



CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

NEGATIVE DECLARATION

Project Identification

CEQR No. 18DCP100M

ULURP Nos. N180184ZRM, N180185ZCM

SEQRA Classification: Type I

Lead Agency

City Planning Commission

120 Broadway, 31st Floor

New York, NY 10271

Contact: Robert Dobruskin

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Name, Description and Location of Proposal:

1568 Broadway

The Applicant, Times Square Hotel Owner, LLC, (the "Applicant") proposes a Zoning Text Amendment to the Zoning Resolution ("ZR") affecting signage (the "Proposed Action"). Specifically, a Text Amendment is proposed to amend ZR Section 81-732 ("Special Times Square signage requirements") and Section 81-751 ("Special Street wall and setback regulations within the Theater Subdistrict Core"), affecting building signage in the Theater Subdistrict, located between 43rd Street and 50th Street, with street frontage on Seventh Avenue and/or Broadway in Times Square, Manhattan, Community District (CD) 5. The Proposed Action would facilitate a proposal by the Applicant to construct an 18,195 sf sign, with balconies and terraces behind it (the "Proposed Project") in connection with an as-of-right (not subject to discretionary action) renovation to the building which houses the Palace Theatre, located at 1568 Broadway (Block 999, Lots 1001, 1002, 1003, and 1004, the "Project Site"), on the corner of 7th Avenue and West 47th Street. The proposed renovation includes the restoration and elevation of the landmarked Palace Theatre, located within the interior of the building and subject to a separate NYC Landmarks Preservation Commission (LPC) Certificate of Appropriateness, granted on February 17, 2017.

The proposed Text Amendment would allow by Certification (a) the ability to modify the number of required signs on buildings containing listed theaters within 100 feet of Broadway or Seventh Avenue, and (b) the projection of certain signs within the Theater Subdistrict Core across the street line up to a height of 120 feet above curb level, as well as to permit the location of balconies and

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terraces behind such signs, provided that they are used for an entertainment-related use. In connection with the proposed Text Amendment, the Applicant is seeking a Chairperson's Certification, a ministerial action not subject to Environmental Review, in order to incorporate the proposed modifications into the Proposed Project.

In addition to the Project Site, another listed theater within the Theater Subdistrict - the Lunt-Fontane Theater, located at 205 West 46th Street (Block 1018, Lot 20) - would be subject to the provisions of the proposed Text Amendment. However, the Lunt-Fontane Theater would not be expected to utilize these provisions because the current building is an individual landmark, subject to further LPC approvals, and development rights have already been transferred to an adjacent hotel located at 1567 Broadway.

Currently, the Project Site (Block 999, Lots 1001-1004) contains 21,758 square feet of lot area, and is occupied with a 45-story building with 469,955 gross square feet (gsf) of Use Group (UG) 5, 6, and 8 commercial uses, including the 32,719 gsf Palace Theatre. The Project Site contains signage along the 7th Avenue and West 47th Street portion of the existing building, in the form of discrete, individual signs, expected to be removed in order to construct the Applicant's Proposed Project. As noted above, the Project Site contains a designated landmark – the Palace Theatre.

The Project Site is located within a C6-7T district, with a small portion within a C6-5.5 district, and it is entirely within the Theater Subdistrict Core of the Special Midtown District. C6-7T zoning districts are a subset of C6 commercial districts permitting high-bulk uses in central locations and which do not require off-street parking. The Special Midtown District, established in 1982 to guide development within the Midtown central business district, establishes varying bulk and density limits for avenue frontages and midblocks. The Theatre Subdistrict Core incorporates special use and signage requirements in accordance with the character of Times Square and the Theater District as a whole. Large illuminated signs must be incorporated into the façades of new buildings within the Theater Subdistrict. C6-5.5 commercial districts, like the C6-7T district of the project site, are a subgroup of C6 zoning districts featuring similar characteristics.

Under the Proposed Action, the Applicant seeks to modify ZR Sections 81-732 and 81-751, affecting sign number and area regulations, as well as streetwall and setback regulations, respectively. Pursuant to the modification of ZR Section 81-732, the Applicant is proposing to construct a larger single sign, rather than multiple signs, and pursuant to the modification of ZR Section 81-751, the Applicant is proposing to construct a sign with no setbacks, reaching a height of 120 feet, rather than 60 feet with a setback as currently permitted. The proposed signage would include one illuminated, curved, LED sign structure. In addition, the Applicant seeks to amend ZR Section 81-751 to permit balconies and terraces, to be located behind the proposed signage. The Applicant intends to operate a portion of such balconies and terraces in connection with new entertainment-related uses within the building and to make the balconies and terraces accessible to the public. Approximately 20,000 gsf of floor area would be added as a result of the Proposed Project. This would come from the addition of new balconies and terraces (19,895 gsf) on the third through ninth floors of the building, and from

an increment of 105 sf for the proposed sign (18,195 gsf) when compared with the No-Action signage (18,090 gsf).

Absent the Proposed Action, the Applicant would proceed with the as-of-right renovation to the building and the Palace Theatre, and would construct a series of discrete signs with a setback at 60 feet before reaching a maximum height of 120 feet. The No-Action signage would not contain the proposed balconies and terraces.

The Proposed Project is anticipated to add four months to the construction of the No-Action project, which is expected to take 24 months. This would result in a total of 28 months for construction and a planned completion date of 2021.

Statement of No Significant Effect:

The Environmental Assessment and Review Division of the Department of City Planning, on behalf of the City Planning Commission, has completed its technical review of the Environmental Assessment Statement, dated February 9, 2018, prepared in connection with the ULURP Application (Nos. N180184ZRM, N180185ZCM). The City Planning Commission has determined that the Proposed Action will have no significant effect on the quality of the environment.

Supporting Statement:

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

1. A historic and cultural resources assessment was conducted to identify the potential for impacts to architectural and archaeological resources on the Project Site, as the Palace Theatre is a designated landmark, as is the Embassy Theatre, located in the building immediately adjacent to the Project Site. The landmarked Father Francis P. Duffy Statue and Square is also located to the west of the Project Site.

In conjunction with the renovation occurring to the landmarked Palace Theatre, located within the interior of the building located at the Project Site, the New York City Landmarks Preservation Commission (LPC) issued a Certificate of Appropriateness, approving the renovation and elevation of the theatre. As noted above, absent the Proposed Action, the Applicant intends to construct multiple signs with a setback at 60 feet. Under the Proposed Action, the proposed signage would contain a single sign with no setback, resulting in a more uniform profile. Such alterations to sign number and profile would not affect views to the Palace Theatre or to adjacent landmarks as the Times Square area already contains a mix of old buildings and structures, and newer illuminated signage. The Proposed Action would not introduce a significant new use that would contrast with the existing mixed setting of the area and it would not block existing views to landmarks. As there would be no incremental subsurface disturbance, there would not be any significant adverse impacts to archaeological

resources.

2. A construction assessment was conducted to identify the potential for construction related impacts on the Project Site and adjacent landmarked buildings. It was found that the proposed signage structure would not result in any such impacts. Construction procedures would comply with the NYC Department of Buildings Memorandum Technical Policy and Procedure Notice # 10/88 (TPPN # 10/88) and with the safety measures of the NYC Air Pollution and Noise Control codes, which include regulations for construction-related dust emissions and noise. Based on the nature of the proposed work and conformance with the above policies, no significant adverse construction related impacts are anticipated.
3. No other significant effects on the environment which would require an Environmental Impact Statement are foreseeable.

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

Should you have any questions pertaining to this Negative Declaration, you may contact Samuel Nourieli at (212) 720-3425.

Robert Dobruskin

Robert Dobruskin, AICP, Director
Environmental Assessment & Review Division
Department of City Planning

Date: February 9, 2018

Marisa Lago, Chair
City Planning Commission

Date: February 12, 2018