing hotel rooms in the hotel is on the 4<sup>th</sup> floor of 1164 Broadway.

immediately to the south of the proposed enlargement and which will be built with a street wall at the street line to a height of 150'. Furthermore, most other contributing buildings in the Historic District have street walls that rise without visible setbacks from the street line.

On October 27, 2015, the LPC voted to approve the proposed enlargement and to issue a report to the City Planning Commission pursuant to ZR Section 74-711 stating that a continuing maintenance program has been established that will result in the preservation of the buildings on the site and that the proposed enlargement contributes to a preservation purpose. As noted in the Status Update Letter 17-8592 included in the Historic and Cultural Resources Appendix, LPC will issue its report to CPC as required by ZR Section 74-711 once the following items are submitted to, reviewed and approved by LPC: (1) a final restrictive declaration and cyclical maintenance plan; and (2) final specifications for restorative work.

The LPC has issued a Certificate of Appropriateness dated October 31, 2016 for the proposed enlargement as referenced in the Status Update Letter 17-8590 included in the Historic and Cultural Resources Appendix. In reaching a decision to grant the Certificate of Appropriateness, the Commission reviewed the proposed work and found that the building is not one for which the historic district was designated, and its demolition will not result in the elimination of significant architectural or historic fabric from the Madison Square North Historic District; that the height and massing of the proposed new building will complement the height and massing of buildings representing the different phases of development on this block and in this historic district; that the floor to ceiling heights will match those found at 1170 Broadway at the interior, and will support a relationship between the new building and its neighbors; that the proportions of this tall and narrow facade are typical of many commercial buildings in this historic district; that the facade, composed of a dark painted steel and clear glass window assemblies, enframed by light colored limestone, and divided with horizontal limestone bands that align with the neighboring building's banding, is consistent with the materials and composition of historic loft and commercial building in this historic district; that the tri-partite arrangement of the facade with a base, shaft, and crown reflects a typical pattern of facades within the historic district; that the brick side walls with two brick colors set in a grid pattern is a lot line facade feature found on other late 19<sup>th</sup> and early 20<sup>th</sup> century buildings in the district; that the storefront infill at the ground floor, featuring steel framing, frameless glass display windows, double doors, and clear glass transoms with an integrated louver and painted metal panels set at the interior, relates harmoniously to the neighboring and other storefronts and building entrances in the streetscape; that the presence of a metal canopy at the entrance will be in keeping with the commercial character of this historic district; and that the proposed new building will complement and enhance the special architectural and historic character of the streetscape and the Madison Square North 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 the application.

By letter dated 12/02/16 (see Historic and Cultural Resources Appendix), LPC has determined that the project site has no archaeological significance. In order to accommodate the proposed 8-story (plus penthouse) addition to the building at 1164 Broadway, it is estimated that there would be subsurface disturbance extending to a depth of approximately 4 feet across the entire footprint of the 1164 Broadway cellar.

The 2014 *CEQR Technical Manual* requires that archaeological and architectural resources be surveyed and assessed if the proposed project would result in any of the following as relevant to this proposed action:

### Archaeological Resources

- *Above-ground construction resulting in-ground disturbance, including construction of temporary roads and access facilities, grading, or landscaping.*
- *Below-ground construction, such as installation of utilities or excavation, including that for footings or piles.*

*Analysis of archaeological resources typically is not necessary in the following circumstances:*

- *Projects that would result in disturbance only of areas that have already been recently excavated for other purposes, such as basements, concourses, sunken plazas, etc. However, if the area proposed to be excavated exceeds the previous disturbance in depth or footprint, archaeological assessment may be appropriate.*

The proposed project would include above-ground construction resulting in new in-ground disturbance related to excavation for footings or piles. By letter dated 12/02/16 (see Historic and Cultural Resources Appendix), LPC has determined that the project site has no archaeological significance.

### Architectural Resources

- *New construction, demolition, or significant physical alteration to any building, structure, or object.*

The proposed action would result in the enlargement of the existing 4-story structure at 1164 Broadway with the addition of 8 stories and a penthouse. However, as described above, the existing building on the project site does not contribute to the Historic District and LPC has also approved the design of the proposed addition noting that the proposed enlargement contributes to a preservation purpose.

In summary, the proposed action, including the construction of the proposed enlargement at 1164 Broadway, would have no significant adverse affect on the property's historic character. The proposed action would instead serve to

improve the appearance of the property by re-cladding the existing structure on the property and constructing a modern, high quality addition to it that would conform with the massing of most other buildings in the Madison Square North Historic District.

- *A change in scale, visual prominence, or visual context of any building, structure, or object or landscape feature. Visual prominence is generally the way in which a building, structure, object, or landscape feature is viewed. Visual context is the character of the surrounding built or natural environment. This may include the following: the architectural components of an area's buildings (e.g., height, scale, proportion, massing, fenestration, ground-floor configuration, style), streetscapes, skyline, landforms, vegetation, and openness to the sky.*

The proposed action would result in the construction of an 8-story (plus penthouse) addition to the existing four-story structure at 1164 Broadway. The project would therefore result in a change in scale and visual prominence relative to the surrounding area.

This change in scale and visual prominence would be appropriate to the surroundings as it would result in a new development that is more in character with surrounding development. Most of the 400-foot radius project study area is developed with buildings of between four- and twelve-stories in height with building heights reaching as high as 24-stories.

The proposed hotel building at 1164 Broadway would be similar in size and scale to the existing 12-story portion of the hotel building at 1170 Broadway which it would adjoin as well as the recently approved 14-story hotel building at 1162 Broadway, which is immediately to the south of the proposed enlargement and which will be built with a street wall at the street line to a height of 150'. As stated above, the proposed building would conform with the massing of most other buildings in the Madison Square North Historic District and would satisfy LPC requirements for new development on this property. The proposed building would therefore be appropriate in the context of the surrounding neighborhood.

- *Construction, including but not limited to, excavating vibration, subsidence, dewatering, and the possibility of falling objects.*

LPC approved construction procedures would be followed to protect other historic structures in the area from damage from vibration, subsidence, dewatering, or falling objects. Construction procedures would comply with the NYC Department of Buildings memorandum Technical Policy and Procedure Notice # 10/88 and with the site safety requirements of the 2008 NYC Building Code, as amended, which stipulate that certain procedures be followed for the avoidance of damage to historic and other structures resulting from construction.



- *Additions to or significant removal, grading, or replanting of significant historic landscape features.*

Not applicable to the proposed action.

- *Screening or elimination of publicly accessible views.*

Not applicable to the proposed action.

- *Introduction of significant new shadows or significant lengthening of the duration of existing shadows on an historic landscape or on an historic structure if the features that make the structure significant depend on sunlight.*

The existing building at 1164 Broadway measures approximately 57'-8" in height and the proposed building with the additions would measure approximately 172'-8", an increase of 115'-0". The height of the proposed building relative to the existing structure on the site would result in the creation of additional shadows on the surrounding area. However, buildings within the surrounding Historic District that would experience new shadows do not contain features that make the structure significant due to a dependence on sunlight. Therefore, the project would not result in any significant adverse shadows impacts on historic resources. (See Shadows section above.)

On the basis of the above, the proposed action would have no significant adverse affect on historic resources within the project study area.

## **10. URBAN DESIGN AND VISUAL RESOURCES**

A preliminary urban design screening assessment for the proposed action is required because the proposed project would introduce a new building addition on the project site that would not be allowed under the existing zoning of the property. Although the proposed uses would be allowed, the proposed building addition would not comply with the maximum permitted height of the front wall and required front setbacks under the property's M1-6 zoning. The proposed development would eliminate the required 15-foot setback from Broadway above the sixth floor relative to an as-of-right development on the property. See Neighborhood Character diagram in Urban Design Appendix.

As relevant to the proposed project and stated in the *CEQR Technical Manual*:

*A preliminary assessment is appropriate when there is the potential for a pedestrian to observe, from the street level, a physical alteration beyond that allowed by existing zoning, including the following:*

1. *Projects that permit the modification of yard, height, and setback requirements;*

Pursuant to ZR Section 43-43, developments and enlargements within an M1-6 zoning district must set back 15 feet from the street line of a wide street (Broadway) at a height of 6 stories or 85 feet, whichever is lower. The slope of the required sky exposure plane above 85 feet is 5.6 to 1. The proposed enlargement would extend the height of the existing street wall of the 4-story portion of the hotel at 1164 Broadway along the street line to 12 stories/148'-6", thereby encroaching on the required setback area and sky exposure plane.

With the proposed enlargement, 1164 Broadway would have a 12-story street wall located 3'-4 1/2" from the street line, which would rise straight up to a height of 148'-6", thereby closely matching the street wall height of 1170 Broadway, before setting back 12'-8" at the penthouse level (approximately 16' from the street line). Including the penthouse, the building would rise to a total height of 160'-6". The proposed enlargement also includes a mechanical equipment stack above the penthouse that will be screened with a 12'-2" masonry wall. Including both the penthouse and the mechanical screen, therefore, the building would rise to a total height of 172'-8". This massing would not comply with the bulk requirements applicable to enlargements in the M1-6 District.

Although the modifications to the required height and setback would present the potential for a pedestrian to observe, from the street level, a physical alteration beyond that allowed by existing zoning, the modified setback and sky exposure plane of the building would conform to the street wall design that the LPC has determined is appropriate within the Madison Square North Historic District in which the property is located. The massing of the proposed enlargement would conform with the massing of the adjacent 12-story 1170 Broadway building portion of the hotel, which is a

contributing structure to the Madison Square North Historic District, and with the recently approved 14-story hotel building at 1162 Broadway, which is immediately to the south of the proposed enlargement and which will be built with a street wall at the street line to a height of 150'. Furthermore, most other contributing buildings in the Historic District have street walls that rise without visible setbacks from the street line. Therefore, the proposed enlarged building would be more consistent with the urban design character of the surrounding area than would an as-of-right enlargement on the property and no adverse urban design impacts would be anticipated. See attached Urban Design Diagrams<sup>12</sup>.

*2. Projects that result in an increase in built floor area beyond what would be allowed 'as-of-right' or in the future without the proposed project.*

The proposed building would not result in an increase in built floor area beyond what would be allowed 'as-of-right' or in the future without the proposed project as further explained below.

The project site has a lot area of 13,461 square feet. The M1-6 District has a maximum base permitted FAR of 10.0, which would permit 134,610 zsf on the property. The three buildings on the property currently contain approximately 111,338 zsf of floor area for an FAR of 8.27. The proposed enlargement would add approximately 18,302 zsf of floor area, resulting in a total of approximately 129,640 zsf on the project site for an FAR of 9.63. Therefore, the proposed development would result in 4,970 zsf less than an as-of-right enlargement on the property. The proposed design of the building has also been approved by the LPC. Therefore, there would be no increase in floor area with the proposed action and no adverse urban design impacts would result.

The proposed project would not exceed the applicable *CEQR Technical Manual* preliminary analysis thresholds relevant to urban design as discussed above. No adverse urban design impacts from the proposed action would therefore be expected.

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<sup>12</sup> Note that the new building is barely visible on the first and third drawings but can be seen on a zoomed-in view.

Broadway facing south (Site at left)



Existing Site and Context

Broadway facing south (Site at left)



Proposed Project

Broadway facing north (Site at right)



Existing Site and Context

Broadway facing north (Site at right)



Proposed Project

West 28th Street facing west (Site at left)



Existing Site and Context

West 28th Street facing west (Site at left)



Proposed Project

## **12. HAZARDOUS MATERIALS**

### **Introduction**

A hazardous materials assessment is required for the proposed action per the *CEQR Technical Manual* as follows:

- Request for a discretionary approval allowing commercial or residential uses in an area currently zoned for manufacturing uses.
- Construction requiring soil disturbance in a manufacturing zone.
- Renovation of interior existing space on a site with potential vapor intrusion from on-site or off-site sources; compromised indoor air quality; or the presence of asbestos, PCBs, mercury, or lead-based paint.
- Development where underground and/or aboveground storage tanks (USTs or ASTs) are (or were) located on or near the site.

### **Phase I Environmental Assessment**

CBRE, Inc., d/b/a IVI Assessment Services (“CBRE | IVI”), prepared a Phase I Environmental Assessment report (ESA) dated September 9, 2015 for the Bank of America, N. A. The ESA was prepared for the entire hotel property, comprised of 1164 Broadway, 1170 Broadway, and 12 West 28<sup>th</sup> Street.

The purpose of the ESA was to assess existing site conditions and render an opinion as to the identified or potential presence of recognized environmental conditions in connection with the property within the scope and limitations of ASTM International's Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process E 1527-13 and Bank of America, N.A.'s Scope of Work and the limitations identified herein.

### **Recognized Environmental Conditions (RECs)/Business Environmental Risks (BERs)**

The ESA has revealed no evidence of recognized environmental conditions (RECs) in connection with the subject property. However, the following business environmental risks (BERs) were identified:

### **Asbestos-Containing Material (ACM)**

The subject property includes an attached building at 10 West 28<sup>th</sup> Street which was not part of the total gut-rehabilitation of the remainder of the property. As such, the use of ACM within this portion of the property is suspected. No friable suspect ACM was observed in readily accessible areas, however, the non-friable plaster, wallboard assemblies, resilient floor finishes, built-up roofing components, caulking and mastic may contain asbestos. Furthermore, hidden suspect and confirmed ACM exists within inaccessible areas such as behind walls, above ceilings, and beneath visible flooring. All

accessible suspect ACMs were observed to be in good condition at the time of CBRE | IVI's property walkthrough. No further action is recommended at this time, other than maintaining all confirmed and suspect ACMs in good condition under an Asbestos Operations and Maintenance (O&M) Program. All activities involving ACM should be conducted in accordance with governmental regulations.

#### Lead-Based Paint (LBP)

Since the subject property was originally constructed prior to the Consumer Product Safety Commission's 1978 ban on the sale of LBP to consumers and the use of LBP in residences, there is a potential that LBP may have been applied at the property. However, given that with the exception of the upper floors of 10 West 28th Street, the property underwent gut renovations, that included removal and replacement of interior finishes, it would not be anticipated that substantial quantities of LBP would remain. Painted surfaces observed were in generally good condition. CBRE | IVI recommends that a LBP O&M Program be implemented for the 10 West 28<sup>th</sup> Street portion of the property. All activities involving LBP should be conducted in accordance with HUD guideline, the USEPA's Lead-Based Paint Renovation, Repair and Painting Program Rule, as well as the OSHA Lead in Construction (CFR Part 1926.62) and EPA Renovate Right regulations and RCRA guidelines.

#### Storage Tank Information

Although not a REC or a BER, the following information is provided relative to the presence of underground and/or aboveground storage tanks on the subject property. The ESA states the following:

#### Bulk Storage Tanks

#### Underground Storage Tanks (USTs)

No USTs were identified on the subject property and no common indicators of USTs such as vent pipes, fill ports, manways, pavement cuts, fuel gauges or dispensers were observed. In addition, according to Thomas Lunsford, the Director of Internal Operations for the property, there are no USTs on-site. A 5,000 gallon No. 2 heating fuel oil tank was removed from the cellar of the property in 2010, and no contamination was identified.

Based on a prior Phase I ESA Report, a 5,000 gallon No. 2 fuel oil masonry encased bulk petroleum storage tank was located in the basement. According to the regulatory database, this tank was removed from the site during 2010. No evidence of this tank was observed during the site reconnaissance. CBRE | IVI has no significant environmental concerns regarding this former AST.

Of note, the subject property was identified on the NYSDEC LUST database due to a tank test failure reportedly associated with the property's former tank's vent pipe. The vent line was repaired and the LUST case was granted a Case Closed status. A



Case Closed status is granted to those sites that have been remediated to the satisfaction of the NYSDEC and/or are not suspected to pose a significant threat to human health or the environment. As such, CBRE | IVI has no significant environmental concerns regarding this historical LUST incident.

#### Aboveground Storage Tanks (ASTs)

The following ASTs were observed at the property.

- A 275-gallon diesel fuel oil tank is located in the basement of the property and was observed to be in good condition with secondary containment.
- A 275-gallon diesel fuel oil tank is located in a rooftop generator on the property and was observed to be in good condition without secondary containment.

The emergency generator contains an integral base tank. The tank is of double walled construction. No evidence of leakage or staining was observed on or around the tank. As such, this tank is not considered to be of environmental concern to the subject property at this time. During CBRE | IVI's site reconnaissance, diesel product was observed within the secondary containment structure for the diesel aboveground storage tank located within the cellar. This tank was observed to have overfilled, with several inches of diesel fuel sitting within the secondary containment. Since the diesel fuel appears to be contained within the secondary containment it does not appear to represent a significant environmental concern.

#### Additional Relevant Information

CBRE | IVI reviewed each federal and state standard source environmental database to determine if any sites identified within the approximate minimum search distance specified by ASTM Standard Practice for Environmental Site Assessments E 1527-13 were suspected to represent a material negative environmental impact to the subject property. Although several such sites were identified, none of these sites are expected to be of negative environmental concern upon the subject property.

#### Conclusion

Historical and current information was obtained and reviewed for the project site and the surrounding area by CBRE | IVI as part of the Phase I ESA discussed above in order to determine the likelihood of any potential hazardous materials concerns related to the proposed new development at 1164 Broadway. On the basis of this information, CBRE | IVI concluded that there are no significant hazardous materials concerns on the subject property or in the surrounding area that would warrant the preparation of a Phase II Environmental Site Investigation (ESI) report or any other further studies.

#### NYC Department of Environmental Protection Review

The NYC Department of Environmental Protection (DEP) issued a letter to DCP dated August 23, 2016 (see Hazardous Materials Appendix) in which it included the

following comments and recommendations to DCP based on its review of the Phase I ESA and the July 2016 submitted EAS.

- Based on the historical and surrounding land uses, a Phase II Environmental Site Assessment is necessary to adequately identify/characterize the surface and subsurface soils of the subject parcels. A Phase II Investigative Protocol/Work Plan summarizing the proposed drilling, soil, groundwater, and soil vapor sampling activities should be submitted to DEP for review and approval. The Work Plan should include blueprints and/or site plans displaying the current surface grade and sub-grade elevations and a site map depicting the proposed soil boring locations and soil vapor sampling locations. Soil and groundwater samples should be collected and analyzed by a New York State Department of Health (NYSDOH) Environmental Laboratory Approval Program (ELAP) certified laboratory for the presence of volatile organic compounds (VOCs) by United States Environmental Protection Agency (EPA) Method 8260, semi-volatile organic compounds by EPA Method 8270, pesticides by EPA Method 8081, polychlorinated biphenyls by EPA Method 8082, Target Analyte List metals (filtered and unfiltered for groundwater samples) and soil vapor samples by EPA Method T0-15. The soil vapor sampling should be conducted in accordance with NYSDOH's October 2006 Guidance for Evaluating Soil Vapor Intrusion in the State of New York. The soil vapor samples should be collected and analyzed by a NYSDOH ELAP certified laboratory for the presence of VOCs by EPA Method T0-15. An Investigative Health and Safety Plan (HASP) should also be submitted to DEP for review and approval.
- A Phase II Work Plan and HASP should be submitted to DEP for review and approval prior to the start of any fieldwork.

### **(E) Designation**

Based on DEP's August 23, 2016 letter to DCP, Phase II testing of the site would be required. The Applicant has stated that conducting subsurface testing at the present time would interfere with current operations at 1164 Broadway. Therefore, an (E) designation is proposed to be placed on the property to ensure that testing for and mitigation and/or remediation of any hazardous materials contamination of the property be completed prior to, or as part of, future development of the site.

To avoid any potential impacts on Block 829, Lot 50 associated with hazardous materials, the proposed action will place an (E) designation (E-411) for hazardous materials on the property.

The text of the (E) designation is as follows:

- **Task 1: Sampling Protocol**
  - Prior to construction, the Applicant submits to OER, for review and approval, a Phase II Investigation Protocol/Work Plan, including a description of methods and a site map with all sampling locations clearly and precisely represented.
  - No sampling should begin until written approval of a protocol is received from OER. The number and location of samples should be selected to adequately characterize the site, the specific source of suspected contamination (i.e., petroleum-based contamination and non-petroleum-based contamination), and the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of the sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.
- **Task 2: Remediation Determination and Protocol**
  - A written report with findings and a summary of the data must be submitted to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such results, a determination is made by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER.
  - If remediation is indicated from the test results, a proposed remedial action plan must be submitted to OER for review and approval. The Applicant must complete such remediation as determined necessary by OER. The Applicant should then provide proper documentation to OER that the work has been satisfactorily completed.
  - An OER-approved construction health and safety plan would be implemented during excavation and construction and activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or groundwater. This plan would be submitted to OER for review and approval prior to implementation.

With the placement of the (E) designation on the projected development site, no significant hazardous materials impacts would be expected as the result of the proposed action.

## **16. TRANSPORTATION**

The development of a 33-room hotel enlargement (relative to the future no-action condition) would not be anticipated to generate 50 or more peak hour vehicle trips as detailed below.

Table 16-2 of the Transportation section of the *CEQR Technical Manual* indicates that hotels generate 9.4 weekday and Saturday person trips per room. On that basis, the proposed 33-room hotel enlargement would generate approximately 310 daily weekday and Saturday person trips. Table 16-2 also indicates that the highest percentage of these trips, 14%, would occur during the midday peak hour. Therefore, the proposed 33-room hotel enlargement would be anticipated to generate approximately 43 person trips during the weekday peak hour. These trips would be divided between various modes of transportation including vehicles, mass transit, and walking trips. 43 person trips falls below the 50 peak hour vehicle trip threshold as well as the 200 person mass transit and walk trip thresholds of concern.

Therefore, as the proposed action would not result in the generation of 50 or more peak hour vehicle trips or 200 or more mass transit or walk trips, no significant adverse transportation impacts would result from the proposed project.

## **17. AIR QUALITY**

### **Introduction**

Under CEQR, two potential types of air quality impacts are examined. These are mobile and stationary source impacts. Potential mobile source impacts are those which could result from an increase in traffic in the area, resulting in greater congestion and higher levels of carbon monoxide (CO). Potential stationary source impacts are those that could occur from stationary sources of air pollution, such as major industrial processes or emissions from heat and hot water boilers. Potential impacts of a proposed project on surrounding buildings are considered in the assessment.

### **Mobile Source**

Under guidelines contained in the *CEQR Technical Manual*, and in this area of New York City, projects generating fewer than 170 additional vehicular trips in any given hour are considered as highly unlikely to result in significant mobile source impacts, and do not warrant detailed mobile source air quality studies. It is estimated that the proposed 33-room hotel enlargement would generate a net increase of approximately 43 peak hour vehicle trips based on Table 16-2 of the Transportation section of the *CEQR Technical Manual* discussed in the Transportation section above. Therefore, the proposed development would not generate a net increase of 170 or more peak hour vehicle trips, and no detailed mobile source air quality analysis would be required per the *CEQR Technical Manual*.

No significant mobile source air quality impacts would be generated by proposed action.

### **Stationary Source**

A stationary source analysis is required for the proposed action as further discussed

The design engineer for the proposed enlargement states that the new addition will require approximately 563 MBH of additional hot water and heating load and that this load will be picked up by the boiler plant in the 1170 Broadway building. This is explained in the attached letter from the project engineer (see Air Quality Appendix). Hot water supply and return will be injected into the 1164 Broadway building loop via separate in line pumps and plate and frame heat exchanger.

According to information provided by the project engineer (see Air Quality Appendix), under the With-Action Scenario, the proposed expansion to 1164 Broadway would utilize its existing boilers, which have sufficient capacity and thus would not result in any significant adverse air quality impacts. Therefore, in accordance with the 2014 *CEQR Technical Manual*, the proposed action(s) would not result in significant air quality impacts and no further analysis is required.

**Conclusion**

Conditions associated with the project development would not result in any violations of the ambient air quality standards. Therefore, the action would not result in any potentially significant adverse stationary or mobile source air quality impacts, and further assessment is not warranted.

## **19. NOISE**

### **Introduction**

Under CEQR, the initial impact screening considers whether a project would generate any mobile or stationary sources of noise. Mobile source impacts are those which could result from a proposed project adding a substantial amount of traffic to an area.

Potential stationary source noise impacts are considered when a proposed action would cause a stationary noise source, such as unenclosed mechanical equipment for manufacturing or building ventilation purposes, or a playground, to be operating within 1,500 feet of a receptor, with a direct line of sight to that receptor, or if the project would introduce a receptor in an area with high ambient noise levels resulting from stationary sources, such as unenclosed manufacturing activities or other loud uses.

### **Mobile Source**

Relative to mobile source impacts resulting from a new development, a noise analysis would only be required if a proposed project would at least double existing passenger car equivalent (PCE) traffic volumes along a street on which a sensitive noise receptor (such as a residence, a park, a school, etc.) is located. Vehicles would travel to and from the project site along Broadway, along which are several scattered residential uses in the vicinity of the project site. Therefore, the effects of project traffic generation on these residences would be relevant for this assessment.

There would be an increase in vehicular traffic along Broadway resulting from the proposed development, but this increment would be a small portion of the total existing traffic volumes on this street which is heavily trafficked. As explained in the transportation and air quality sections above, the proposed hotel enlargement would generate a maximum of 43 peak hour vehicle trips. Pursuant to CEQR methodology, no mobile source noise impacts would be anticipated since traffic volumes would not double along Broadway due to the proposed project. Therefore, the proposed project would not result in a mobile source noise impact.

No adverse mobile source noise impacts on receptors in the vicinity of the project site would be generated by the proposed action.

### **Stationary Source**

Potential stationary source noise impacts are considered when a proposed action would cause a stationary noise source, such as unenclosed mechanical equipment for manufacturing or building ventilation purposes, or a playground, to be operating within 1,500 feet of a receptor, with a direct line of sight to that receptor, or if the project would introduce a receptor in an area with high ambient noise levels resulting from stationary sources, such as unenclosed manufacturing activities or other loud uses.

The proposed project would not cause a stationary noise source, such as unenclosed mechanical equipment for building ventilation purposes, to be operating within 1,500

feet of a receptor, with a direct line of sight to that receptor. The proposed project would not include any unenclosed heating or ventilation equipment that could adversely impact sensitive uses in the surrounding area. It would also not contain any active outdoor recreation space which could generate noise on the surrounding area. In addition, the surrounding area does not have high ambient noise levels resulting from stationary sources, such as unenclosed manufacturing activities or other loud uses. There are no such uses located within the 400-foot radius project study area.

The proposed action would result in the development of 33 additional hotel rooms on the project site relative to the No-Action scenario. These hotel rooms are considered to be sensitive receptors in the *CEQR Technical Manual*. Noise readings have been taken at the roof level of the existing 4-story building at 1164 Broadway along the building's Broadway frontage. These readings have been taken in accordance with *CEQR Technical Manual* guidelines in order to determine the appropriate degree of window-wall attenuation that may be required for the proposed enlargement. A noise report is presented below.

### ***Noise Analysis – NoMad Hotel Enlargement- 1164 Broadway, New York NY***

#### **Subject Site**

The proposed action would allow for the vertical enlargement of a four-story structure located at 1164 Broadway, between West 27<sup>th</sup> and West 28<sup>th</sup> Streets to accommodate thirty-three new hotel units. Vehicular traffic and commercial activity are the predominant source of noise, and therefore the proposed development warrants an assessment of the potential for adverse effects on project occupants from ambient noise. The proposed enlargement would not create a significant noise generator. Additionally, project-generated traffic would not double vehicular traffic on nearby roadways, and therefore would not result in a perceptible increase in vehicular noise. This noise assessment is limited to an assessment of ambient noise that could adversely affect occupants of the development.

The project site occupies the southern portion of Tax Block 829, Lot 50. Broadway is a one-way downtown avenue in this section of Manhattan, carrying one moving lane, curbside parking on its west side, a curbside protected bike lane on its east side, and a parking lane between the moving lane and the bike lane. Broadway's intersections with West 28<sup>th</sup> Street and West 27<sup>th</sup> Street are controlled by traffic lights. The area in which the subject property is located is developed with a range of commercial uses including wholesale and retail stores, commercial offices, garment showrooms, and hotels. The subject property is currently developed with a four-story structure containing ground floor commercial use and transient hotel use above (accessory amenity and office space and one guest suite)<sup>13</sup>.

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<sup>13</sup> 1164 Broadway contains a cellar which is occupied by Use Group 6 restaurant storage and Use Group 5 hotel utility spaces. Floors 2 through 4 contain accessory amenity and office space and one hotel unit on the 4<sup>th</sup> floor.



## Framework of Noise Analysis

Noise is defined as any unwanted sound, and sound is defined as any pressure variation that the human ear can detect. Humans can detect a large range of sound pressures, from 20 to 20 million micropascals, but only those air pressure variations occurring within a particular set of frequencies are experienced as sound. Air pressure changes that occur between 20 and 20,000 times a second, stated as units of Hertz (Hz), are registered as sound.

Because the human ear can detect such a wide range of sound pressures, sound pressure is converted to sound pressure level (SPL), which is measured in units called decibels (dB). The decibel is a relative measure of the sound pressure with respect to a standardized reference quantity. Because the dB scale is logarithmic, a relative increase of 10 dB represents a sound pressure that is 10 times higher. However, humans do not perceive a 10-dB increase as 10 times louder. Instead, they perceive it as twice as loud. The following Table Noise-1 lists some noise levels for typical daily activities.

**Table Noise-1: Noise Levels of Common Sources**

<b>Table 19-1 Noise Levels of Common Sources</b>	
<b>Sound Source</b>	<b>SPL (dB(A))</b>
Air Raid Siren at 50 feet	120
Maximum Levels at Rock Concerts (Rear Seats)	110
On Platform by Passing Subway Train	100
On Sidewalk by Passing Heavy Truck or Bus	90
On Sidewalk by Typical Highway	80
On Sidewalk by Passing Automobiles with Mufflers	70
Typical Urban Area	60-70
Typical Suburban Area	50-60
Quiet Suburban Area at Night	40-50
Typical Rural Area at Night	30-40
Isolated Broadcast Studio	20
Audiometric (Hearing Testing) Booth	10
Threshold of Hearing	0
<p><i>Notes: A change in 3dB(A) is a just noticeable change in SPL. A change in 10 dB(A) is perceived as a doubling or halving in SPL.</i></p> <p><i>Source: 2014 CEQR Technical Manual</i></p>	

Sound is often measured and described in terms of its overall energy, taking all frequencies into account. However, the human hearing process is not the same at all frequencies. Humans are less sensitive to low frequencies (less than 250 Hz) than mid-frequencies (500 Hz to 1,000 Hz) and are most sensitive to frequencies in the 1,000- to 5,000-Hz range. Therefore, noise measurements are often adjusted, or weighted, as a function of frequency to account for human perception and sensitivities. The most common weighting networks used are the A- and C-weighting networks. These weight scales were developed to allow sound level meters, which use filter networks to approximate the characteristic of the human hearing mechanism, to simulate the frequency sensitivity of human hearing. The A-weighted network is the most commonly used, and sound levels measured using this weighting are denoted as dBA. The letter "A" indicates that the sound has been filtered to reduce the strength of very low and very high frequency sounds, much as the human ear does. C-weighting gives nearly equal emphasis to sounds of most frequencies. Mid-range frequencies approximate the actual (unweighted) sound level, while the very low and very high frequency bands are significantly affected by C-weighting.

The following is typical of human response to relative changes in noise level:

- 3-dBA change is the threshold of change detectable by the human ear;
- 5-dBA change is readily noticeable; and
- 10-dBA change is perceived as a doubling or halving of the noise level.

The SPL that humans experience typically varies from moment to moment. Therefore, various descriptors are used to evaluate noise levels over time. Some typical descriptors are defined below.

- $L_{eq}$  is the continuous equivalent sound level. The sound energy from the fluctuating SPLs is averaged over time to create a single number to describe the mean energy, or intensity, level. High noise levels during a measurement period will have a greater effect on the  $L_{eq}$  than low noise levels.  $L_{eq}$  has an advantage over other descriptors because  $L_{eq}$  values from various noise sources can be added and subtracted to determine cumulative noise levels.
- $L_{eq(24)}$  is the continuous equivalent sound level over a 24-hour time period.

The sound level exceeded during a given percentage of a measurement period is the percentile-exceeded sound level ( $L_x$ ). Examples include  $L_{10}$ ,  $L_{50}$ , and  $L_{90}$ .  $L_{10}$  is the A-weighted sound level that is exceeded 10% of the measurement period.

The decrease in sound level caused by the distance from any single noise source normally follows the inverse square law (i.e., the SPL changes in inverse proportion to the square of the distance from the sound source). In a large open area with no obstructive or reflective surfaces, it is a general rule that at distances greater than 50

feet, the SPL from a point source of noise drops off at a rate of 6 dB with each doubling of distance away from the source. For “line” sources, such as vehicles on a street, the SPL drops off at a rate of 3 dBA with each doubling of the distance from the source. Sound energy is absorbed in the air as a function of temperature, humidity, and the frequency of the sound. This attenuation can be up to 2 dB over 1,000 feet. The drop-off rate also will vary with both terrain conditions and the presence of obstructions in the sound propagation path.

### Measurement Location and Equipment

Because the predominant noise source in the area of the proposed project is vehicular traffic, noise monitoring was conducted during peak vehicular travel periods, 7:00-9:00 am, 12:00 pm-2:00 pm, and 4:00-6:00 pm. Pursuant to 2014 *CEQR Technical Manual* methodology, readings on the Broadway frontage were conducted for a minimum of 20 minutes during each peak travel period. Noise monitoring was conducted using a Casella CEL-633C1 sound meter, with wind screen. The microphone was extended three feet beyond the structure’s Broadway façade from the roof of the four-story structure. Because the proposed enlargement would allow for new hotel use above the existing four-floor structure, this monitoring was performed at the location of the new sensitive receptor that would be allowed by the proposed action. The microphone was secured on a tripod extending beyond the Broadway façade from the roof of the four-story structure approximately three feet away from any other surfaces. The monitor was calibrated prior to and following each monitoring session.



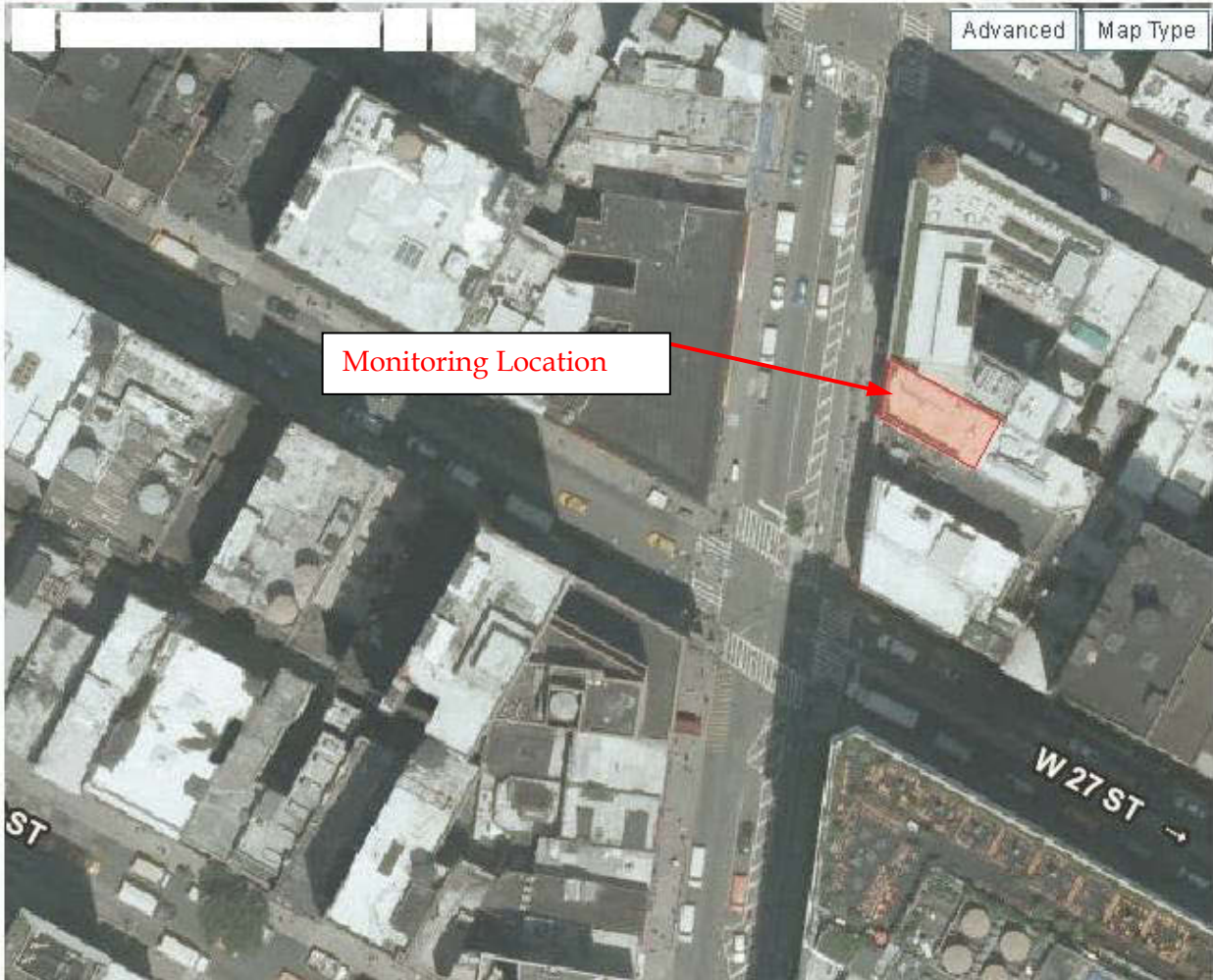
Photo 1: Monitoring Location View from Roof



Photo 2: Monitoring Location View from Broadway



Photo 3: Monitoring Location Facing South



### Measurement Conditions

Monitoring was conducted during typical midweek conditions, on Tuesday, December 13, 2016. The weather was dry and wind speeds were low throughout the day. The sound meter was calibrated before and after each monitoring session.

### Existing Conditions

Based on the noise measurements taken at the project site, the predominant source of noise at the site is commercial activity and vehicular traffic. Table Noise-2 contains the results for the measurements taken at the subject site.

Table Noise-2: Noise Levels (dB) at Broadway Frontage

	Thursday, December 1, 2016		
	8:30-8:50 am	12:02 - 12:22 pm	5:13-5:35 pm
L <sub>max</sub>	77.3	80.1	85.5
L <sub>5</sub>	72.0	73.0	70.5
<b>L<sub>10</sub></b>	<b>70.5</b>	<b>71.5</b>	<b>69.0</b>
L <sub>eq</sub>	68.9	68.4	67.5
L <sub>50</sub>	68.5	66.5	65.5
L <sub>90</sub>	67.0	64.5	64.0
L <sub>min</sub>	65.6	63.2	62.9

### **Conclusions**

The 2014 *CEQR Technical Manual* Table 19-2 contains noise exposure guidelines. For a hotel use such as would occur under the proposed action, an L<sub>10</sub> of between 70 and 80 dB(A) is identified as a marginally unacceptable general external exposure. The highest recorded L<sub>10</sub> at the Broadway frontage was 71.5 dB(A) during the midday period.

Because the L<sub>10</sub> value exceeds 70 dB(A), window-wall noise attenuation would be required to ensure an acceptable indoor noise level. Based on Table 19-3 of the *CEQR Technical Manual*, the required attenuation value to achieve acceptable interior noise levels is 28 dB(A). Provision of this level of window-wall attenuation would ensure that no adverse impacts related to noise occur.

An (E) designation is proposed to be placed on the property to ensure that no significant adverse noise impacts to the occupants of the proposed hotel rooms would occur. To avoid any potential impacts on Block 829, Lot 50 associated with noise, the proposed action will place an (E) designation (E-411) for noise on the property.

The text of the (E) designation is as follows:

In order to ensure an acceptable interior noise environment, future hotel uses must provide a closed window condition with a minimum of 28 dBA window/wall

attenuation on all façades in order to maintain an interior noise level of 45 dBA. In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to central air conditioning or air conditioning sleeves containing air conditioners or HUD approved fans.

The Applicant will include the recommended 28 dBA window/wall attenuation on all façades of the building and will provide an alternate means of ventilation in order to maintain an interior noise level of 45 dBA. Therefore, the proposed action would not result in any significant adverse noise impacts to occupants of the proposed project.

The action would not introduce significant mobile or stationary source noise into the surrounding area. In addition, potential adverse noise impacts to the project would not be anticipated. The development would not have any potentially significant adverse mobile or stationary source noise impacts, and further assessment is not warranted.

## **22. CONSTRUCTION**

Based on *CEQR Technical Manual* guidelines, where the duration of construction is expected to be short-term (less than two years), any impacts resulting from construction generally do not require detailed assessment. Construction of the proposed project is expected to be completed within 18 months. Nevertheless, a preliminary screening of construction impacts resulting from the project is recommended because the proposed action could result in construction activities that may require the closing, narrowing, or otherwise impeding of traffic, transit or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, etc.) along streets bordering the site (Broadway). In addition, construction activities on the site would be occurring within 400 feet of historic and cultural resources within the Madison Square North Historic District, as identified in the Historic and Cultural Resources section above.

The project site is located along Broadway, and during construction the sidewalk adjacent to the site may need to be closed at times in order to accommodate construction vehicles, equipment, and supplies. If sidewalk closure is necessary, Jersey barriers would be erected and a covered pedestrian walkway would be created to accommodate pedestrian traffic around the property. This closure would be considered to be a routine closure that would be addressed by a permit (and pedestrian access plan) to be issued by the NYC Department of Transportation (DOT) Office of Construction Mitigation and Coordination (OCMC) at the time of closure so that impacts are not expected to occur.

No vehicle moving lanes adjacent to the site along Broadway would need to be closed during construction. An analysis of transportation impacts from construction of the project is not required as most construction traffic would take place earlier than the AM and PM traffic peak hours in the vicinity of the site.

The *CEQR Technical Manual* indicates that construction impacts may occur to historic and cultural resources if in-ground disturbances or vibrations associated with project construction could undermine the foundation or structural integrity of nearby resources. A construction assessment may be needed for historic and cultural resources if the project involves construction activities within 400 feet of a historic resource. LPC approved construction procedures would be followed to protect historic structures in the area from damage from vibration, subsidence, dewatering, or falling objects. Construction procedures would comply with the NYC Department of Buildings memorandum Technical Policy and Procedure Notice # 10/88 and with the site safety requirements of the 2008 NYC Building Code, as amended, which stipulate that certain procedures be followed for the avoidance of damage to historic and other structures resulting from construction. Therefore, no adverse construction impacts would occur to any historic resources within 400 feet of the project site.

On the basis of the above analysis, the proposed action would not have any potentially significant adverse construction impacts, and further analysis would not be warranted.



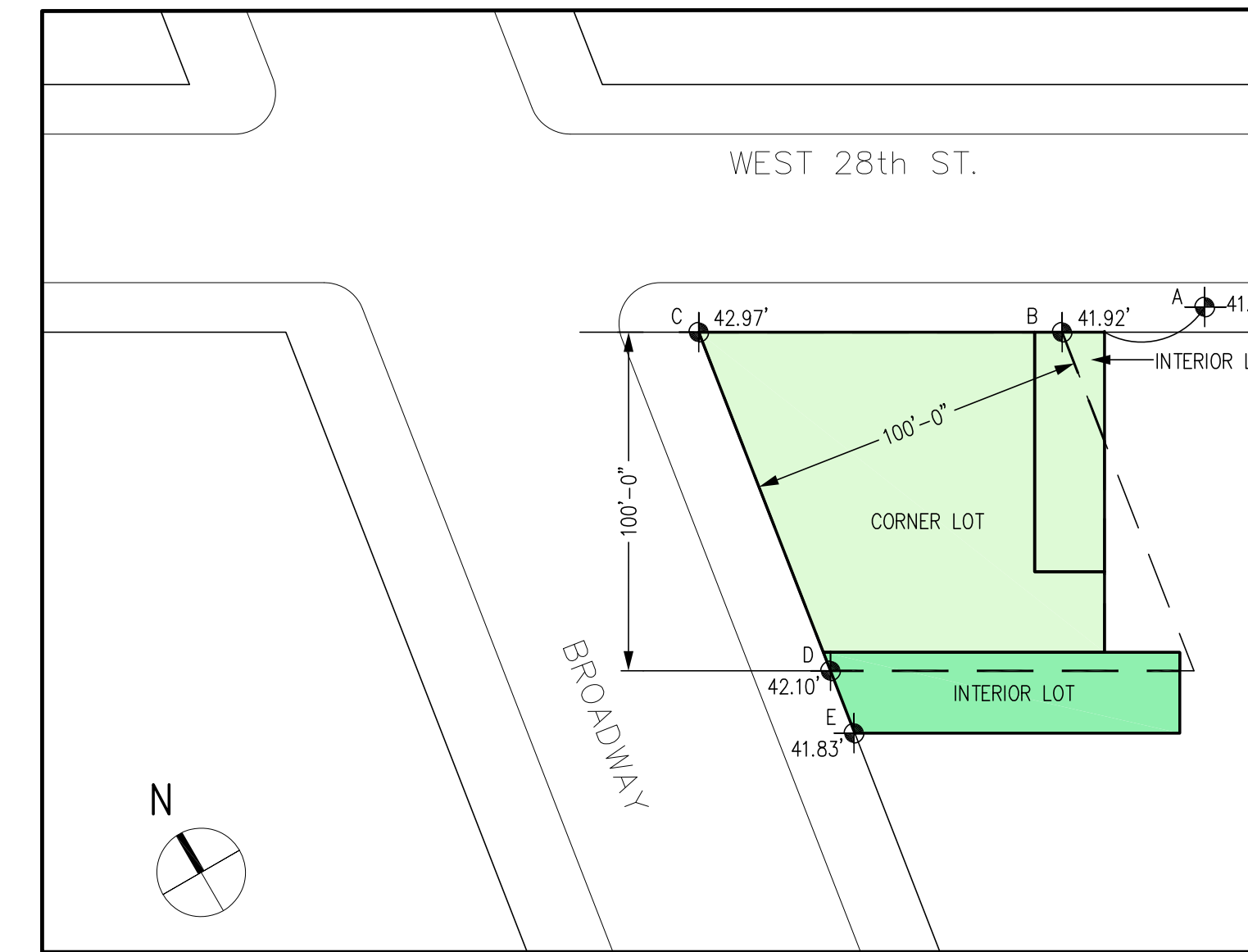
# **APPENDIX**

# **Architectural Plans**

### Zoning Analysis Chart: 1164 Broadway, New York, NY

Addresses: 1164 Broadway, 1170 Broadway, 12 West 28th Street, New York, NY  
 Block: 829  
 Lot: 50  
 Zoning District: M1-6  
 Zoning map: 8d  
 Zoning Lot Area = 13,460.9 sf  
 Community District: CB5

ZR	Item/Description	Permitted/ Required	Existing	Proposed	Compliance
<b>Chapter 2: Use Regulations</b>					
42-10	Uses Permitted As Of Right	4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17	5, 6	5, 6	Complies
<b>Chapter 3: Bulk Regulations</b>					
43-02	Street Tree Planting in Manufacturing Districts	Street trees per ZR 26-41 required for enlargements of 20% or more in floor area. Proposed enlargement (18,302 sf) is 16.4% of total existing floor area (111,338 sf). None required.	N/A	0	Complies
43-12	Maximum Permitted Floor Area Ratio	10	8.3	9.63	Complies
	Maximum Permitted Floor Area	13,460.9 x 10 = 134,609 sf	111,338 sf	129,640 sf	Complies
43-25	Minimum Required Side Yards	None or 8' min.	None	None	Complies
43-26	Minimum Required Rear Yards	20' Min.	Existing non-compliance	20' for proposed addition	Complies: see Dwg ZCP-03
43-43	Maximum Height of Front and Required Front Setbacks:				
	Max Building Height within the Initial Building Setback	85 feet or 6 stories, whichever is less	1164 Broadway: [57'-8"] / 4 stories 1170 Broadway: [159'-11 3/4"] / 12 stories + Penthouse (existing non-compliance to remain) 12 West 28th Street: [56'-4"] / 4 stories	1164 Broadway: [148'-6"] / 12 stories 1170 Broadway = No change 12 W 28th Street = No change	<b>Does Not Comply - Special Permit required pursuant to ZR 74-711.</b>
	Initial Setback distance	15' from Broadway (wide street); 20' from W 28th St (narrow street)	1164 Broadway = N/A; 1170 Broadway = 0' from Broadway, 0' from W 28th St (existing non-compliance to remain); 12 W 28th Street = N/A;	1164 Broadway = 0' from Broadway 1170 Broadway = No change 12 W 28th Street = No change	<b>Does Not Comply - Special Permit required pursuant to ZR 74-711.</b>
	Sky Exposure Plane	85' Height above Street Line, Slope = 5.6 to 1 on Broadway (wide street); Slope = 2.7 to 1 on W 28th St (narrow street);	1164 Broadway: [57'-8"] / 4 stories 1170 Broadway: [162'-7"] / 12 stories + Penthouse (existing non-compliance to remain); 12 W 28th Street: [56'-4"] / 4 stories	1164 Broadway: [160'-6"] / 12 stories + Penthouse 1170 Broadway: No change; 12 W 28th Street: No change	<b>Does Not Comply - Special Permit required pursuant to ZR 74-711. The portion that does not comply is between 85'-0" and 148'-6". Penthouse level complies.</b>
<b>Chapter 4: Accessory Off-Street Parking and Loading Regulations</b>					
44-20	Required Accessory Off-Street Parking Spaces for Manufacturing, Commercial, or Community Facility Uses.	None	None	None	Complies
44-52	Required Accessory Off-Street Loading Berths	None, if UG-5 < 100,000 sf, & UG-6 < 25,000 sf	None	None	Complies



**CURB LEVEL CALCULATION:**

**CORNER LOT:**  
 W 28TH:  $42.97' + 41.92' = 84.89' / 2 = 42.45'$   
 BROADWAY:  $42.97' + 42.10' = 85.07' / 2 = 42.54'$   
 TOTAL FOR CORNER LOT:  $42.45' + 42.54' = 84.99' / 2 = 42.50'$

**INTERIOR LOT - WEST 28TH STREET:**  
 $41.92' + 41.62' = 83.54' / 2 = 41.77'$   
**INTERIOR LOT - BROADWAY:**  
 $42.10' + 41.83' = 83.93' / 2 = 41.97'$

**LIST OF REQUIRED ACTIONS:**

1. Special Permit by the City Planning Commission pursuant to Section 74-711 to modify the maximum permitted base height and building height and minimum required setback for proposed enlargement.

<b>ARCHITECT'S SIGN &amp; SEAL</b>	<b>ZONING ANALYSIS CHART</b>
STONEHILL & TAYLOR ARCHITECTS, P.C.	STONEHILL & TAYLOR ARCHITECTS, P.C.
	ISSUE RECORD / REVISIONS
	FEB 24, 2016

**Issuance Record**

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 LAST REVISED: DEC. 01, 2016

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**Seal**



**Project**

1164 BROADWAY  
 SPECIAL PERMIT  
 BOROUGH: MANHATTAN  
 BLOCK: 829  
 LOT: 50

**STONEHILL & TAYLOR**  
 ARCHITECTS AND PLANNERS

ZONING CHARTS

**ZCP-01**



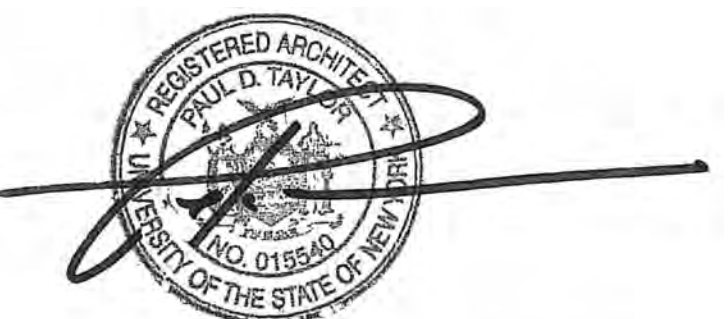
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ZONING SITE PLAN

**ZCP-02**

SCALE: AS NOTED 21508 DEC 05, 2016

12 / 2 / 2016 24 X 36 DCP TECHNICALS, INC. / 2016 ARCH. / 2509-0-PLAN 11 MECH MACHINE LEVEL PLAN-HDD3

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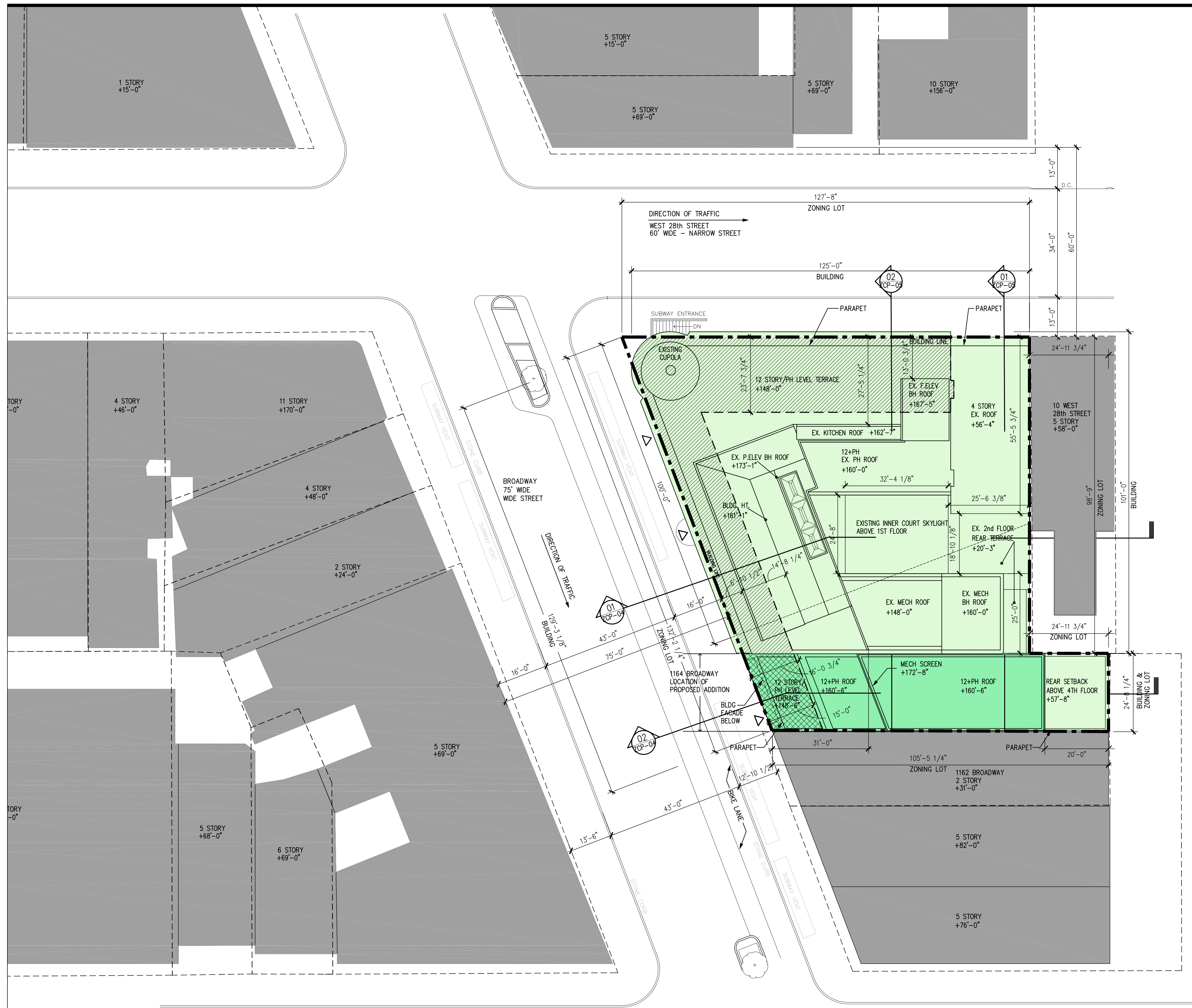
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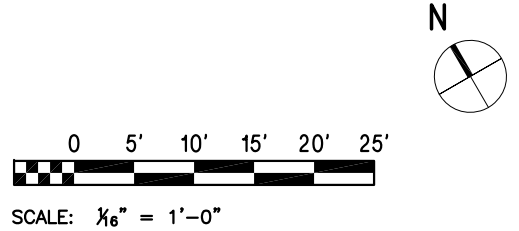
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ZONING WAIVER PLAN

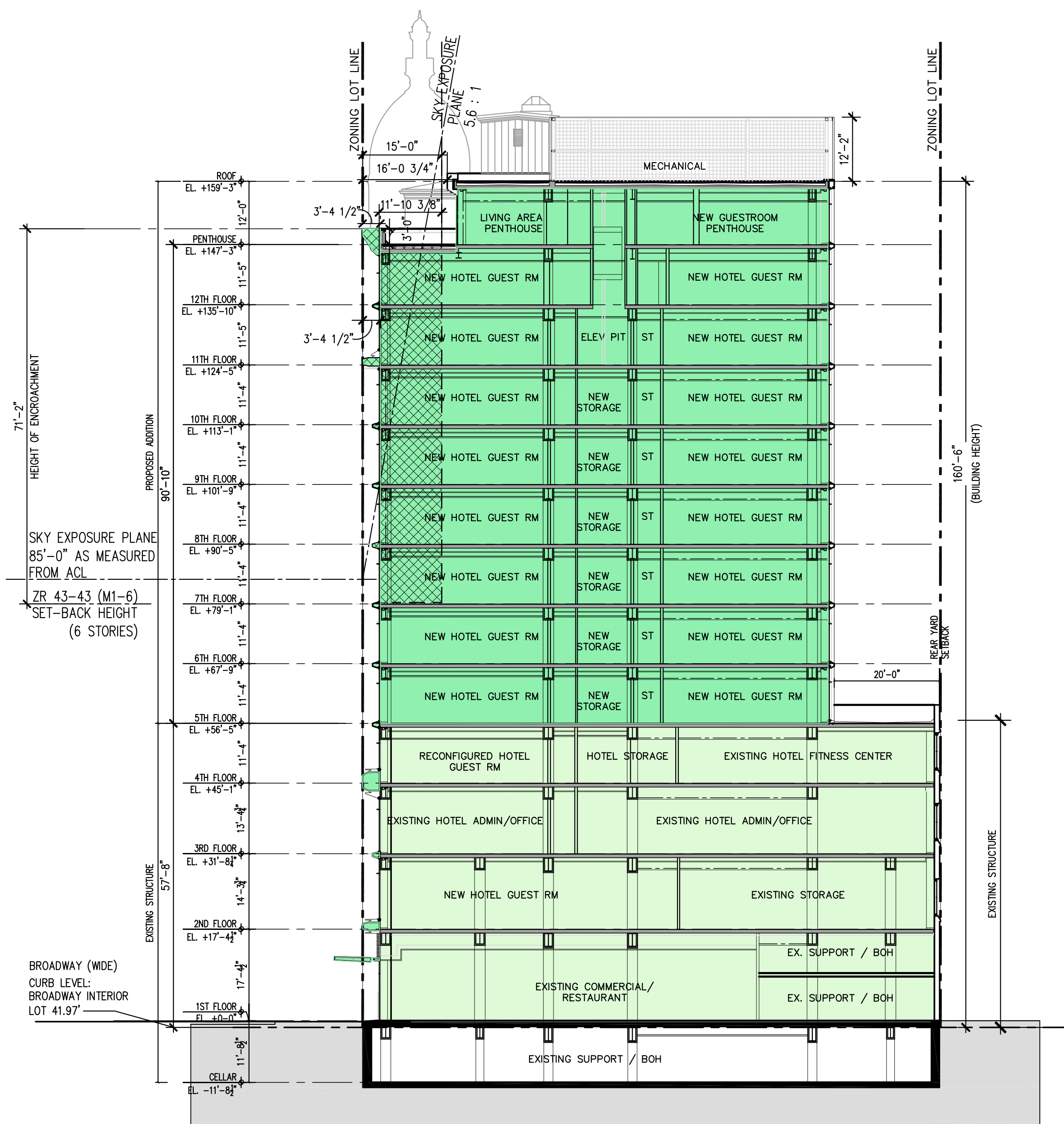
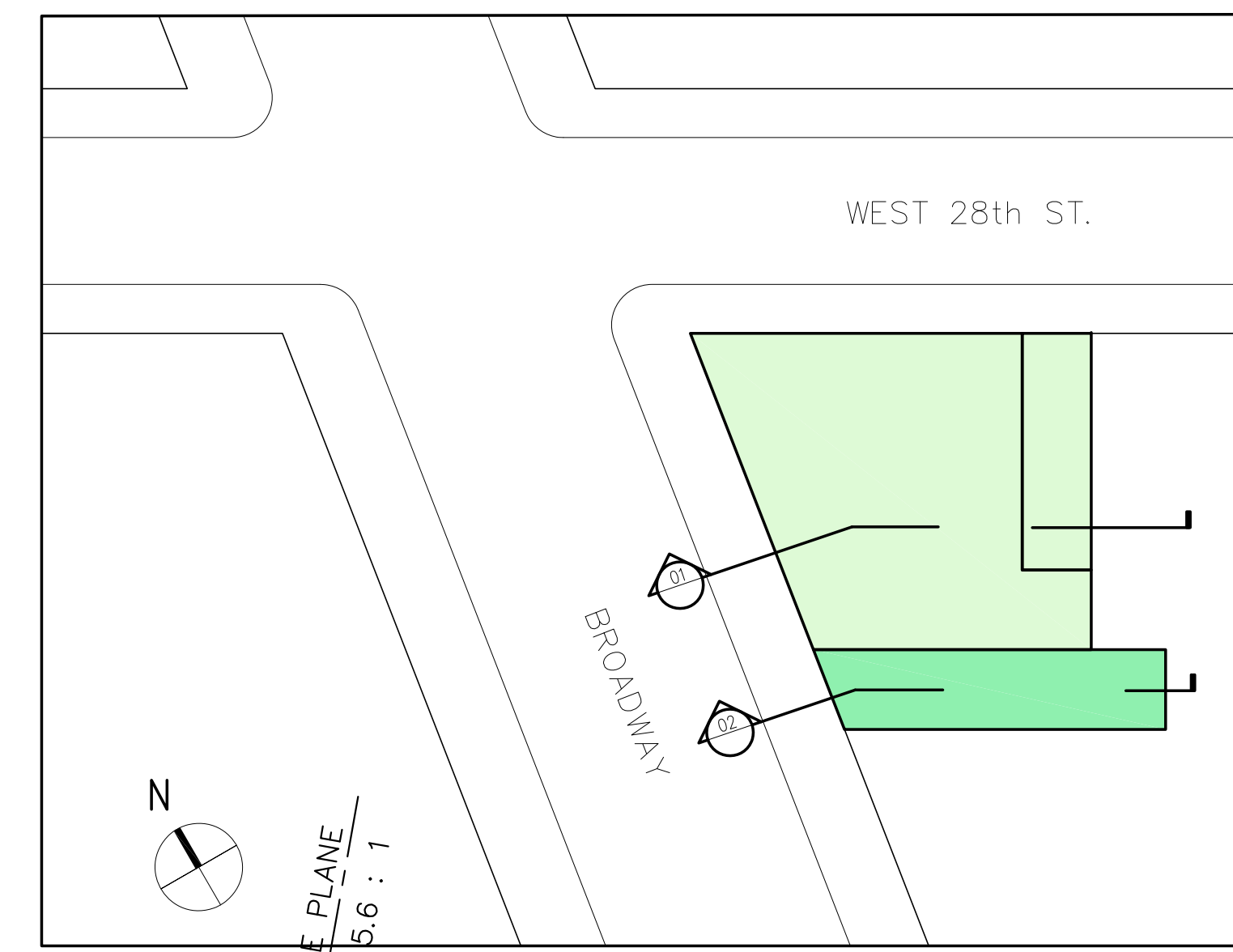
ZCP-03



- LEGEND**
- EXISTING BUILDING ENVELOPE
  - PROPOSED ENLARGEMENT
  - OFF-SITE EXISTING BUILDINGS
  - EXISTING BUILDING ENCROACHMENT OF SETBACK & SKY EXPOSURE PLANE
  - NEW ENCROACHMENT AREA subject to Special Permit pursuant to ZR Section 74-711
  - ZONING LOT LINE
  - TAX LOT LINE
  - AREAS OF WAIVER
  - BUILDING ENTRANCE



12/2/2016 8:48:38 AM 21508 ZCP-03 PLAN 11 MECH MACHINE LEVEL PLAN-H0103



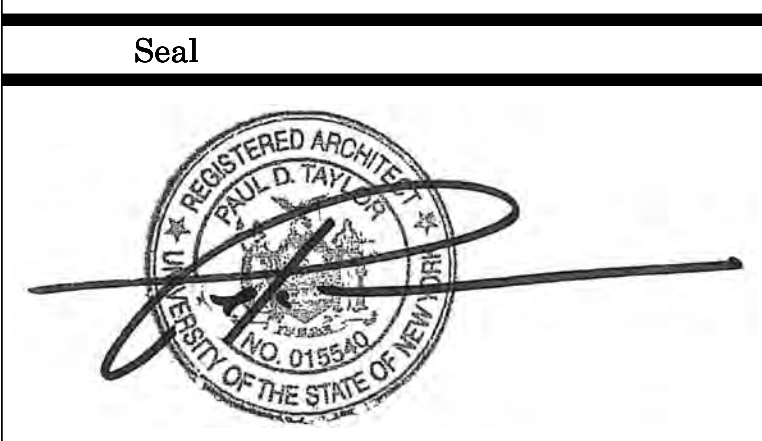
2 EAST-WEST SECTION - 1164 BROADWAY  
 SCALE: 1/16" = 1'-0"

- LEGEND**
- EXISTING BUILDING ENVELOPE
  - PROPOSED ENLARGEMENT
  - NEW ENCROACHMENT AREA  
subject to Special Permit pursuant  
to ZR Section 74-711
  - EXISTING BUILDING ENCROACHMENT OF  
SETBACK & SKY EXPOSURE PLANE
  - ZONING LOT LINE
  - AS OF RIGHT BUILDING ENVELOPE



1 EAST-WEST SECTION - 1170 BROADWAY  
 SCALE: 1/16" = 1'-0"

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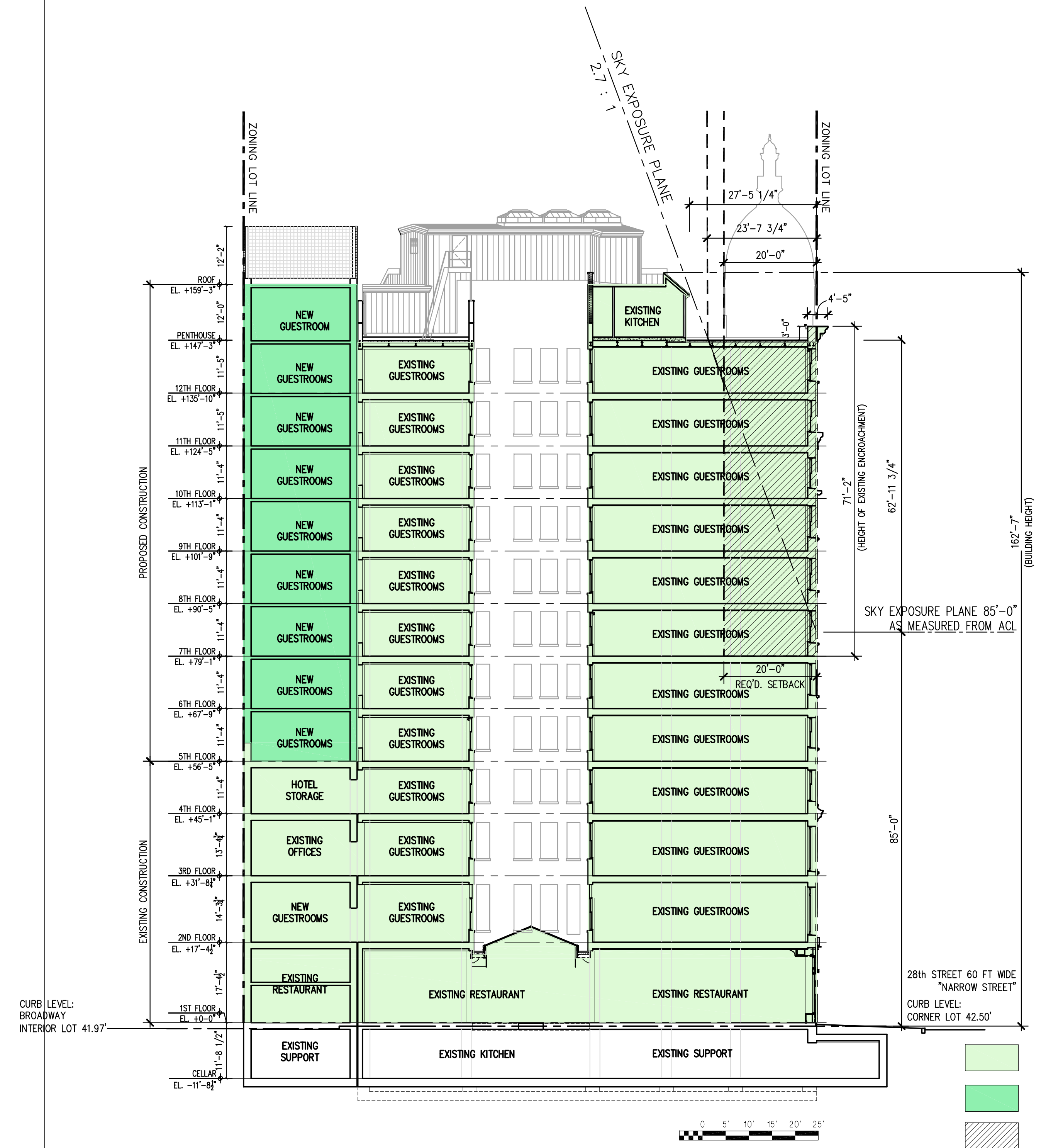
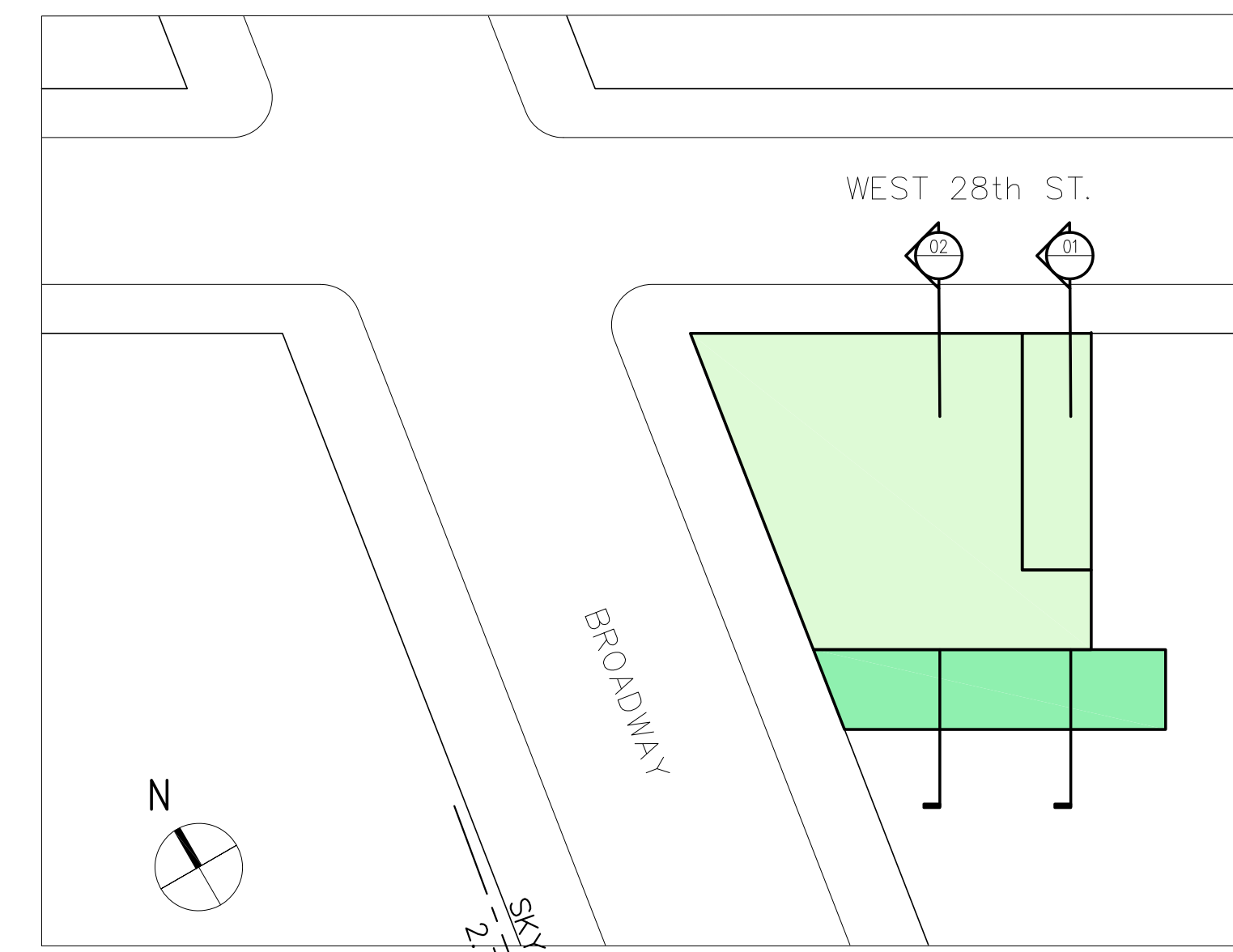


**Project**  
 1164 BROADWAY  
 SPECIAL PERMIT  
 BOROUGH: MANHATTAN  
 BLOCK: 829  
 LOT: 50

**STONEHILL & TAYLOR**  
 ARCHITECTS AND PLANNERS

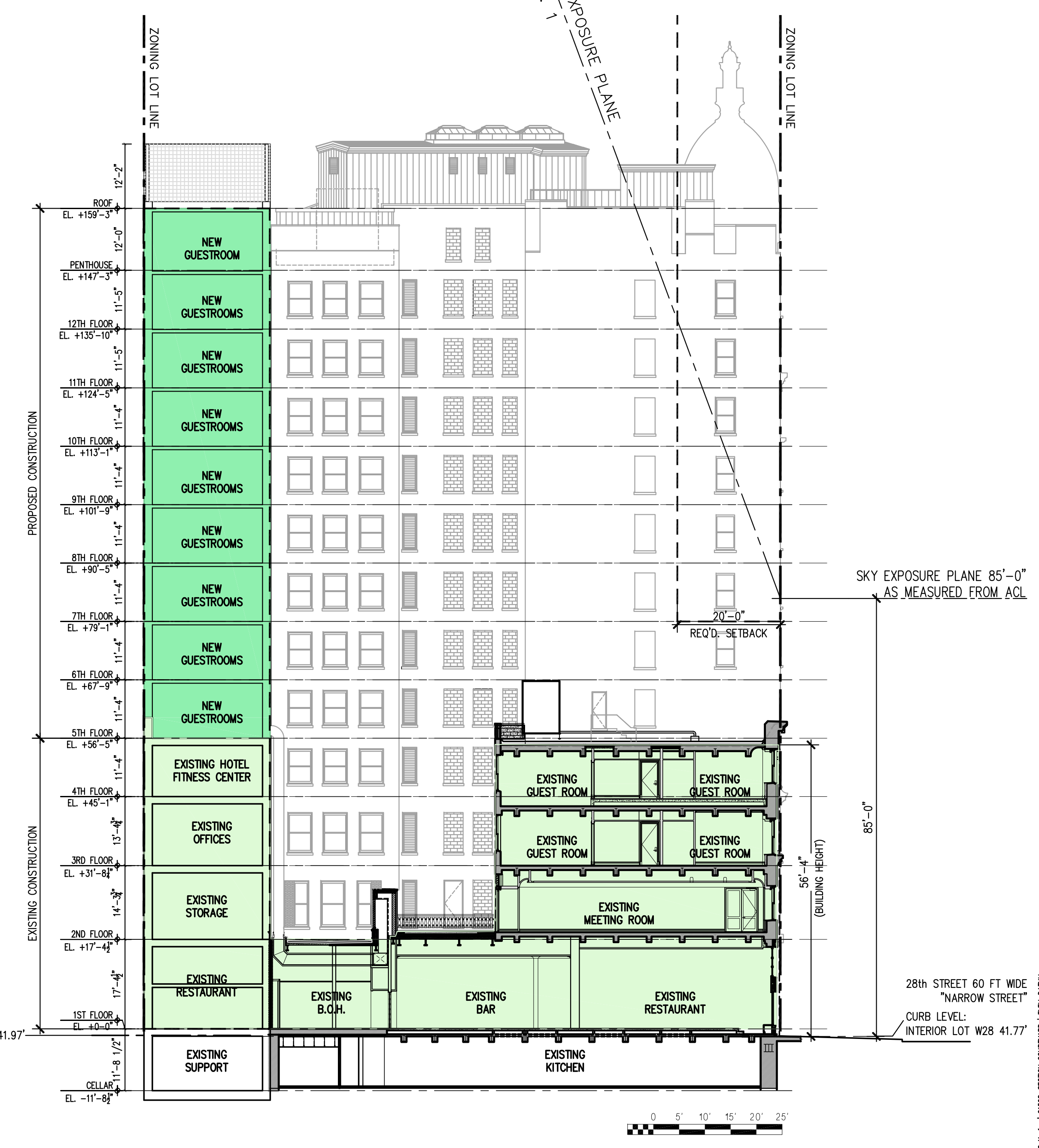
PROPOSED BUILDING  
 SECTIONS - EAST-WEST

**ZCP-04**



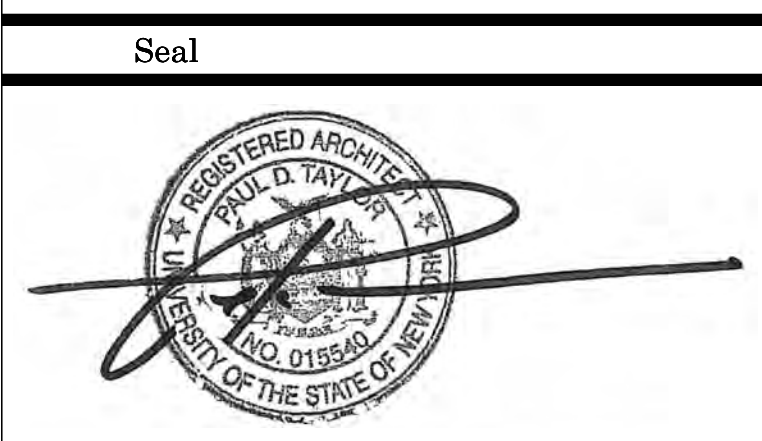
2 NORTH-SOUTH SECTION - 1164 & 1170 BROADWAY  
 SCALE: 1/16" = 1'-0"

- LEGEND**
- EXISTING BUILDING ENVELOPE
  - PROPOSED ENLARGEMENT
  - EXISTING BUILDING ENCROACHMENT OF SETBACK & SKY EXPOSURE PLANE
  - ZONING LOT LINE
  - AS OF RIGHT BUILDING ENVELOPE



1 NORTH-SOUTH SECTION - 12 WEST 28TH & 1164 BROADWAY  
 SCALE: 1/16" = 1'-0"

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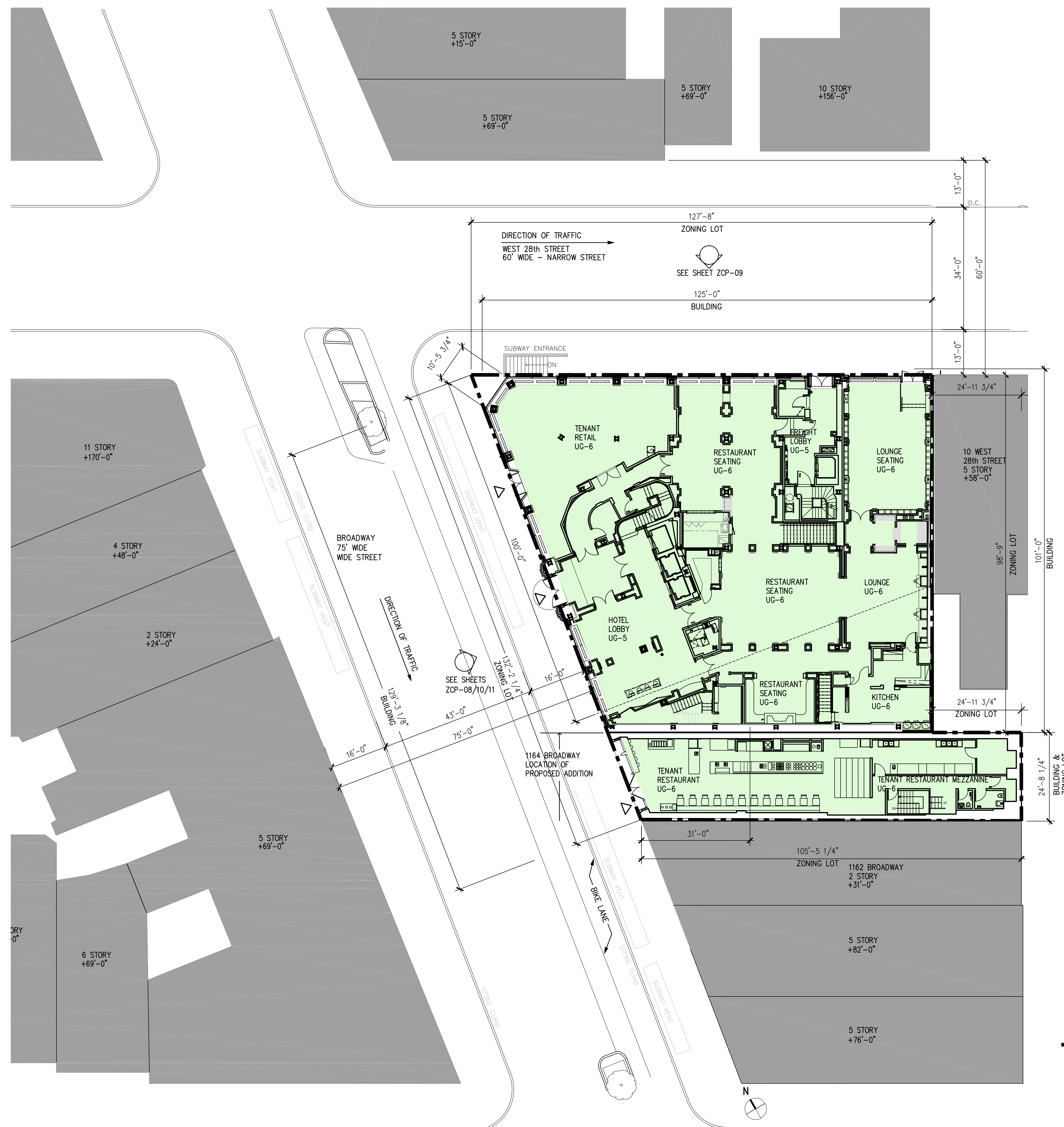
1164 BROADWAY  
 SPECIAL PERMIT  
 BOROUGH: MANHATTAN  
 BLOCK: 829  
 LOT: 50

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PROPOSED BUILDING SECTIONS -  
 NORTH-SOUTH

**ZCP-05**

12/7/2016 8:38:38 AM 2016 12/13/2016 12:00PM SECTION COMPARED ELEV-DATUM



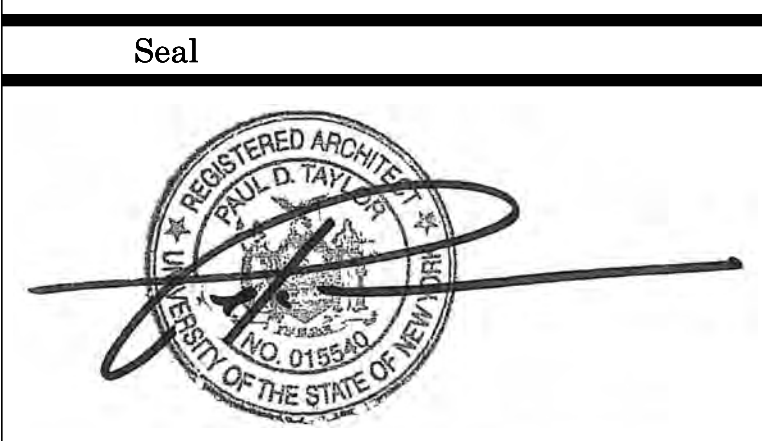
- LEGEND**
- EXISTING BUILDING ENVELOPE
  - PROPOSED ENLARGEMENT
  - OFF-SITE EXISTING BUILDINGS
  - ZONING LOT LINE
  - BUILDING ENTRANCE

SCALE: 1/8" = 1'-0"  
 NOTE: INTERIOR PARTITIONS ARE SHOWN FOR ILLUSTRATIVE PURPOSES ONLY.

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**Project**

1164 BROADWAY  
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 BOROUGH: MANHATTAN  
 BLOCK: 829  
 LOT: 50

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 ARCHITECTS AND PLANNERS

FIRST FLOOR PLAN

**ZCP-06**

SCALE: AS NOTED 21508 DEC 05, 2016

12 / 2 / 2016 84 X 36 ZCP TURNINHS 12 / 13 / 2016 84x36 120745-X-COLUMNS | 12056-X-ROD | 20745-X-ROD | 20745-X-COMBINED PLAN 02-16-UPDATED



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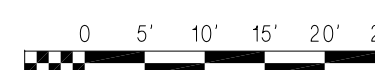
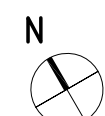


SEE SHEET ZCP-09

SEE SHEETS ZCP-08/10/11

LEGEND

- EXISTING BUILDING ENVELOPE
- PROPOSED ENLARGEMENT
- ZONING LOT LINE



SCALE: 1/8" = 1'-0"  
NOTE: INTERIOR PARTITIONS ARE SHOWN FOR ILLUSTRATIVE PURPOSES ONLY.

ARCHITECT

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Seal



Project

1164 BROADWAY  
SPECIAL PERMIT  
BOROUGH: MANHATTAN  
BLOCK: 829  
LOT: 50

**STONEHILL & TAYLOR**  
ARCHITECTS AND PLANNERS

TYPICAL GUEST ROOM PLAN  
FLOORS 5-8

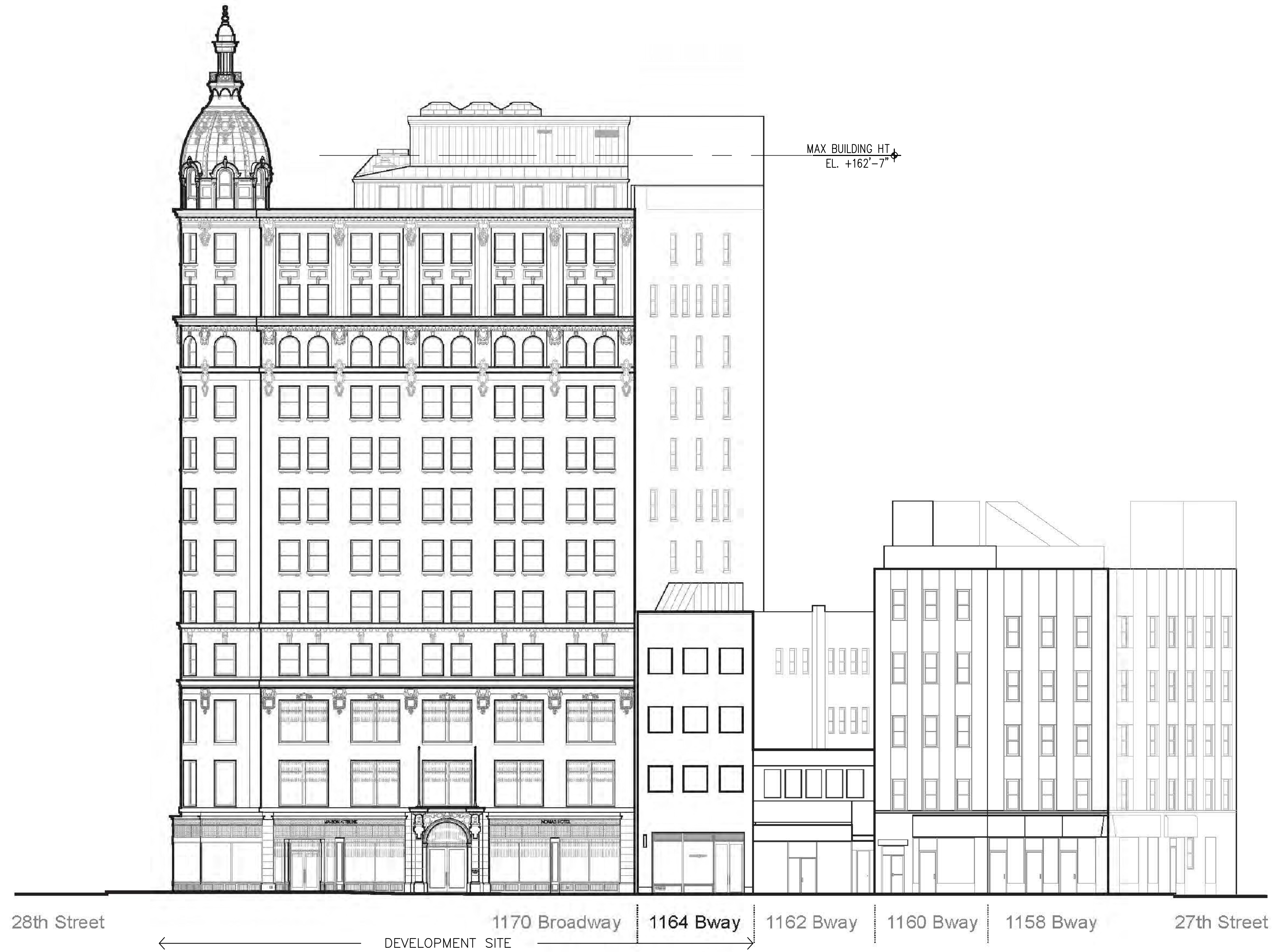
ZCP-07

SCALE: AS NOTED 21508 DEC 05, 2016

12 / 2 / 2016 84 X 36 ZCP BUILDINGS 12 / 13 / 2016 12:00 PM | 2016-X-080 | 2016-X-080 | 2016-X-COMBINED PLAN 05-16-UPDATED

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SCALE: N.T.S.

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Seal



Project

1164 BROADWAY  
SPECIAL PERMIT  
BOROUGH: MANHATTAN  
BLOCK: 829  
LOT: 50

**STONEHILL & TAYLOR**  
ARCHITECTS AND PLANNERS

CONTEXT ELEVATION  
EXISTING - BROADWAY

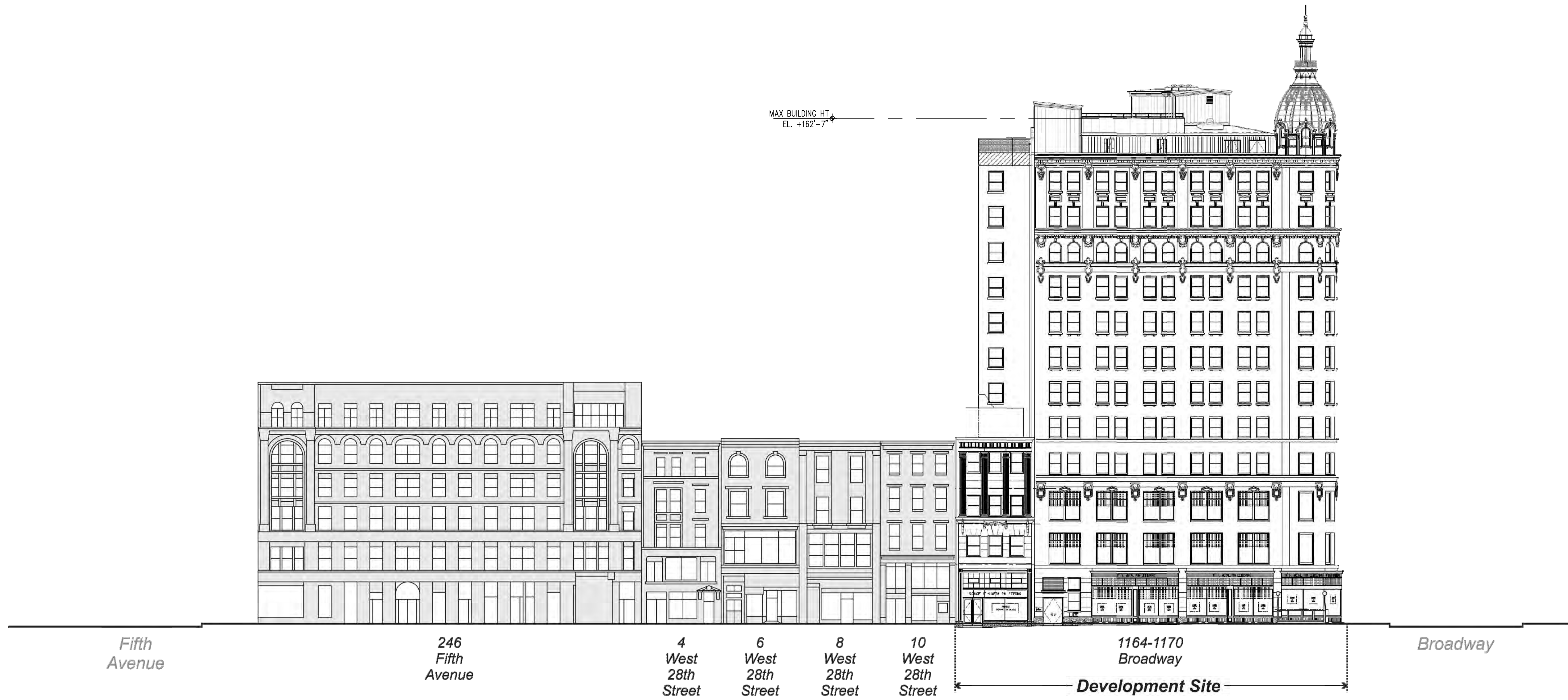
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SCALE: AS NOTED 21508 DEC 05, 2016

12 / 2 / 2016 84 x 36 ECP 21508-08 12 / 13 / 2016 84x36

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Seal



Project

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SPECIAL PERMIT  
BOROUGH: MANHATTAN  
BLOCK: 829  
LOT: 50

**STONEHILL & TAYLOR**  
ARCHITECTS AND PLANNERS

CONTEXT ELEVATION EXISTING -  
WEST 28TH STREET

**ZCP-09**

SCALE: AS NOTED 21508 DEC 05, 2016

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SCALE: N.T.S.

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**STONEHILL & TAYLOR**  
ARCHITECTS AND PLANNERS

CONTEXT ELEVATION  
PROPOSED - BROADWAY

**ZCP-10**

SCALE: AS NOTED 21508 DEC 05, 2016

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Issuance Record

DATE PREPARED: DEC. 05, 2016  
LAST REVISED: DEC. 01, 2016



28th Street ← DEVELOPMENT SITE → 1170 Broadway 1164 Bway 1162 Bway 1160 Bway 1158 Bway 27th Street

SCALE: N.T.S.

ARCHITECT

STONEHILL & TAYLOR ARCHITECTS, P.C.  
31 WEST 27TH STREET  
NEW YORK, NY 10001  
TEL 212.226.8898  
FAX 212.941.1674

Seal



Project

1164 BROADWAY  
SPECIAL PERMIT  
BOROUGH: MANHATTAN  
BLOCK: 829  
LOT: 50

**STONEHILL & TAYLOR**  
ARCHITECTS AND PLANNERS

CONTEXT ELEVATION-PROPOSED  
(WITH LPC APPROVED 1162 BROADWAY)

**ZCP-11**

SCALE: AS NOTED 21508 DEC 05, 2016

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**HISTORIC AND CULTURAL  
RESOURCES APPENDIX**

## ENVIRONMENTAL REVIEW

**Project number:** DEPARTMENT OF CITY PLANNING / 17DCP063M

**Project:**

**Address:** 1164 BROADWAY, **BBL:** 1008290050

**Date Received:** 11/23/2016

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**No architectural significance**

**No archaeological significance**

**Designated New York City Landmark or Within Designated Historic District**

**Listed on National Register of Historic Places**

**Appears to be eligible for National Register Listing**

**May be archaeologically significant; requesting additional materials**

**Comments:**

The LPC is in receipt of the EAS of 10/19/16. The following LPC documents should be added to the Historic Resource appendix: CofA 19-4602 and MOU 19-4603, both dated 10/31/16. The rest of the EAS is acceptable for Historic and Cultural Resources.

*Gina Santucci*

12/2/2016

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SIGNATURE

Gina Santucci, Environmental Review Coordinator

DATE

**File Name:** 31956\_FSO\_GS\_12022016.doc



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



November 5, 2015

ISSUED TO:

**Jake Lamstein**  
**1170 Broadway Associates LLC**  
**30 West 26th Street, 12th Floor**  
**New York, NY 10010**

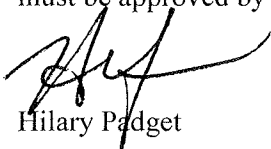
Re: **STATUS UPDATE LETTER**  
LPC - 176957  
SUL 17-8592  
1164 BROADWAY  
HISTORIC DISTRICT  
MADISON SQUARE NORTH  
Borough of Manhattan  
Block/Lot: 829 / 50

This letter is to inform you that at the Public Meeting of October 27, 2015, following the Public Hearing of the same date, the Landmarks Preservation Commission voted to approve a request to issue a report to the City Planning Commission pursuant to 74-711 of the Zoning Resolution for a Modification of Bulk at the subject premises. This approval will expire on October 27, 2021. However, before the Commission can issue a report to the City Planning Commission, the following items must be submitted to the Commission:

- 1) a final restrictive declaration and cyclical maintenance plan; and
- 2) final specifications for restorative work.

Upon receipt, review and approval of this material, the report will be issued.

Please note that all drawings, including amendments which are to be filed at the Department of Buildings, must be approved by the Landmarks Preservation Commission. Thank you for your cooperation.



Hilary Padgett



**Please Note: THIS IS NOT A PERMIT**

**cc:** Cory Herrala, LPC Director of Technical Affairs, Sustainability and Resiliency



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



November 5, 2015

ISSUED TO:

**Jake Lamstein**  
**1170 Broadway Associates LLC**  
**30 West 26th Street, 12th Floor**  
**New York, NY 10010**

Re: **STATUS UPDATE LETTER**  
LPC - 176618  
SUL 17-8590  
1164 BROADWAY  
HISTORIC DISTRICT  
MADISON SQUARE NORTH  
Borough of Manhattan  
Block/Lot: 829 / 50

This letter is to inform you that at the Public Meeting of October 27, 2015, following the Public Hearing of the same date, the Landmarks Preservation Commission voted to approve a proposal to replace no. 1164 Broadway with a new building that connects to no. 1170 Broadway internally at the subject premises, as put forward in your application completed on October 1, 2015. The approval will expire on October 27, 2021.

However, no work may begin until a Certificate of Appropriateness has been issued. Upon receipt, review and approval of two signed and sealed sets of the final Department of Buildings filing drawings for the approved work, a Certificate of Appropriateness will be issued.

Please note that all drawings, including amendments which are to be filed at the Department of Buildings, must be approved by the Landmarks Preservation Commission. Thank you for your cooperation.

  
Hilary Padgett

**Please Note: THIS IS NOT A PERMIT**

cc: Cory Herrala, LPC Director of Technical Affairs, Sustainability and Resiliency



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



October 31, 2016

ISSUED TO:

**Carl Weisbrod, Chairman**  
**City Planning Commission**  
**120 Broadway, 31st Floor**  
**New York, NY 10271**

Re: LPC - 176957  
MOU 19-4603  
1164 BROADWAY  
HISTORIC DISTRICT  
MADISON SQUARE NORTH  
Borough of Manhattan  
Block/Lot: 829 / 50

At the Public Meeting of October 27, 2015, following the Public Hearing of the same date, the New York City Landmarks Preservation Commission ("LPC") voted to issue a report to the City Planning Commission ("CPC") in support of an application for the issuance of a special permit, pursuant to Section 74-711 of the Zoning Resolution to permit modification of Section 43-43 of the Zoning Resolution with respect to height and setback requirements for the buildings located at 1164 Broadway, aka 1170 Broadway and 12 West 28th Street, Manhattan, Block 829, Lot 50 ("the Designated Building"), as put forward in your application completed on October 1, 2015.

In reviewing this proposal, the LPC noted that the Designated Building consists of three buildings, including 1164 Broadway, a store and office building built c. 1985; 1170 Broadway, a Beaux Arts style store and office building designed by Schickel and Ditmars and built in 1902-03; and 12 West 28th Street, a neo-Classical store and office building designed by Samuel Edson Gage and built in 1916-17. The Designated Building is located in the Madison Square North Historic District. The Commission further noted that 1164 Broadway has been highly altered; and that it is not one of the buildings for which the Madison Square North Historic District was designated. Finally, the Commission noted that 1164 Broadway is connected to 1170 Broadway at the interior and shares the same tax lot with 1170 Broadway and 12 West 28th Street.

In voting to issue the report, the LPC found that the applicant has agreed to undertake facade work to restore the Designated Building and bring it up to a sound, first-class condition; that the applicant has agreed to establish and maintain a program for continuing maintenance to ensure that the Designated Building is maintained in a sound, first-class condition; and that a Restrictive Declaration ("Declaration") will be filed

against the property which will bind the applicants and all heirs, successors and assigns to maintain the continuing maintenance program in perpetuity.

Specifically, at the Public Meeting of October 27, 2015, following the Public Hearing of the same date, the Commission approved a proposal to replace 1164 Broadway with a new building that connects internally to 1170 Broadway, as described in Certificate of Appropriateness 19-4602 (LPC 19-3144), dated October 31, 2016.

The applicant has already performed restorative work as described in Certificate of No Effect 11-8453 (LPC 11-7250) issued on April 8, 2011, including patching deteriorated limestone units cleaning the masonry facades and removing paint; repairing the sheet metal cornice; patching copper roofing and decorative ornaments and replacing missing or deteriorated copper at the corner cupola tower; repointing deteriorated stone and brick mortar joints and repairing cracked brick masonry; cleaning and painting the masonry walls red to approximate the color of the original brickwork; and repairing and/or replacing deteriorated steel lintels and spandrels and associated masonry. The applicant has also agreed to perform additional restorative work, as described in Certificate of No Effect 19-4604 (LPC 19-3209), issued on October 31, 2016, including, at the 1170 Broadway façade, removing embeds and non-compatible patches in limestone above the ground floor and at the second floor sills and patching the limestone with restoration mortar matching the color, texture, and tooling of the existing limestone; select repainting and refinishing storefront infill to match existing; replacing missing section of iron railing around the base of the cupola lantern and painting to match adjacent ironwork; at the 12 West 28th Street, removing non-compatible patching below the second floor windows and patching the marble with restoration mortar matching the color, texture, and tooling of the existing marble; and select repainting and refinishing storefront infill to match existing.

In reaching a decision to grant the Certificate of Appropriateness, the Commission reviewed the proposed work and found that the building is not one for which the historic district was designated, and its demolition will not result in the elimination of significant architectural or historic fabric from the Madison Square North Historic District; that the height and massing of the proposed new building will complement the height and massing of buildings representing the different phases of development on this block and in this historic district; that the floor to ceiling heights will match those found at 1170 Broadway at the interior, and will support a relationship between the new building and its neighbors; that the proportions of this tall and narrow façade are typical of many commercial buildings in this historic district; that the façade, composed of a dark painted steel and clear glass window assemblies, enframed by light colored limestone, and divided with horizontal limestone bands that align with the neighboring building's banding, is consistent with the materials and composition of historic loft and commercial building in this historic district; that the tri-partite arrangement of the façade with a base, shaft, and crown reflects a typical pattern of facades within the historic district; that the brick side walls with two brick colors set in a grid pattern is a lot line façade feature found on other late 19th and early 20th century buildings in the district; that the storefront infill at the ground floor, featuring steel framing, frameless glass display windows, double doors, and clear glass transoms with an integrated louver and painted metal panels set at the interior, relates harmoniously to the neighboring and other storefronts and building entrances in the streetscape; that the presence of a metal canopy at the entrance will be in keeping with the commercial character of this historic district; and that the proposed new building will complement and enhance the special architectural and historic character of the streetscape and the Madison Square North 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 the application.

In reaching a decision to issue a favorable report to the CPC, the LPC found that the setback and sky exposure plane waivers will result in the front façade of the addition aligning with 1170 Broadway, thereby creating a continuous street wall which will contribute to a harmonious relationship between 1164 and 1170 Broadway;

that restorative work at 1170 Broadway and 12 West 28th Street, completed pursuant to restorative work as described in Certificate of No Effect 11-8453 (LPC 11-7250) has returned the building closer to its original appearance, and reinforces the architectural and historic character of the building, streetscape, and the Madison Square North Historic District; that the completed restorative work has brought the building up to a sound first class condition, and that work and additional restorative work permitted under Certificate of No Effect 19-4604 (LPC 19-3209), including additional limestone and marble patching and recreating missing sections of the metal railing around the base of the cupola lantern, aids in its long term preservation; that the implementation of a cyclical maintenance plan will ensure the continued maintenance of the building in a sound, first class condition; and that the owners of the Designated Building have committed themselves to establishing a perpetual cyclical maintenance plan which will bind all heirs, successors and assigns and subsequent owners of the building and which will be legally enforceable by the Landmarks Preservation Commission under the provisions of a Restrictive Declaration, and which will be recorded at the New York County Registrar's Office.

The Declaration requires the Declarant to commission a qualified preservation professional, whose credentials are to be approved by LPC, to undertake inspections every five years of the Designated Building's exterior and such portions of the interior, which, if not properly maintained, would cause the Designated Building to deteriorate. The Declarant is required to perform all work identified in the resulting professional reports as being necessary to maintain the Designated Building in a sound, first class condition within stated time periods.

Please note that the restoration work must be completed and approved by the Landmarks Preservation Commission before the owners may apply for or accept a temporary Certificate of Occupancy or a permanent Certificate of Occupancy from the Department of Buildings for the area of the buildings that is the subject of this special permit.

The staff of the Commission is available to assist you with these matters. Please direct inquiries to Leanne Pollock.



Meenakshi Srinivasan  
Chair

cc: Cory Herrala, LPC Director of Technical Affairs, Sustainability and Resiliency;  
John Weiss, Deputy Counsel/LPC;  
Jake Lamstein, 1170 Broadway Associates, LLC



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

<b>ISSUE DATE:</b> 10/31/16	<b>EXPIRATION DATE:</b> 10/27/2021	<b>DOCKET #:</b> 193144	<b>COFA #:</b> COFA 19-4602
<b>ADDRESS:</b> 1164 BROADWAY <u>HISTORIC DISTRICT</u> MADISON SQUARE NORTH		<b>BOROUGH:</b> MANHATTAN	<b>BLOCK/LOT:</b> 829 / 50

**Display This Permit While Work Is In Progress**

ISSUED TO:

**Jake Lamstein**  
**1170 Broadway Associates, LLC**  
**30 West 26th St., 12th Floor**  
**New York, NY 10010**

Pursuant to Section 25-307 of the Administrative Code of the City of New York, the Landmarks Preservation Commission, at the Public Meeting of October 27, 2015, 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 forward in your application completed on October 1, 2015, and as you were informed in Status Update Letter 17-8590 (LPC 17-6618), issued on November 5, 2015. This approval will expire on October 27, 2021.

The proposed work, as approved, consists of demolishing the existing façade at 1164 Broadway, and constructing a new 12-story building that connects internally to 1170 Broadway featuring, limestone cladding at the Broadway façade, brick accent and light-colored blended brick cladding at the south façade, and blended brick and limestone cladding at the rear (east) facade; window assemblies at the Broadway façade from floors two through twelve featuring clear glass, steel frames, and vertical fins with a dark finish (paint color "Black Forest Green"); at the Broadway façade, a limestone clad cornice above the twelfth floor; and new storefront infill at the first floor featuring steel framing, frameless clear glass display windows, butt jointed clear glass double doors, clear glass transoms with an integrated louver and painted metal panels, and a metal canopy, all with a dark finish (black to match existing); a one-story penthouse with light-colored blended brick cladding, sliding glass doors with a dark painted metal frame, and a terrace; and rooftop mechanical equipment located behind a light-colored blended brick screen wall, rooftop deck, and metal guardrail on the penthouse roof. The work was shown in a digital slide presentation, consisting of 40 slides numbered 1 to 40; dated October 27, 2015; and including drawings, historic and existing condition

photographs, photomontages, building material sample colors, and renderings, all prepared by Stonehill & Taylor Architects and Planners, and presented at the Public Hearing and Public Meeting.

In reviewing this proposal, the Commission noted that the Madison Square North Historic District Historic District Designation Report describes 1164 Broadway as a store and office building built c. 1985, and 1170 Broadway as a Beaux Arts style store and office building designed by Schickel and Ditmars and built in 1902-03, and 12 West 28th Street as a neo-Classical store and office building designed by Samuel Edson Gage and built in 1916-17; 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 Madison Square North Historic District Historic District. The Commission also noted that 1164 Broadway has been highly altered; and that it is not one of the buildings for which the Madison Square North Historic District was designated; that the building is connected to 1170 Broadway at the interior and shares the same tax lot with 1170 Broadway and 12 West 28th Street.

With regard to this proposal, the Commission found that the building is not one for which the historic district was designated, and its demolition will not result in the elimination of significant architectural or historic fabric from the Madison Square North Historic District; that the height and massing of the proposed new building will complement the height and massing of buildings representing the different phases of development on this block and in this historic district; that the floor to ceiling heights will match those found at 1170 Broadway at the interior, and will support a relationship between the new building and its neighbors; that the proportions of this tall and narrow façade are typical of many commercial buildings in this historic district; that the façade, composed of a dark painted steel and clear glass window assemblies, enframed by light colored limestone, and divided with horizontal limestone bands that align with the neighboring building's banding, is consistent with the materials and composition of historic loft and commercial building in this historic district; that the tri-partite arrangement of the façade with a base, shaft, and crown reflects a typical pattern of facades within the historic district; that the brick side walls with two brick colors set in a grid pattern is a lot line façade feature found on other late 19th and early 20th century buildings in the district; that the storefront infill at the ground floor, featuring steel framing, frameless glass display windows, double doors, and clear glass transoms with an integrated louver and painted metal panels set at the interior, relates harmoniously to the neighboring and other storefronts and building entrances in the streetscape; that the presence of a metal canopy at the entrance will be in keeping with the commercial character of this historic district, and that the proposed new building will complement and enhance the special architectural and historic character of the streetscape and the Madison Square North Historic District. Based on these findings, the Commission determined the proposed work to be appropriate to the building and the historic district, and voted to approve this application.

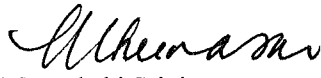
PLEASE NOTE Modification of Use and Bulk (MOU) 19-4603 (LPC 17-6957) and Certificate of No Effect 19-4604 (LPC 19-3209) are being issued in conjunction with this Certificate of Appropriateness (COFA).

PLEASE NOTE This permit is being issued for work subject to the review of the Department of City Planning for a modification of use, 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 can begin until the final drawings have been marked approved by the Landmarks Preservation Commission with a perforated seal. Please submit these drawings to the Landmarks Preservation Commission staff as soon as they become available.

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 Leanne Pollock.

  
Meenakshi Srinivasan  
Chair

**PLEASE NOTE: PERFORATED DRAWINGS AND A COPY OF THIS PERMIT HAVE BEEN SENT TO:**  
Jorgen Cleeman, Higgins Quasebarth & Partners

cc: Cory Herrala, Director of Technical Affairs, Sustainability and Resiliency/LPC

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

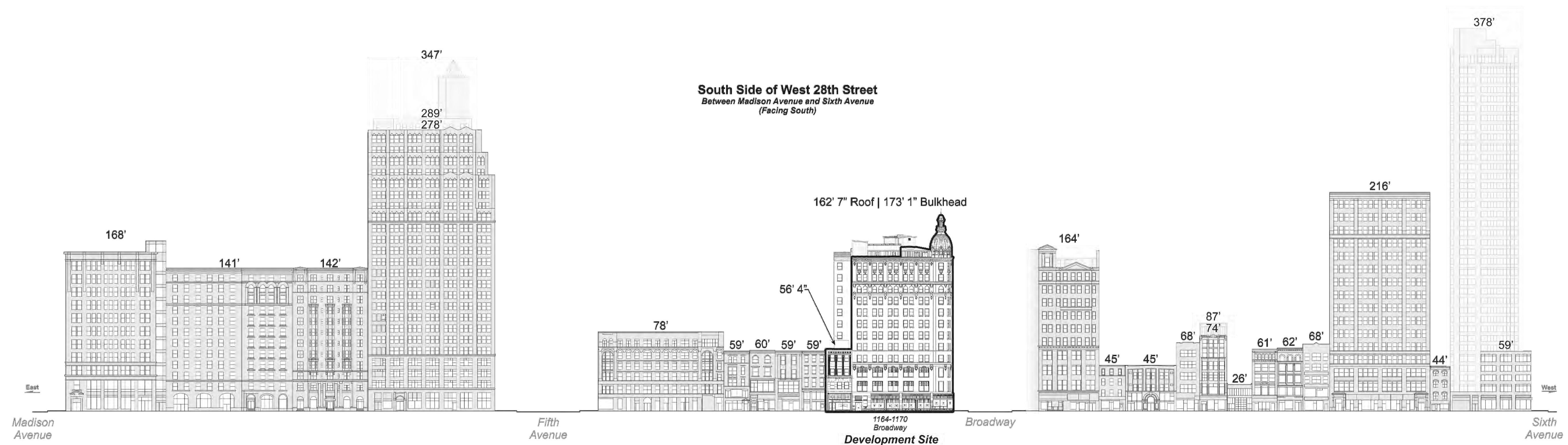
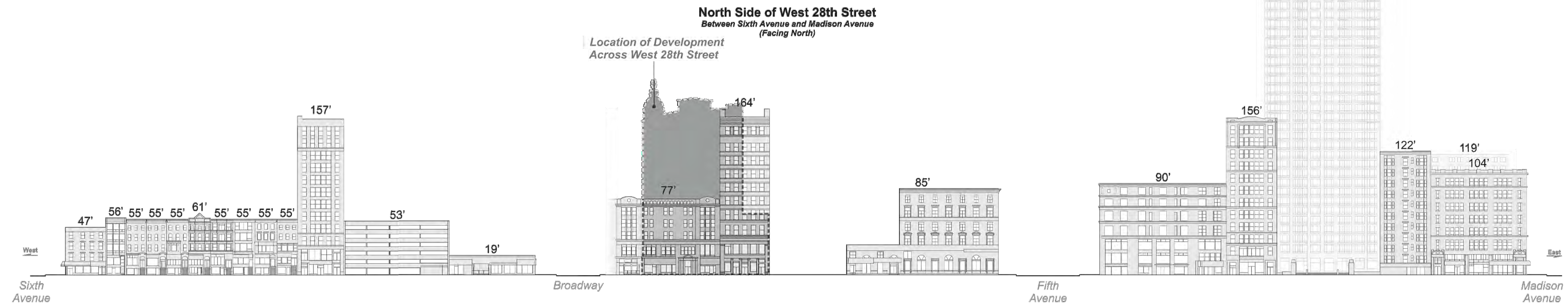
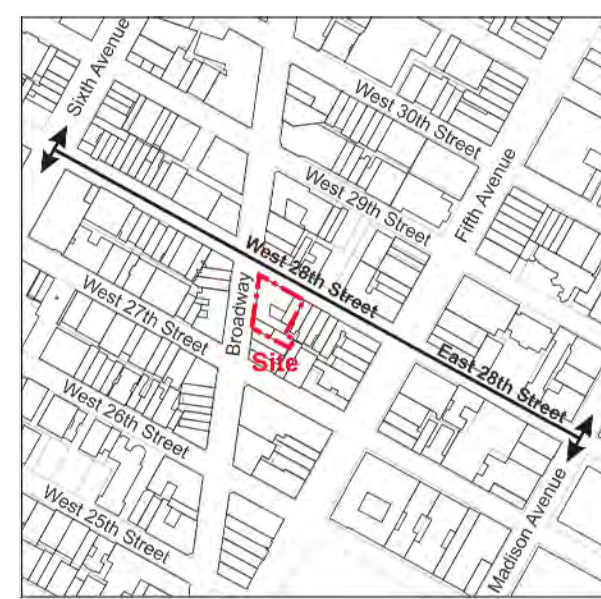


# **URBAN DESIGN APPENDIX**

# 1164-1170 Broadway, Manhattan

## Neighborhood Character Diagram

### Site Map



Urban Cartographics

SCALE: N.T.S.

### Issuance Record

DATE PREPARED: DEC. 05, 2016  
LAST REVISED: DEC. 01, 2016

### ARCHITECT

STONEHILL & TAYLOR ARCHITECTS, P.C.  
31 WEST 27TH STREET  
NEW YORK, NY 10001  
TEL 212.226.8898  
FAX 212.941.1674

### Seal



### Project

1164 BROADWAY  
SPECIAL PERMIT  
BOROUGH: MANHATTAN  
BLOCK: 829  
LOT: 50

**STONEHILL & TAYLOR**  
ARCHITECTS AND PLANNERS

NEIGHBORHOOD CHARACTER  
DIAGRAM

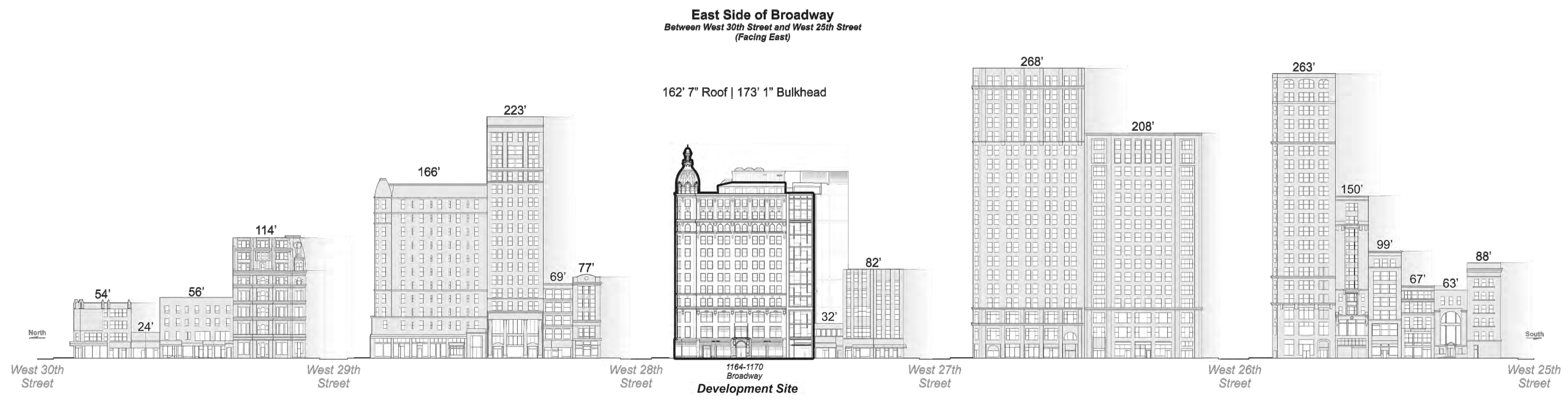
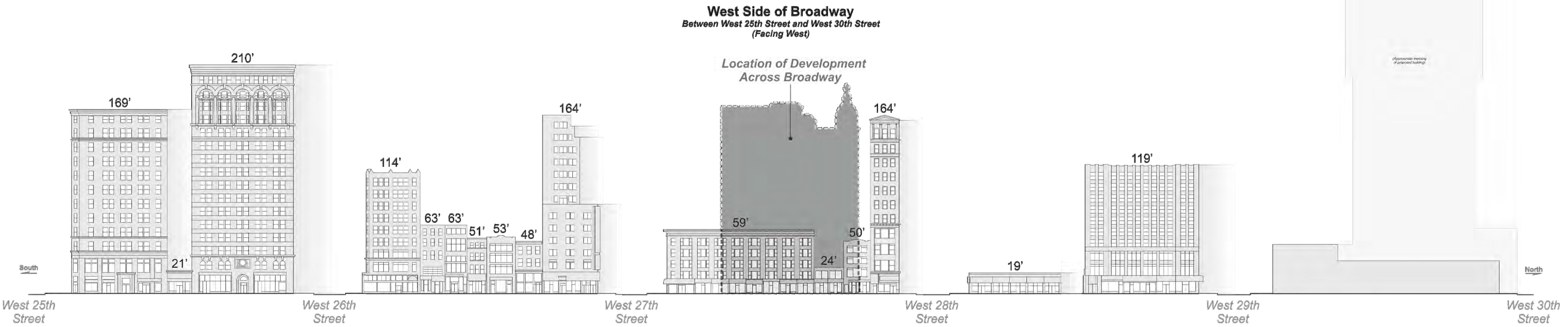
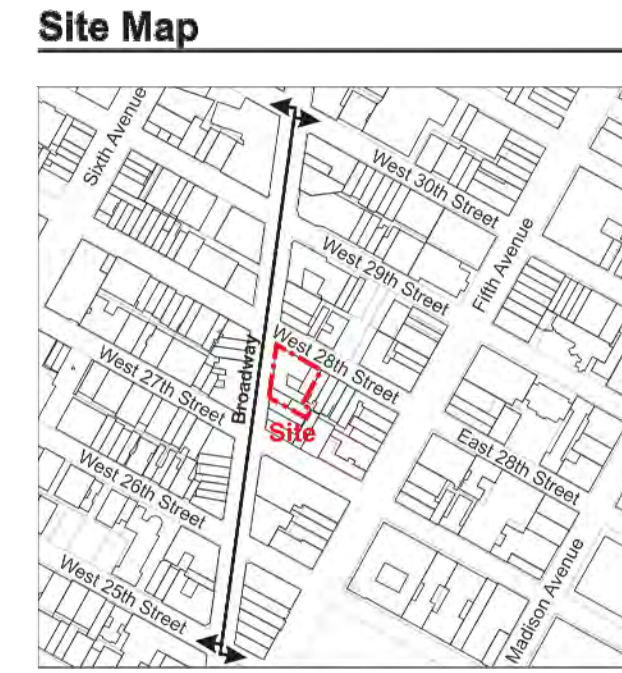
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SCALE: AS NOTED 21508 DEC 05, 2016

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# 1164-1170 Broadway, Manhattan

## Neighborhood Character Diagram



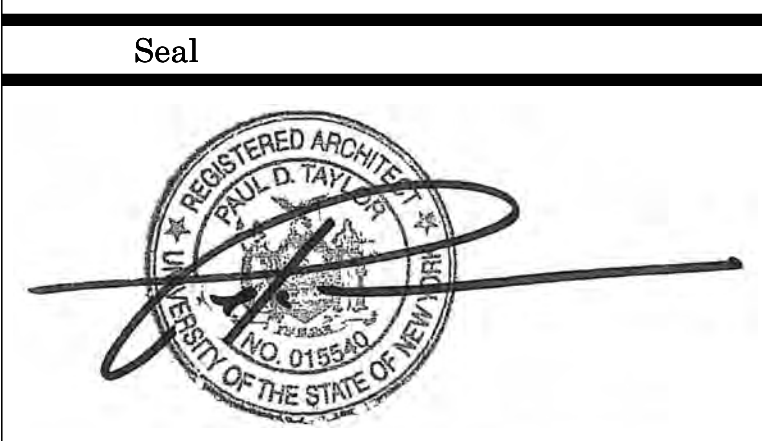
Urban Cartographics

SCALE: N.T.S.

Issuance Record

DATE PREPARED: DEC. 05, 2016  
LAST REVISED: DEC. 01, 2016

ARCHITECT  
STONEHILL & TAYLOR ARCHITECTS, P.C.  
31 WEST 27TH STREET  
NEW YORK, NY 10001  
TEL 212.226.8898  
FAX 212.941.1674



Project  
1164 BROADWAY  
SPECIAL PERMIT  
BOROUGH: MANHATTAN  
BLOCK: 829  
LOT: 50

STONEHILL & TAYLOR  
ARCHITECTS AND PLANNERS

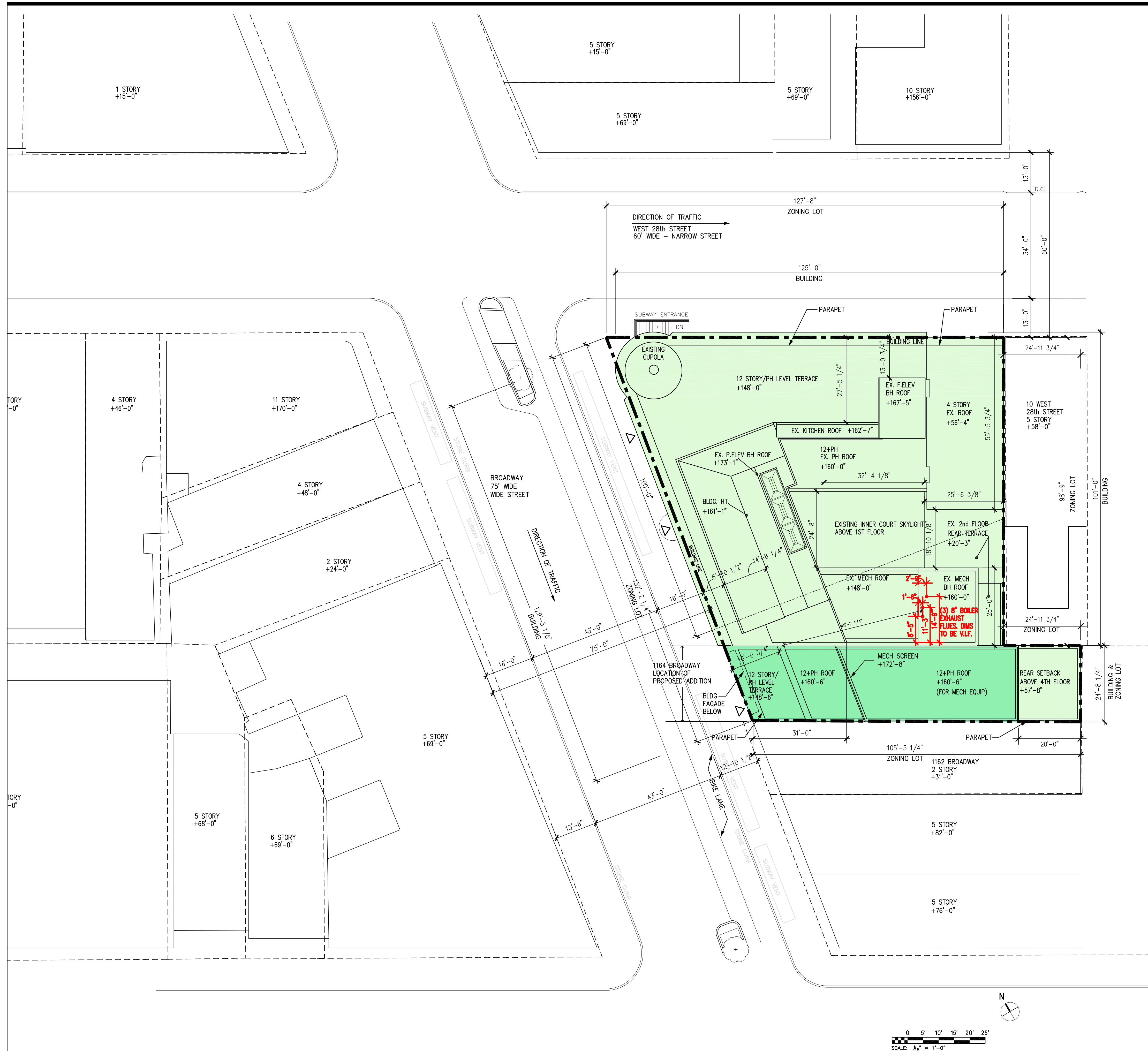
NEIGHBORHOOD CHARACTER  
DIAGRAM

ZCP-13

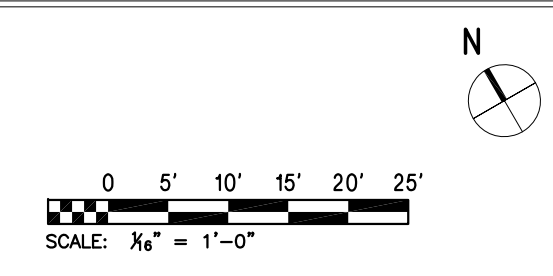
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# **AIR QUALITY APPENDIX**



- LEGEND**
- EXISTING BUILDING ENVELOPE
  - PROPOSED ENLARGEMENT
  - ZONING LOT LINE
  - TAX LOT LINE
  - BUILDING ENTRANCE



<p><b>Issuance Record</b></p> <p>DATE PREPARED: DEC. 05, 2016          LAST REVISED: DEC. 01, 2016</p>
<p><b>ARCHITECT</b></p> <p>STONEHILL &amp; TAYLOR ARCHITECTS, P.C.          31 WEST 27TH STREET          NEW YORK, NY 10001          TEL 212.226.8898          FAX 212.941.1874</p>
<p><b>Seal</b></p> 
<p><b>Project</b></p> <p>1164 BROADWAY          SPECIAL PERMIT          BOROUGH: MANHATTAN          BLOCK: 829          LOT: 50</p>
<p><b>STONEHILL &amp; TAYLOR</b>          ARCHITECTS AND PLANNERS</p>
<p>ZONING SITE PLAN</p>
<p><b>ZCP-02</b></p>
<p>SCALE: AS NOTED 21508 DEC 05, 2016</p>

12/2/2016 84 X 36 ZCP TECHNICALS 12/20 / 2016 12509-1-PLAN 14 MECH MACHINE LEVEL PLAN-H013

December 22, 2016

Stonehill & Taylor Architects, P.C.  
31 West 27<sup>th</sup> Street  
New York, NY 10001

Attn: Mr. Paul D. Taylor

Re: Nomad Hotel Addition  
1164 Broadway, NY, NY  
16-804

Dear Mr. Taylor,

The existing boiler plant at 1170 Broadway, The Nomad Hotel, consists of (3) Aerco BMK-2.0LN-3 natural gas boilers each rated at 2,000 MBH. The boilers are used for building heating and domestic hot water for 1170, and were sized for the future build out of the adjacent 1164 Broadway extension.

The new heating load onto the boilers from the 1164 Broadway extension will be 330 MBH while the existing heating for the 1170 Broadway building is 1,600 MBH bringing the total heating load to 1,930 MBH. The existing hot water load for guest rooms and kitchens at 1164 is 2,557 MBH, and the added guest room hot water load is 233 MBH. Total new domestic hot water charge to boiler 2,790 MBH. The new net load including heating and domestic hot water from the 1170 Broadway and 1164 Broadway extension will be 4,720 MBH which is within the existing boiler plant capacity, 6,000 MBH. Therefore, no new boilers will be installed for the 1164 Broadway extension as the existing boilers in 1170 Broadway are capable of handling the new load.

	Heating	Domestic Hot Water	Net Total
Existing Load (1170)	1,600 MBH	2,557 MBH	4,157 MBH
New Load (1164)	330 MBH	233 MBH	563 MBH
Total Load (1170 + 1164)	1,930 MBH	2,790 MBH	4,720 MBH

Currently existing on the 1164 roof are a gas fired kitchen make up unit and (2) kitchen exhaust fans with ductwork extending down to the kitchen at the first floor. This existing equipment will be relocated from the existing 5<sup>th</sup> floor roof to the new roof at the 14<sup>th</sup> (Roof) level of 1164. The existing ductwork will be extended from the existing fifth floor and extended to the new roof.

Very Truly Yours,



Thomas V. Polise, P.E.

K:\16-8\04 Nomad 1164 Broadway\Working\2016.12.22\_NYC DPC Cove Letter to Architect.docx