

**Revised Environmental Assessment  
Statement  
and  
Supplemental Report  
for**

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

**Prepared by:**

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

**March 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** 640 Broadway - 74-711 Special Permit

#### 1. Reference Numbers

CEQR REFERENCE NUMBER (to be assigned by lead agency)  
16DCP087M

BSA REFERENCE NUMBER (if applicable)

ULURP REFERENCE NUMBER (if applicable)  
170006ZSM

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  
640 Broadway Owners Subsidiary II 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, 640 Broadway Owners Subsidiary II LLC, seeks a Special Permit pursuant to ZR Section 74-711 to facilitate the development of penthouse additions totaling 1,515 gross square feet (gsf) to an existing 62,128 gsf nine-story commercial and industrial building on the Project Site (Block 522, Lot 14). The Special Permit would modify the bulk regulations of ZR Section 43-43 to allow an increase in the degree of non-compliance with the height and setback regulations of the subject M1-5B district. See attached Project Description.

#### Project Location

BOROUGH Manhattan

COMMUNITY DISTRICT(S) 2

STREET ADDRESS 640 Broadway

TAX BLOCK(S) AND LOT(S) Block 522, Lot 14

ZIP CODE 10012

DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS Through-block lot bounded by Bleecker Street, Broadway, and Crosby Street

EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY M1-5B ZONING SECTIONAL MAP NUMBER 12c

#### 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 74-711, 43-43

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

VARIANCE (use)

VARIANCE (bulk)

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

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

**Department of Environmental Protection:**  YES  NO If "yes," specify:

**Other City Approvals Subject to CEQR** (check all that apply)

- LEGISLATION  
 RULEMAKING  
 CONSTRUCTION OF PUBLIC FACILITIES  
 384(b)(4) APPROVAL  
 OTHER, explain:
- FUNDING OF CONSTRUCTION, specify:  
 POLICY OR PLAN, specify:  
 FUNDING OF PROGRAMS, specify:  
 PERMITS, specify:

**Other City Approvals Not Subject to CEQR** (check all that apply)

- PERMITS FROM DOT'S OFFICE OF CONSTRUCTION MITIGATION AND COORDINATION (OCMC)  
 LANDMARKS PRESERVATION COMMISSION APPROVAL  
 OTHER, explain: Department of Buildings building permit

**State or Federal Actions/Approvals/Funding:**  YES  NO If "yes," specify:

**6. Site Description:** *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.*

**Graphics:** *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.*

- SITE LOCATION MAP  
 TAX MAP  
 PHOTOGRAPHS OF THE PROJECT SITE TAKEN WITHIN 6 MONTHS OF EAS SUBMISSION AND KEYED TO THE SITE LOCATION MAP
- ZONING MAP  
 FOR LARGE AREAS OR MULTIPLE SITES, A GIS SHAPE FILE THAT DEFINES THE PROJECT SITE(S)
- SANBORN OR OTHER LAND USE MAP

**Physical Setting** (both developed and undeveloped areas)

Total directly affected area (sq. ft.): 5,157 Waterbody area (sq. ft.) and type: 0  
 Roads, buildings, and other paved surfaces (sq. ft.): 5,157 Other, describe (sq. ft.): 0

**7. Physical Dimensions and Scale of Project** (if the project affects multiple sites, provide the total development facilitated by the action)

SIZE OF PROJECT TO BE DEVELOPED (gross square feet): 1,515

NUMBER OF BUILDINGS: 1

GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): 62,336

HEIGHT OF EACH BUILDING (ft.): 134'

NUMBER OF STORIES OF EACH BUILDING: 9 + penthouse

Does the proposed project involve changes in zoning on one or more sites?  YES  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?  YES  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: cubic ft. (width x length x depth)

AREA OF PERMANENT DISTURBANCE: sq. ft. (width x length)

**8. Analysis Year** [CEQR Technical Manual Chapter 2](#)

ANTICIPATED BUILD YEAR (date the project would be completed and operational): 2018

ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: 6 months

WOULD THE PROJECT BE IMPLEMENTED IN A SINGLE PHASE?  YES  NO IF MULTIPLE PHASES, HOW MANY?

BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE:

**9. Predominant Land Use in the Vicinity of the Project** (check all that apply)

- RESIDENTIAL  MANUFACTURING  COMMERCIAL  PARK/FOREST/OPEN SPACE  OTHER, specify: community facility

**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.

	<b>EXISTING CONDITION</b>	<b>NO-ACTION CONDITION</b>	<b>WITH-ACTION CONDITION</b>	<b>INCREMENT</b>
<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)	retail	retail	retail	
Gross floor area (sq. ft.)	8,566	8,566	8,566	
<b>Manufacturing/Industrial</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:				
Type of use	21 JLWQA units	21 JLWQA units	20 JLWQA units	-1 JLWQA unit
Gross floor area (sq. ft.)	42,953	42,953	43,161	+208
Open storage area (sq. ft.)	None	None	None	
If any unenclosed activities, specify:	None	None	None	
<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:	10,609 gsf subsurface floor area for bldg utilities & floor area beyond bldg footprint in sidewalk vault	10,609 gsf subsurface floor area for bldg utilities & floor area beyond bldg footprint in sidewalk vault	10,609 gsf subsurface floor area for bldg utilities & floor area beyond bldg footprint in sidewalk vault	
<b>POPULATION</b>				

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
<b>Residents</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 number:	37	37	35	-2
Briefly explain how the number of residents was calculated:	Based on average household size of 1.77 persons per dwelling unit in census tract 55.02 (2010 census)			
<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	10 retail businesses	10 retail businesses	10 retail businesses	
No. and type of workers by business	approx. 25 retail employees	approx. 25 retail employees	approx. 25 retail employees	
No. and type of non-residents who are not workers	approx. 400 customers per day	approx. 400 customers per day	approx. 400 customers per day	
Briefly explain how the number of businesses was calculated:	Based on 3 employees per 1,000 sf of retail floor area			
<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	M1-5B	M1-5B	M1-5B	
Maximum amount of floor area that can be developed	25,785 C or M; 33,520.5 CF	25,785 C or M; 33,520.5 CF	25,785 C or M; 33,520.5 CF	
Predominant land use and zoning classifications within land use study area(s) or a 400 ft. radius of proposed project	Resid, comm'l, comm facil, JLWQA; M1-5B, C6-2, C6-3, C1-7	Resid, comm'l, comm facil, JLWQA; M1-5B, C6-2, C6-3, C1-7	Resid, comm'l, comm facil, JLWQA; M1-5B, C6-2, C6-3, C1-7	
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 type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
<b>(c)</b> If "yes," would the project generate more than 50 additional residents or 125 additional employees?	<input type="checkbox"/>	<input checked="" 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 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 type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input 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.		
<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 type="checkbox"/>	<input checked="" 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.		
<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> .		
<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 type="checkbox"/>	<input checked="" 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:	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(i) Based on the Phase I Assessment, is a Phase II Investigation needed?	<input type="checkbox"/>	<input checked="" 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): 0 (decrease of 1 JLWQA unit)		
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): 115,802		
(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 type="checkbox"/>	<input checked="" 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 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 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 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)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Does the proposed project involve multiple buildings on the project site?	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" type="checkbox"/>
o Closing, narrowing, or otherwise impeding traffic, transit, or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, etc.)?	<input type="checkbox"/>	<input checked="" 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 narrative 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 March 31, 2017
--	---	------------------------

**Part III: DETERMINATION OF SIGNIFICANCE (To Be Completed by Lead Agency)**

**INSTRUCTIONS:** 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.

1. 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.

**Potentially Significant Adverse Impact**

IMPACT CATEGORY	Potentially Significant Adverse Impact	
	YES	NO
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"/>

2. 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?


YES  NO

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.

3. Check determination to be issued by the lead agency:

- Positive Declaration:** 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 *Positive Declaration* and prepares a draft Scope of Work for the Environmental Impact Statement (EIS).
- Conditional Negative Declaration:** A *Conditional Negative Declaration* (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.
- Negative Declaration:** If the lead agency has determined that the project would not result in potentially significant adverse environmental impacts, then the lead agency issues a *Negative Declaration*. The *Negative Declaration* may be prepared as a separate document (see [template](#)) or using the embedded Negative Declaration on the next page.

**4. LEAD AGENCY'S CERTIFICATION**

TITLE Deputy Director, Environmental Assessment & Review Division	LEAD AGENCY New York City Department of City Planning
NAME Olga Abinader	DATE March 31, 2017
SIGNATURE 	

# **PROJECT DESCRIPTION**

## 640 Broadway Project Description

### **Introduction**

The Applicant, 640 Broadway Owners Subsidiary II LLC seeks a Special Permit, pursuant to Zoning Resolution (“ZR”) Section 74-711 (“Landmark preservation in all districts”) to allow an increase in the degree of non-compliance with height and setback regulations pursuant to ZR Section 43-43 (“Maximum Height of Front Wall and Required Front Setbacks”) on a property located at 640 Broadway (Block 522, Lot 14) in an M1-5B district in the NoHo neighborhood of Manhattan, Community District 2.

The application would allow the construction of new one-story penthouse additions on the roof of the building, totaling 1,515 gross square feet (gsf) in floor area<sup>1</sup>, by relocating 1,306.86 square feet of existing floor area and increasing the total mechanical floor area by 1,075.32<sup>2</sup> square feet from existing floors of the nine-story 62,128 gsf building. It would also allow the construction of a fiberglass balustrade being installed per request by the NYC Landmarks Preservation Commission (LPC).

See Appendix-Architectural Plans for all drawings pertaining to the proposed rooftop addition.

### **Existing Conditions**

#### Description of the Surrounding Area

The Project Site is in the NoHo Historic District in Manhattan Community Board 2. The NoHo Historic District is bounded by Wanamaker Place to the north, Houston Street to the south, Lafayette Street and Cooper Square to the east and Mercer Street to the west. Most of the area in NoHo and the NoHo Historic District is in an M1-5B district, in which general residential use is not permitted, retail use is restricted and JLVQA, a special form of occupancy created by the manufacturing district regulations, is allowed in certain buildings that pre-date 1961. NoHo predominantly contains mixed commercial/JLVQA buildings, with ground floor retail use in many buildings. The neighborhood south of Houston Street immediately adjacent to NoHo is SoHo, and the neighborhood immediately adjacent to NoHo’s west is the West Village.

The Project Site’s large M1-5B district extends eastward to Lafayette Street, south to Canal Street, north to Astor Place, and west to Mercer Street and Broadway. To the south is an M1-5A district that extends from West Broadway on the west to Mercer Street on the east, and from Houston Street on the north to Broome Street on the south. The maximum FAR in M1-5A and M1-5B districts is 5.0 for commercial and manufacturing uses (JLVQA is a type of manufacturing use) and 6.5 for community facility uses. JLVQA is allowed in buildings that pre-date 1961 and have a lot coverage of less than 5,000 SF (3,600 SF on Broadway). The

---

<sup>1</sup> The penthouses themselves will contain 1,139 SF of zoning floor area; two enclosed stairwells on the penthouse roof, which we have been instructed to count as zoning floor area by Department staff, will contain 292 SF of floor area.

<sup>2</sup> Total 1,075.32 sf of new mechanical floor area in the existing building calculated based on 1261.24 sf of total proposed mechanical deductions minus 102 sf of existing mechanical deductions minus 83.92 sf of mechanical space in the new penthouse. However, as the penthouses will contain only 1,139 SF of zoning floor area, this floor area could come entirely from the 1,306.86 SF of floor area reallocations- the balance of 150 SF, for the enclosed stairwells on the penthouse roof, could come from among the 1,075.32 SF of new mechanical space.

maximum base height before setback (15 feet from a wide street and 20 feet from a narrow street) is 85' or 6-stories, whichever is less. There are no absolute height limits; the building must be set within a sky exposure plane which begins at a height of 85 feet above the street line and then slopes inward over the zoning lot.

Across from the Project Site west of Broadway is a block-wide C6-2 district extending south to Houston Street and north to Waverly Place. The maximum commercial FAR is 6.0 and the maximum community facility FAR is 6.5. Residential uses are governed by the R8 residential district equivalent, where the regulations of the Quality Housing Program are optional. For non-Quality Housing buildings, height factor regulations apply, and the FAR ranges from 0.94 to 6.02 and the open space ratio ranges from 5.9 to 11.9. There are no absolute height limits; the building must be set within a sky exposure plane which begins at a height of 85 feet above the street line and then slopes inward over the zoning lot. For Quality Housing buildings, the maximum FAR is 6.02, and the base height before setback (10 feet from a wide street and 15 feet from a narrow street) is 60 to 80 feet with a maximum building height of 105 feet. There is another C6-2 district extending along Bleecker Street between Mulberry and Bowery, two blocks east of the Project Site, in the Special Little Italy District.

The other zoning district close to the Project Site is a large C1-7 district beyond the C6-2 district to the west of the Project Site, from LaGuardia Place to Mercer Street, that extends south to Houston Street and north to West 3<sup>rd</sup> Street. The maximum commercial FAR is 2.0. Residential uses are governed by the R8 residential district equivalent, like in the C6-2 district described above. In the C1-7 district is a 30-story building used by New York University.

The land uses in the immediate vicinity of the Project Site, within the M1-5B district, are predominantly six- to twelve-story buildings with residential, J1WQA, or commercial office and related use occupancy often with ground floor Use Group 6 retail space. The buildings on Broadway and the surrounding side streets have retail and other commercial uses on the ground floor, with a mix of commercial uses and people living on the upper floors. The neighboring building, a through-block 12-story building, has a Duane Reade on the ground floor, and other ground floor uses fronting Broadway on the Project Site's block include a Petsmart, Urban Outfitters, Best Buy, and the Adidas store fronting Houston Street. On the opposite side of Broadway, consistent with the C6-2 district's zoning, are several five- to seven-story multifamily residential buildings, with a few commercial/office buildings five-to-twelve stories in height. Buildings associated with NYU are located throughout the vicinity of the Project Site. Many of these buildings are former manufacturing buildings.

Other LPC-designated historic districts nearby include the NoHo East Historic District, the NoHo Historic District Extension, the SoHo Cast-Iron Historic District, and the SoHo Cast-Iron Historic District Extension. LPC-designated individual landmarks are the Bayard-Condict Building, immediately adjacent to the Project Site across Bleecker Street, the Robbins and Appleton Building, adjacent to the Bayard-Condict Building to its north, and the Puck Building, approximately three blocks south of the Project Site on the southeast corner of Houston and Lafayette Streets. Just beyond 600' from the Project Site is 376-380 Lafayette Street to the north and NYU's Silver Towers to the west.

## Description of the Project Site

The subject property consists of an approximately 5,157 square foot lot (Block 522, Lot 14) which is a corner, through-block lot bounded by the southerly side of Bleecker Street, the easterly side of Broadway, and the westerly side of Crosby Street in the NoHo neighborhood of Manhattan.

The property is nearly rectangular in shape and has approximately 196.33' of frontage along Bleecker Street to the north, 25.29' along Broadway to the west, and 27.25' of frontage along Crosby Street to the east. The property is bordered by another lot to the south. The property is located in an M1-5B zoning district and also lies within the NoHo Historic District and is across the street from the individually designated Bayard-Condict building at 65 Bleecker Street.

The property is developed with an approximately 62,128 gsf nine-story commercial/industrial building. The building contains 21 units occupied as Joint-Living Work Quarters for Artists [JLWQA] (Use Group (UG) 17D) comprising approximately 42,953 gsf of floor area primarily on the building's upper eight stories (floor area number also includes JLWQA lobby area and dedicated sub-cellar and cellar space). There are 9 rent stabilized units in the building and the building includes 2 tenants registered with the NYC Department of Cultural Affairs.<sup>3</sup> These units are included within and are not in addition to the above noted 21 JLWQA units. The building also includes 10 retail and eating and drinking establishments (UG6) occupying approximately 8,566 gsf of floor area primarily on the ground floor of the building (floor area number also includes dedicated sub-cellar and cellar space). The remaining 10,609 gsf of floor area is comprised of sub-cellar and cellar space for building utilities and related uses as well as floor area beyond the building's footprint below the sidewalk vault.

---

<sup>3</sup> The units proposed to be combined do not include the 9 rent stabilized units in the building or the 2 tenants registered with the NYC Department of Cultural Affairs (DCA).

Although the CO states all units are JLWQA, for the reason discussed in the next paragraph, the Note at the end of the CO permits 20 of the Building's 21 units to be occupied without having an artist certified by the DCA (the 21st unit is occupied by a certified artist as is one of the 20 units that are not required to be so occupied.) In addition to the two registered artists, there are 5 more units that are occupied by artists, though they are not currently registered with DCA. These artists' tenancy pre-dates the Applicant's purchase of the Building. In the time the Applicant has owned the Building, two registered artists have moved out: one, a senior citizen, went to an assisted living facility, and the other vacated as part of a settlement after the owner found she was illegally subletting her apartment and had initiated eviction proceedings.

The Note on the CO states "Pursuant to Article 7-C of the MDL, Apartment #s 2E, 2W, 2WR, 3E, 3W, 4E, 4WR, 5E, 5W, 6E, 6WF, 6WR, 7C, 7E, 7W, 8C, 8E, 8W, 9E, 9W may be occupied by non-artist in accordance with ZR 12-10 definition of JLWQA, Subdivision (C)." The definition of JLWQA, Subsection C in ZR 12-10, provides that "A 'joint living-work quarters for artists' consists of one or more rooms in a non-residential building, on one or more floors, with lawful cooking space and sanitary facilities meeting the requirements of the Housing Maintenance Code, occupied ... (c) by any person who is entitled to occupancy by any other provision of law." Here, the "other provision of law" is Article 7-C of the Multiple Dwelling Law, as referenced in the CO's Note. Section 281(4) of Article 7-C states: "Interim multiple dwellings shall also include buildings, structures or portions thereof that had residential occupants on May 1, 1987 in units occupied residentially since December 1, 1981 that were occupied for residential purposes since April 1, 1980 and those units shall be qualified for protection pursuant to this article..." In sum, the Building's occupancy is permitted by and consistent with the CO.

The property is located in the NoHo Historic District of Manhattan. According to the Historic District's Designation Report, the building on the site was constructed in 1896-97 and contained stores, offices, and lofts and was called the Empire State Bank Building. From approximately the 1940s to the 1970s the building contained manufacturing uses (i.e. towels, window cleaners, gloves, shoes, and dresses) with "stores" on the ground floor and storage in the cellar according to its Certificates of Occupancy. In 1988, the City Planning Commission granted a Determination of Residential Loft Occupancy (N 831530 ZJM) pursuant to Zoning Resolution (ZR) Section 74-782 to allow the building to have JLWQA occupancy on floors 2 through 9, which was needed because the building exceeds the 3,600 square foot maximum permitted lot coverage for such use per ZR Section 42-14(D)(1)(b). The building was converted to JLWQA use per Article I, Chapter 5 of the Zoning Resolution. As stated above, the building currently has 21 JLWQA on floors 2 through 9, with UG 6 retail (stores and an eating/drinking establishment) on the ground floor and cellar, for which a Certificate of occupancy permitting such uses was most recently issued in 2008 (presumably as a legal non-conforming use)<sup>4</sup>. There is also a sub-cellar with accessory storage and building support functions.

No additional floor area would be permitted on the project site as the site is already developed in excess of the 5.0 FAR allowed in the M1-5B zoning district. The 5,157 square foot site is currently developed with 45,726 zoning square feet of commercial/industrial zoning floor area which represents an FAR of 8.87. However, as this floor area is a pre-existing condition which pre-dates the 1961 Zoning Resolution, this floor area is permitted to remain on the property.

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

The Applicant proposes to create new penthouse additions on the roof of the existing building, totaling 1,515 gsf in floor area. The proposal includes an east penthouse addition near the Crosby Street frontage, with approximately 626 gsf, and a west penthouse addition near the Broadway frontage, containing approximately 597 gsf plus a penthouse roof of 292 gsf. The proposed penthouse additions would be combined with existing units on floors 8 and 9 to form an east triplex unit (containing 3 JLWQA units) fronting Crosby Street, and a west duplex unit (containing 2 JLWQA units) fronting Broadway. As proposed, the building would be comprised of 20 JLWQA units, a decrease of 1 unit from the existing 21 JLWQA units. 1,075.32 gsf would be reallocated from increased mechanical floor area on Floors 1 through 9. The increased mechanical deduction would be generated from the proposed removal of the existing elevator in the western portion of the building. As shown in Table 1, 1,306.86 gsf would be reallocated from the existing floors: 37.80 SF from the 1<sup>st</sup> floor, 474.33 SF from the 3<sup>rd</sup> floor (creating a duplex unit), 668.18 SF from the 5<sup>th</sup> floor (creating a cathedral ceiling), and 126.55 SF from the 9<sup>th</sup> floor, and the balance, approximately 150 SF, from among 1,075.32 SF from new mechanical deductions for the 292 SF of zoning floor area in the penthouse roof stairs, for a total of 2,382.18 gsf of reallocated floor area.

---

<sup>4</sup> In issuing the Certificate of Occupancy, the Department of Buildings must have been comfortable that the 21 JLWQA units were grandfathered, as the 1988 Determination authorized JLWQA use for 17 units.

<b>Floor</b>	<b>Existing gsf</b>	<b>Existing Mechanical sf</b>	<b>Existing Zoning sf</b>	<b>Proposed Interior sf relocation</b>	<b>Proposed gsf</b>	<b>Proposed Mechanical sf</b>	<b>Proposed Zoning sf</b>
<b>Sub-Cellar</b>	8,220.00	0.00	0.00	0.00	8,220.00	0.00	0
<b>Cellar</b>	8,080.00	0.00	0.00	0.00	8,080.00	0.00	0
<b>1st Floor</b>	5,092.00	13.00	5,079.00	37.80	5,054.20	114.48	4,939.72
<b>2nd Floor</b>	5,092.00	6.00	5,086.00	0.00	5,092.00	143.28	4,948.72
<b>3rd Floor</b>	5,092.00	5.50	5,086.50	474.33	4,617.67	141.78	4,475.89
<b>4th Floor</b>	5,092.00	14.00	5,078.00	0.00	5,092.00	131.18	4,960.82
<b>5th Floor</b>	5,092.00	21.00	5,071.00	668.18	4,423.82	120.08	4,303.74
<b>6th Floor</b>	5,092.00	3.00	5,089.00	0.00	5,092.00	143.18	4,948.82
<b>7th Floor</b>	5,092.00	3.00	5,089.00	0.00	5,092.00	119.78	4,972.22
<b>8th Floor</b>	5,092.00	30.00	5,062.00	0.00	5,092.00	137.18	4,954.82
<b>9th Floor</b>	5,092.00	6.50	5,085.50	126.55	4,965.45	126.38	4,839.07
<b>Penthouse</b>	0.00	0.00	0.00	0.00	1,223.00	83.92	1,139.08
<b>Penthouse Roof</b>	0.00	0.00	0.00	0.00	292.00	0	292.00
<b>Total</b>	<b>62,128.00</b>	<b>101.50</b>	<b>45,726.00</b>	<b>1,306.86</b>	<b>62,336.14</b>	<b>1,261.24</b>	<b>44,774.9</b>

The proposed rooftop modifications include moving the 16 existing condenser units on the building's main roof to the new penthouse roof. Another 12 new condenser units would be installed over the existing west elevator and egress stair bulkheads as well as on the roofs of the 2 new private stair bulkheads. The units would be arranged grouped in line side by side along the south lot line wall sheltered behind noise screens. In addition, a new cooling tower would be installed over the existing east egress stair bulkhead.

The project will also include the restoration of the Building's historic façade, which includes, among other work, repair and cleaning of the Building's limestone enframing near its entrance and replacing limestone units, replacing non-historic windows and brick to match original window configuration and bricks, cleaning of brick and terracotta on the ground floor, removing embeds from the masonry on all street façades and patching holes, implementing a new storefront infill on Bleeker Street incorporating historic storefront features, and replacing the missing original rooftop balustrade with a new fiberglass balustrade based on historic conditions, which requires the requested height and setback waiver. The work is described in detail in the restrictive declaration which will be recorded if and when the Special Permit application is approved.

Due to the existing M1-5B zoning district, 20-foot setbacks are required for the building at a height of six stories on Crosby and Bleeker Streets, which are narrow streets, and 15 feet on



Broadway, which is a wide street. The proposed east and west setbacks of the penthouse would comply with the required zoning setbacks while the north setback would encroach over the initial setback required on Bleecker Street by 14'-9.5". In addition, a proposed parapet balustrade, being installed per LPC's request, would constitute a non-conforming obstruction penetrating the sky exposure plane. Parapets up to 4'-0" in height are a permitted obstruction and the balustrade would add 4'-10" of height to the existing parapet (the existing parapet height would not be modified). The resulting height of the existing parapet with the proposed balustrade would be approximately 8'-10". Since the proposed development would increase the degree of non-compliance with height and setback regulations, a waiver of this requirement is being requested.

No additional floor area would be permitted on the project site as the site is already developed in excess of the 5.0 FAR allowed in the M1-5B zoning district. Following completion of the proposed project, the 5,157 square foot site would be developed with 44,775 zoning square feet<sup>5</sup> of commercial/industrial zoning floor area which represents an FAR of 8.68. However, as this floor area is a pre-existing condition which pre-dates the 1961 Zoning Resolution, this floor area is permitted to remain on the property. The reallocation of existing floor area from the lower floors of the existing building to its rooftop level would not constitute an increase in floor area on the property.

At their January 20, 2015 hearing, the LPC voted to approve a Certificate of Appropriateness for the project as well as the continuing maintenance report prepared pursuant to ZR Section 74-711. LPC's approvals of the project were granted on March 13, 2015 and included a Certificate of No Effect and a Certificate of Appropriateness as well as a letter to the CPC issuing a favorable report in support of the application for the proposed Special Permit ("Modification of Use 16-8913"). An application was submitted to the LPC on March 8, 2017 for the amended Certificate of Appropriateness and an amendment to the work approved under the permit to reflect the recently modified reduced-size penthouses. By letter dated March 29, 2017, LPC determined that the revised scope of work is in keeping with the intent of the original approval and it issued an amended Certificate of Appropriateness. By a second letter dated March 29, 2017, LPC amended the report in support of the application for the proposed Special Permit (Modification of Use 16-8913).

### **Build Year**

Based on an estimated 12- to 18-month approval process (including a ULURP approval process of up to 215 days) and a 6-month construction period, the Build Year is assumed to be 2018.

### **Purpose and Need**

In applying for the Special Permit, the applicant seeks waivers of the (i) height and setback regulations of ZR §43-43 to facilitate the construction of the Penthouse Additions containing a total of approximately 1,515 gsf taken from 2,382.18 square feet of floor area reallocated from elsewhere in the Building.<sup>6</sup> The extent of the Building's existing legal non-compliance with

---

<sup>5</sup> 951 square feet less than its legally non-complying condition.

<sup>6</sup> Department staff has advised that because the plans approved in connection with the 1988 Determination did not include any rooftop recreation space plans, there is no need to modify the 1988 Determination.

respect to the maximum permitted floor area will not increase, as the total floor area in the Building will be decreased by 951 SF.

ZR §43-43 provides that in an M1-5 district, the maximum height of a front wall is 85' or 6 stories, whichever is less, at which height a setback of 20' is required from narrow streets such as Crosby and Bleecker Streets and 15' from a wide street such as Broadway. Above a height of 85', building height is governed by a sky exposure plane of 2.7 to 1 from a narrow street and 5.6 to 1 from a wide street. The Building rises without setback to a height of 122', penetrating the sky exposure planes from each street, so it is currently legally non-complying with respect to height and setback. As shown on the drawings accompanying this application, a portion of the Penthouse Additions measuring up to approximately 14'-9.5" in depth would encroach into the 20' setback area and penetrate the sky exposure plane above Bleecker Street (they are set back 3'-7") (the Penthouse Additions would comply with the setback and sky exposure plane requirements above Broadway and Crosby Street), and a new 4'-10" balustrade would encroach into the required setback area and penetrate the sky exposure planes on each frontage, reaching a height of 8'-10" above roof level (on top of the existing 4' parapet which will remain unchanged), thus increasing the Building's degree of non-compliance with height and setback regulations.

ZR §42-14(D)(1)(e) requires that up to 50%<sup>7</sup> of the gross roof area of a building containing JLWQA be maintained as open recreation space, accessible to all building occupants and their guests, free of charge. The Building's certificate of occupancy reflects this requirement by stating that "at least 30% of the roof area shall be developed for recreational use by the occupants of and guests," which generates a required recreation space of 2,127.6 SF.

Since the area of the roof is 5,092 square feet and the proposed gross penthouse area is 1,223 square feet, there would be sufficient space to provide the 2,028<sup>6</sup> square feet of required rooftop recreation space. Thus, the Applicant is not seeking a waiver of the required rooftop recreation space. While the Zoning Resolution and the Department of Buildings does not require the rooftop recreation space to be improved, the Applicant intends to implement landscaping and a deck in a portion of the rooftop, as an amenity for the enjoyment of building residents. The Applicant also intends to improve access to the rooftop by installing an upgraded egress stair. The existing rooftop space is sparsely used by building residents. To address this, the Applicant intends to post conspicuous signage stating "Rooftop Recreation Space Open to All Building Residents and Their Guests, 24 Hours a Day, 7 Days a Week."

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

In the future without the action, the Reasonable Worst Case Development Scenario (RWCDs) on the project site would be the same as the existing condition<sup>8</sup>. Therefore, in the absence of the proposed action, existing floor area on the lower floors of the building would not be reallocated

---

<sup>7</sup> 30% for the first 15 JLWQA, and an additional 100 SF per unit over 15 units, up to a total of 50%.

<sup>6</sup> The 2,128 SF currently required would be reduced by 100 SF since one (market rate) unit is being eliminated.

<sup>8</sup> Various improvements and renovations to the building have recently occurred or are currently occurring in the building per NYC Department of Buildings filed plans and would continue to occur in the absence of the proposed action.

and no new penthouses would be created on the roof of the existing building on the site. The property would continue to be occupied by the existing approximately 62,128 gsf nine-story commercial/industrial building. The building would be comprised of 21 JLVQA units (UG17D) occupying approximately 42,953 gsf of floor area primarily on the building's upper eight stories (floor area number also includes JLVQA lobby area and dedicated subcellar and cellar space) and 10 retail and eating and drinking establishments (UG 6) occupying approximately 8,566 gsf of floor area primarily on the ground floor of the building (floor area number also includes dedicated sub-cellar and cellar space). The remaining 10,609 gsf of floor area would be comprised of sub-cellar and cellar space for building utilities and related uses as well as floor area beyond the building's footprint below the sidewalk vault.

No additional floor area would be permitted on the project site as the site is already developed in excess of the 5.0 FAR allowed in the M1-5B zoning district. The 5,157 square foot site is currently developed with 45,726 zoning square feet<sup>9</sup> of commercial/industrial zoning floor area which represents an FAR of 8.87. However, as this floor area is a pre-existing condition which pre-dates the 1961 Zoning Resolution, this floor area is permitted to remain on the property.

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

The With-Action RWCDs would be the same as the proposed development described above and would entail the construction of new one-story penthouse additions on the roof of the existing building on the project site. The total proposed floor area of the rooftop additions would be 1,515 gsf comprised of 1,223.00 gsf at the penthouse level plus 292 gsf at the penthouse roof level. This would be accomplished by reallocating 2,382.18<sup>10</sup> gsf of floor area from the lower floors and mechanical spaces of the existing nine-story building.

As mentioned above, 2,382.18 gsf of floor area would be reallocated from inside the building, of which 1,075.32 gsf would be comprised of new mechanical deductions and 1,306.86 sf would consist of floor area reallocations. However, as the penthouses will contain only 1,139 SF of zoning floor area, this floor area could come entirely from the 1,306.86 SF of floor area reallocations- the balance of 150 SF, for the enclosed stairwells on the penthouse roof, could come from among the 1,075.32 SF of new mechanical space. With the reallocation of existing floor area and new mechanical deductions, 1,515 gsf would be constructed on the roof of the structure. Since 1,306.86 sf of floor area from the proposed 1,515 gsf would not be included in the new gross floor area (as it has already been counted as part of the existing building<sup>11</sup>), the proposed development would only increase the total floor area by 208.14 gsf, from 62,128 gsf to 62,336.14 gsf.

The Applicant's current proposal includes an east penthouse addition near the Crosby Street frontage, with approximately 626 gsf, and a west penthouse addition near the Broadway frontage, containing approximately 597 gsf. The proposed penthouse additions would be combined with existing units on floors 8 and 9 to form an east triplex unit (containing 3 JLVQA units) fronting Crosby Street, and a west duplex unit (containing 2 JLVQA units) fronting

---

<sup>9</sup> 45,828 gsf minus 102 square feet of mechanical space.

<sup>10</sup> 102 square feet was subtracted from the 2496.79 square feet stated in the RWCDs memo to account for the mechanical floor area that was determined to pre-date the conversion of the building to JLVQA use.

<sup>11</sup> Note: The new mechanical deductions are included as part of GFA, while the new floor area reallocations are not.

Broadway. Upon completion of the proposed development, the building would be comprised of 20 JLVQA units (UG 17D) occupying approximately 43,161.14 gsf of floor area primarily on the building's upper eight stories (floor area number also includes JLVQA lobby area and dedicated sub-cellar and cellar space) and 10 retail and eating and drinking establishments (UG 6) occupying approximately 8,566 gsf of floor area primarily on the ground floor of the building (floor area number also includes dedicated sub-cellar and cellar space). The remaining 10,609 gsf of floor area would continue to be comprised of sub-cellar and cellar space for building utilities and related uses as well as floor area beyond the building's footprint below the sidewalk vault.

No additional floor area would be permitted on the project site as the site is already developed in excess of the 5.0 FAR allowed in the M1-5B zoning district. Following completion of the proposed project, the 5,157 square foot site would be developed with 44,775 zoning square feet<sup>12</sup> of commercial/industrial zoning floor area which represents an FAR of 8.68. However, as this floor area is a pre-existing condition which pre-dates the 1961 Zoning Resolution, this floor area is permitted to remain on the property. The reallocation of existing floor area from the lower floors of the existing building to its rooftop level would not constitute an increase in floor area on the property.

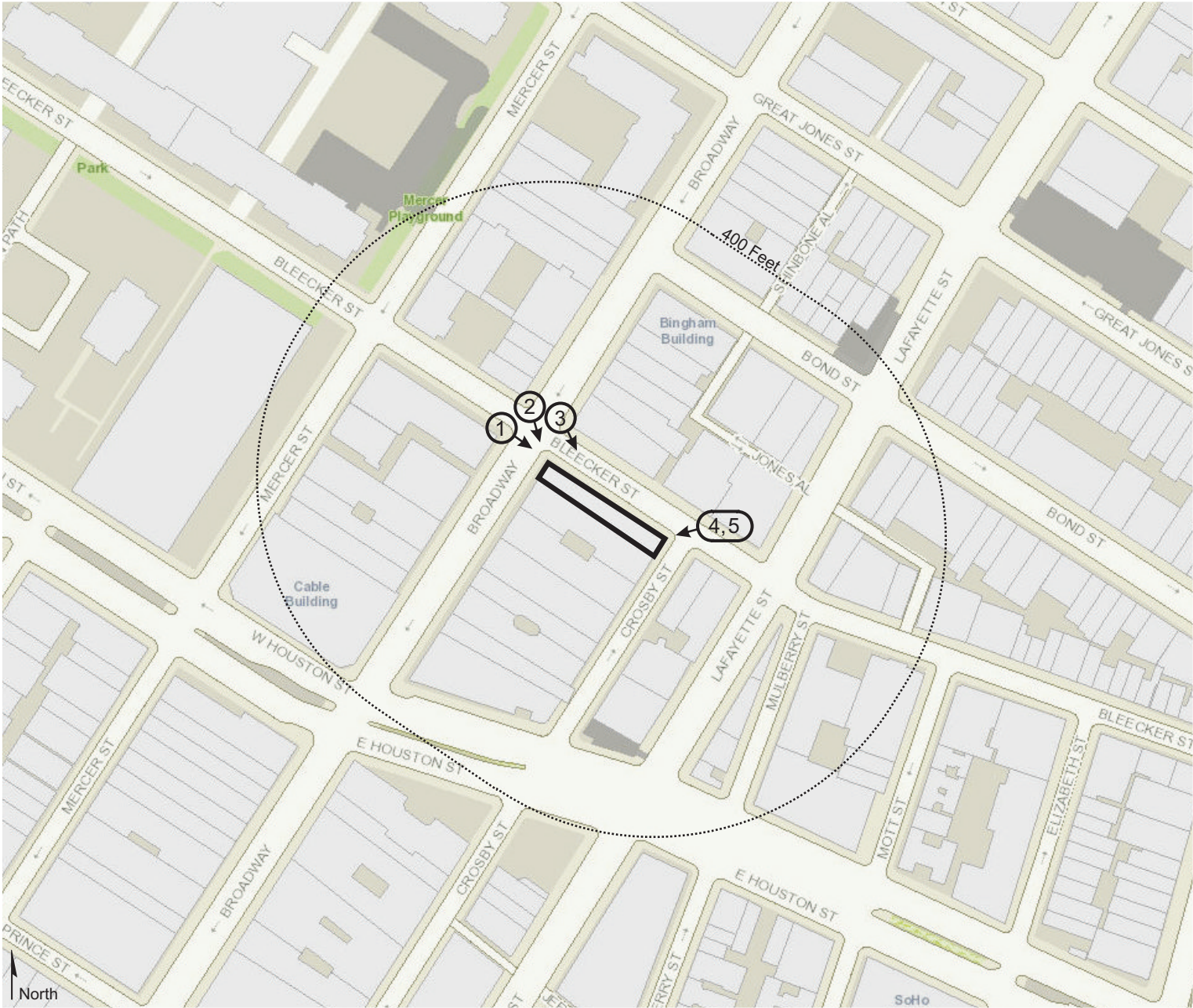
Since Certification of the Proposed Action on November 28, 2016, the Applicant revised the proposed site plan to reduce the size of the penthouse additions as a response to concerns raised during public review. The Proposed Action that was analyzed in the original application and EAS included a waiver for recreational space requirements pursuant to ZR Section 42-14(D)(1)(e). The original site plan subject to the Proposed Action provided 2,372 gsf penthouse additions, which would have limited the amount of recreational space on the rooftop below requirements pursuant to ZR Section 42-14(D)(1)(e). Subsequent to Certification of the Proposed Action, the Applicant revised their site plan to reduce the size of the proposed penthouse additions from 2,372 gsf to 1,515 gsf, which would eliminate the need for a waiver to modify recreational space requirements pursuant to ZR Section 42-14(D)(1)(e). The analysis presented below uses the original site plan that was certified. Given that the original site plan presented a larger increment and bulk, the revised site plan would not alter the conclusions of the previous analyses conducted. See Appendix-Architectural Plans for all drawings pertaining to the proposed rooftop addition.

---

<sup>12</sup> 951 square feet less than its legally non-complying condition.

# **FIGURES & PHOTOGRAPHS**









Frontage of building at the southeast corner of Broadway at Bleecker Street





Frontage of building at the southeast corner of Broadway and Bleecker Street





Frontage of building along Bleeker Street between Broadway and Crosby Street





Frontage of building at the southwest corner of Bleecker and Crosby Streets



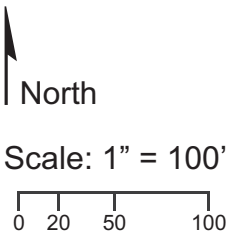


Frontage of building at the southwest corner of Bleecker and Crosby Streets

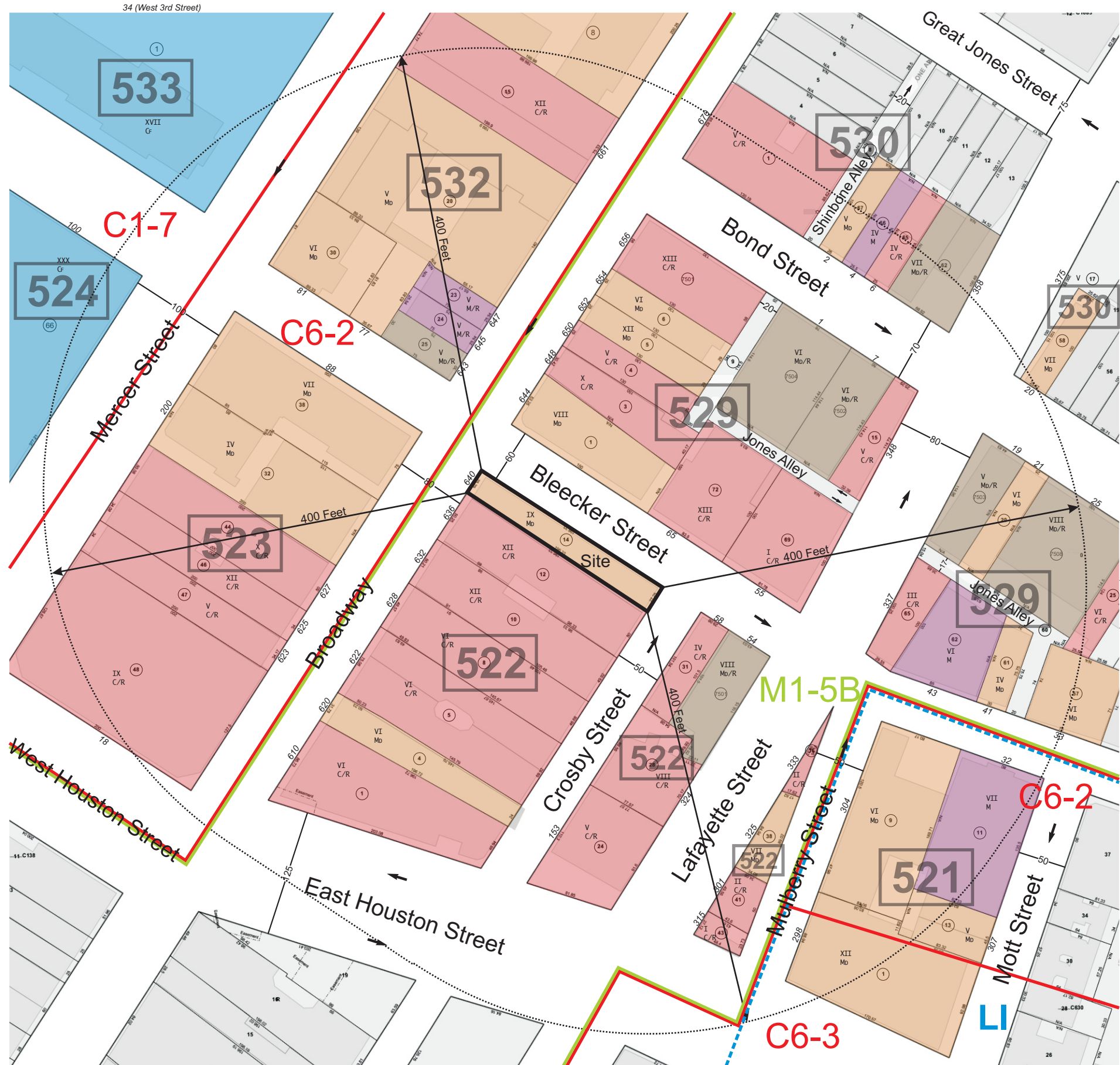


Legend

- # - Lot Numbers
- ### - Block Numbers
- ..... - 400 Foot Radius

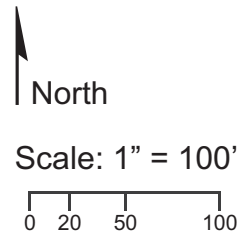




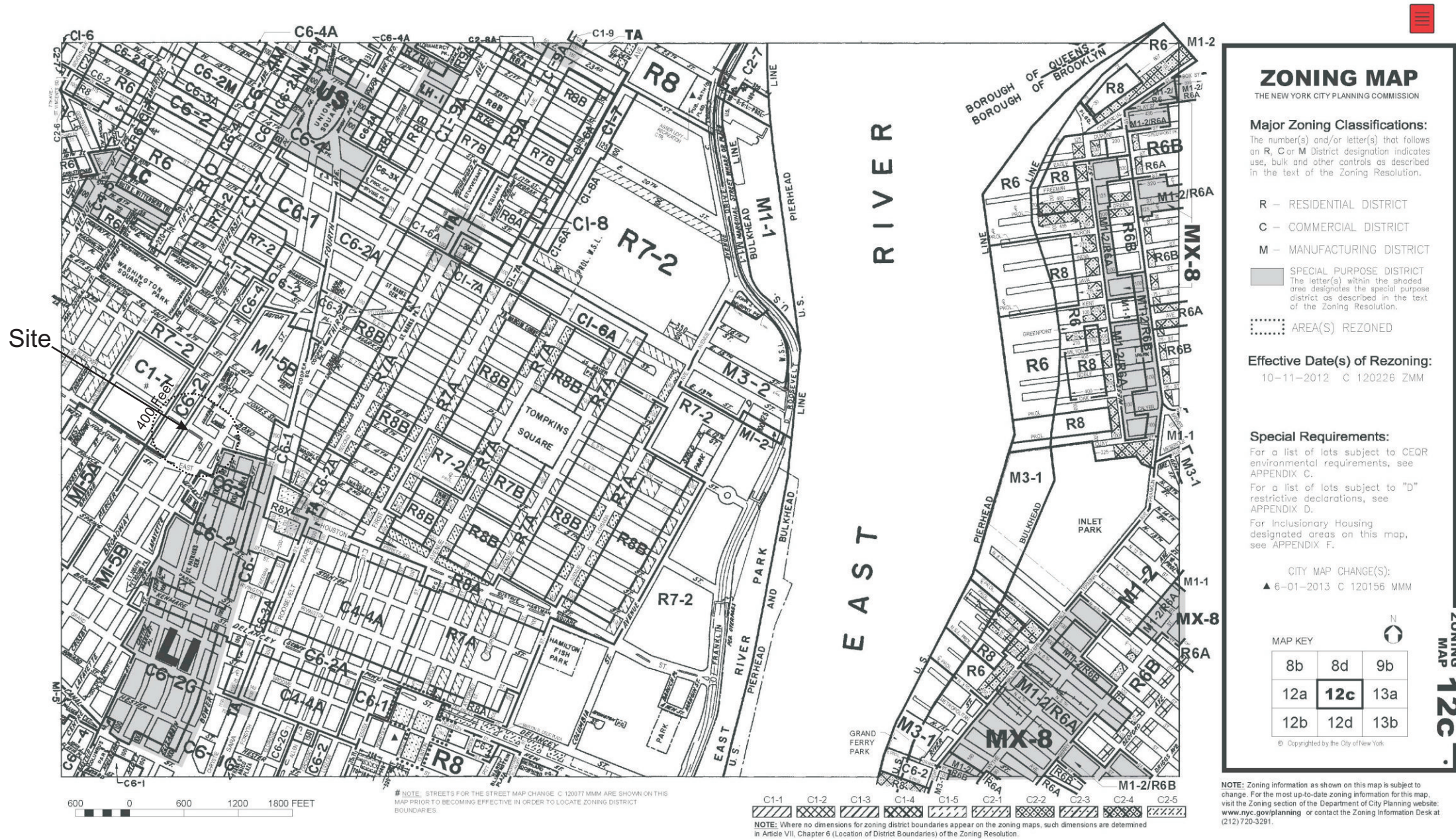


- Land Uses**
- One and Two-Family Homes
  - Multiple Dwelling
  - Commercial
  - Mixed Use (Residential-Commercial)
  - Manufacturing
  - Open Space / Park Land
  - Institutional / Community Facility
  - Parking / Automotive

- Legend**
- # - 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







# **SUPPLEMENTAL REPORT**



**EAS NARRATIVE ATTACHMENT**  
**640 BROADWAY - CPC 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; shadows; historic and cultural resources; urban design and visual resources; hazardous materials; air quality; noise; and construction as further detailed below. A short open space section is also included. The section numbers below correspond to the relevant chapters of the 2014 *CEQR Technical Manual*.

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

**EXISTING CONDITIONS**

**Land Use**

Project Site

The subject property consists of an approximately 5,157 square foot lot (Block 522, Lot 14) which is a corner, through-block lot bounded by the southerly side of Bleecker Street, the easterly side of Broadway, and the westerly side of Crosby Street in the NoHo neighborhood of Manhattan.

The property is nearly rectangular in shape and has approximately 196.33' of frontage along Bleecker Street to the north, 25.29' along Broadway to the west, and 27.25' of frontage along Crosby Street to the east. The property is bordered by another lot to the south.

The property is developed with an approximately 62,128 gross square foot (gsf) nine-story plus cellar and sub-cellar commercial/industrial building which covers 5,092 square feet of the 5,157 square foot lot. The building contains 21 units occupied as Joint-Living Work Quarters for Artists [JLWQA] (Use Group (UG) 17D) comprising approximately 42,953 gsf of floor area primarily on the building's upper eight stories (floor area number also includes JLWQA lobby area and dedicated sub-cellar and cellar space). There are 9 rent stabilized units in the building and the building includes 2 tenants registered with the NYC Department of Cultural Affairs.<sup>1</sup>

---

<sup>1</sup> The units proposed to be combined do not include the 9 rent stabilized units in the building or the 2 tenants registered with the NYC Department of Cultural Affairs (DCA).

Although the CO states all units are JLWQA, for the reason discussed in the next paragraph, the Note at the end of the CO permits 20 of the Building's 21 units to be occupied without having an artist certified by the DCA (the 21st unit is occupied by a certified artist as is one of the 20 units that are not required to be so occupied.) In addition to the two registered artists, there are 5 more units that are occupied by artists, though they are not currently registered with DCA. These artists' tenancy pre-dates the Applicant's purchase of the Building. In the time the Applicant has owned the Building, two registered artists have moved out: one, a senior citizen, went to an assisted living facility, and the other vacated as



These units are included within and are not in addition to the above noted 21 JLVQA units. The building also includes 10 retail and eating and drinking establishments (UG6) occupying approximately 8,566 gsf of floor area primarily on the ground floor of the building (floor area number also includes dedicated sub-cellar and cellar space). The remaining 10,609 gsf of floor area is comprised of sub-cellar and cellar space for building utilities and related uses as well as floor area beyond the building's footprint below the sidewalk vault.

The property is located in the NoHo Historic District of Manhattan. According to the Historic District's Designation Report, the building on the site was constructed in 1896-97 and contained stores, offices, and lofts and was called the Empire State Bank Building. From approximately the 1940s to the 1970s the building contained manufacturing uses (i.e. towels, window cleaners, gloves, shoes, and dresses) with "stores" on the ground floor and storage in the cellar according to its Certificates of Occupancy. In 1988, the City Planning Commission granted a Determination of Residential Loft Occupancy (N 831530 ZJM) pursuant to Zoning Resolution (ZR) Section 74-782 to allow the building to have JLVQA occupancy on floors 2 through 9, which was needed because the building exceeds the 3,600 square foot maximum permitted lot coverage for such use per ZR Section 42-14(D)(1)(b). The building was converted to JLVQA use per Article I, Chapter 5 of the Zoning Resolution. As stated above, the building currently has 21 JLVQA units on floors 2 through 9, with UG 6 retail (stores and an eating/drinking establishment) on the ground floor and cellar, for which a Certificate of occupancy permitting such uses was most recently issued in 2008 (presumably as a legal non-conforming use)<sup>2</sup>. There is also a sub-cellar with accessory storage and building support functions.

A summary of the status of NYC Department of Buildings filed plans and construction work that have recently occurred or are currently occurring in the building follows below. Item 1 is related to the proposed action. It is anticipated that item 2 will be completed within the next year and a half. Items 3 through 8 have been completed. In summary, all items listed below would occur in the absence of the proposed project:

1. DOB Job No: 120156605 for "Construction of New Penthouse Addition at Roof Level, Amend Schedule A and Obtain Amended Certificate of Occupancy" was filed and

---

part of a settlement after the owner found she was illegally subletting her apartment and had initiated eviction proceedings.

The Note on the CO states "Pursuant to Article 7-C of the MDL, Apartment #s 2E, 2W, 2WR, 3E, 3W, 4E, 4WR, 5E, 5W, 6E, 6WF, 6WR, 7C, 7E, 7W, 8C, 8E, 8W, 9E, 9W may be occupied by non-artist in accordance with ZR 12-10 definition of JLVQA, Subdivision (C)." The definition of JLVQA, Subsection C in ZR 12-10, provides that "A 'joint living-work quarters for artists' consists of one or more rooms in a non-residential building, on one or more floors, with lawful cooking space and sanitary facilities meeting the requirements of the Housing Maintenance Code, occupied ... (c) by any person who is entitled to occupancy by any other provision of law." Here, the "other provision of law" is Article 7-C of the Multiple Dwelling Law, as referenced in the CO's Note. Section 281(4) of Article 7-C states: "Interim multiple dwellings shall also include buildings, structures or portions thereof that had residential occupants on May 1, 1987 in units occupied residentially since December 1, 1981 that were occupied for residential purposes since April 1, 1980 and those units shall be qualified for protection pursuant to this article..." In sum, the Building's occupancy is permitted by and consistent with the CO.

<sup>2</sup> In issuing the Certificate of Occupancy, the Department of Buildings must have been comfortable that the 21 JLVQA units were grandfathered, as the 1988 Determination authorized JLVQA use for 17 units.

approved for a smaller penthouse configuration by Gary Silver Architects P.C. in 2010. In late 2014, Bone/Levine Architects superseded Gary Sliver as the architect of record. In January 2015, a new Schedule A was filed as part of the initial post approval amendments for the new penthouse configuration in advance of the NYC Landmarks Preservation Commission (LPC) public hearing held on February 2015. There is currently no active construction work occurring in the building related to this DOB application.

2. DOB Job #121176495 for Retail Storefront Renovation (85% completed; pending construction of one Bleecker Street storefront and the Crosby Street lobby entrance).
3. DOB Job #122026173 for interior renovations in the Broadway and Crosby Street lobbies; new interior walls, ceilings, flooring & lighting, glass floor in Crosby Street lobby (90% completed; pending replacement of tile floor and lighting).
4. DOB Job #121557305 for renovation of Apt. 6B; renovation and reconfiguration of interior layout, new HVAC (95% complete - pending finishing of wood floors).
5. DOB Job #110378305 for interior renovation of Apts. 6C and 8C: renovation and reconfiguration of interior layout, new HVAC (80% complete; 6C 90% complete, 8C 70% complete).
6. DOB Job #'s 121835844 and 12168609 for removal of old elevator, construction of new bulkhead and control room at roof level, installation of new elevator in existing shaft (80% completed pending finishing shaft repairs, installing cab, finish rooftop bulkhead).
7. DOB Job #121788048 for replacement and construction of new egress stairs from subcellar to 1st floor (95% complete pending painting).
8. DOB Job # to be confirmed for interior renovation of two stores - whiteboxing (work has not yet commenced).

### Study Area

The primary study area extends approximately 400 feet in all directions from the project site. The study area is roughly bounded by an area slightly to the north of Bond Street on the north, East and West Houston Streets on the south, Mott Street to the east, and an area slightly to the west of Mercer Street to the west. In order to assess existing land use conditions for the proposed development, a parcel by parcel inventory was undertaken within the 400-foot radius study area surrounding the site. The inventory included a survey of ground floor uses and upper floors by predominant use.

The surrounding 400-foot radius area is primarily characterized by buildings that are generally occupied by residential, commercial office/retail, and JLWQA uses. Many of the buildings contain a mixture of these uses and many also contain a ground floor retail component. The western edge of the radius area is developed with buildings owned by New York University.

Properties bordering and directly across the street from the project site include the following:

- 636 Broadway is a through-block 12-story building containing 81 commercial retail and office units adjoining the project site to the south.

- 88 Bleecker Street is a through-block 7-story building containing 107 residential units and 8 ground floor retail uses located across Broadway from the project site to the west.
- 644 Broadway is an 8-story building containing 15 residential units and 1 ground floor retail use located across Bleecker Street from the project site to the north.
- 65 Bleecker Street is a 13-story building containing 19 commercial retail and office units located across Bleecker Street from the project site to the north.
- 58 Bleecker Street is a 4-story building containing 4 commercial retail and office units located across Crosby Street from the project site to the east.
- 643 Broadway is a 5-story building containing 18 residential units and 1 ground floor retail use located diagonally across Broadway from the project site to the northwest.

The remainder of Block 522 (west), the block on which the project site is located, is developed with six-to 12-story through-block loft buildings primarily occupied by commercial/office uses and ground floor retail space. One of the six-story buildings is a multi-family dwelling. Block 522 consists of two additional block portions separated by Crosby Street and Lafayette Street to the east. The portion of Block 522 bordered by Lafayette and Crosby Streets contains one 4-story, one 5-story, and one 8-story commercial/office building with ground floor retail uses. It also contains an eight-story multiple dwelling with ground floor retail space. The easternmost portion of Block 522 bordered by Lafayette and Mulberry Streets is a narrow triangular shaped block developed with one 1-story and two 2-story commercial/office building with ground floor retail uses and a seven-story multiple dwelling.

A portion of Block 521, east of Block 522 discussed above, is located within 400 feet of the project site. The included portion of this block is developed with one 5-story, one 6-story, and one 12-story multiple dwellings and also includes a seven-story manufacturing and storage building that is currently being converted to residential use.

Block 523 to the west of the project site block across Mercer Street is developed with one 4-story and one 7-story multiple dwellings at the northern end of the block closer to Bleecker Street. The remainder of the block is developed with four through-block commercial/office buildings ranging from five- to twelve-stories in height with ground floor retail uses.

Block 529 (west) directly north of the project site across Bleecker Street is developed with a mixture of large, bulky commercial/office and retail buildings and multiple dwellings. The five commercial/office buildings on the block range from five- to thirteen-stories in height while the multiple dwellings are from six- to twelve-stories tall. There is also a one-story retail structure at the corner of Bleecker and Lafayette Streets. All of the commercial buildings and three of the multiple dwellings contain ground floor retail space. The L-shaped Jones Alley also runs through this block between Bond and Lafayette Streets.

The 400-foot radius portion of Block 529 (east) across Lafayette Street to the east is primarily developed with multiple dwellings ranging from four- to eight-stories in height. Two of the five residential buildings also contain ground floor retail uses. This portion of the block also contains one 3-story and one 6-story commercial/office building with ground level retail space. There is also a six-story manufacturing building located on this portion of the block that contains a ground level theater use. The upper floors of the building appear to be occupied by

JLWQA and various office type uses. The L-shaped Jones Alley located on Block 529 (west) also runs through this portion of Block 529 between Lafayette and Bleecker Streets.

A portion of Block 532 occupies the northwest corner of the 400-foot radius project study area and contains two 5-story and one 6-story multiple dwellings and a twelve-story through-block commercial/office building with ground floor level retail space. It also contains two small 5-story loft buildings, likely occupied by JLWQA uses, with ground floor retail space.

Small portions of four other blocks are located within 400 feet of the project site. At the western edge of the study area, Blocks 524 and 533 located along Mercer Street to either side of Bleecker Street, contain one 17-story and one 30-story building owned by New York University. At the northern edge of the project study area, the southern end of Block 530 (west) to the north of Bond Street is developed with one 4-story and one 5-story commercial/office building with ground floor retail space; one 5-story multiple dwelling; one 4-story manufacturing building containing JLWQA uses and a wholesale establishment and accessory offices; and a former parking lot currently being developed with a seven-story residential building. Shinebone Alley also runs through the center of this block between Bond and Great Jones Streets. The corner of Block 530 (east) is located in the project study area and contains a seven-story multiple dwelling and a five-story parking garage.

## ZONING

### Project Site

The New York City Zoning Resolution shows that the project site is located in an M1-5B light manufacturing zoning district. The M1-5B district is mapped in the SoHo/NoHo neighborhoods of lower Manhattan and allows Use Group 17D JLWQA uses in loft buildings. The M1 district is often a buffer between M2 or M3 districts and adjacent residential or commercial districts. Use Groups 4 through 14, 16, and 17 are permitted in the M1 district but the M1-5B zoning district prohibits or restricts the size and location within a building of certain of these uses including eating and drinking establishments, places of entertainment, museums, and other uses. Ground floor retail uses are also regulated and are not allowed below the level of the second story. Strict performance standards are common to all M1 districts. Light industries typically found in M1 areas include woodworking shops, auto storage and repair shops, and wholesale service and storage facilities. Retail and office uses and Use Group 4 community facilities are also permitted but residential uses are not allowed. JLWQA use is allowed in buildings that pre-date 1961 and have a lot coverage of less than 5,000 square feet (3,600 square feet on Broadway).

A maximum FAR of 5.0 is permitted for all commercial and manufacturing buildings in M1-5B zoning districts and an FAR of up to 6.50 is allowed for community facility buildings. Maximum permitted floor area is determined by multiplying the maximum permitted FAR by the lot area. Therefore, a maximum floor area of 25,785 square feet of commercial or manufacturing space or 33,520 square feet of community facility space would be allowed as-of-right on the 5,157 square foot project site. This refers to zoning floor area, which excludes cellar and mechanical space, and is thus lower than a building's gross square footage.

No additional floor area would be permitted on the project site as the site is already developed in excess of the 5.0 commercial/manufacturing FAR allowed in the M1-5B zoning district. The

5,157 square foot site is currently developed with 45,726 zoning square feet (zsf)<sup>3</sup> of commercial/industrial zoning floor area which represents an FAR of 8.87. The building also rises without setback to a height of 122', penetrating the sky exposure planes, contrary to height and setback requirements. However, as the floor area and height are pre-existing conditions which pre-date the 1961 Zoning Resolution, these conditions are permitted to remain on the property.

Although the M1-5 zone does not limit total building height, it requires the front wall of a building to set back 20 feet at a height of 85 feet or six stories on narrow streets and 15 feet on wide streets. 20-foot setbacks are required for the building at a height of six stories on Crosby and Bleecker Streets, which are narrow streets, and 15 feet on Broadway, which is a wide street. The M1-5 district also has requirements relating to sky exposure plane, which is defined as an imaginary inclined plane beginning above the street line at a height defined in the Zoning Resolution and rising over a zoning lot at a ratio of vertical distance to horizontal distance as also defined in the Resolution. A sky exposure plane of 2.7 to 1 is required at a height of 85 feet above the street line of Crosby and Bleecker Streets and 5.6 to 1 above the street line of Broadway. No yards requirements are applicable to the site. The building does not comply with the above zoning setback and sky exposure plane requirements. However, as the building pre-dates the 1961 Zoning Resolution, these conditions are permitted to remain.

As a higher density M1 zone, parking is not required in the M1-5 district. Loading requirements vary with the size and type of use.

Rooftop recreation space requirements applicable to the property pursuant to ZR Section 42-14(D)(1)(e) require that up to 50% (30% for the first 15 JLVQA units), and an additional 100 SF per unit over 15 units, up to a total of 50% of the gross roof area of a building containing JLVQA units be maintained as open recreation space, accessible to all building occupants and their guests, free of charge.

The Department of City Planning (DCP) and the New York City Council have 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 ZQA text amendment affects residential developments in community districts throughout the city, while the MIH text amendment only affects residential developments in areas that are designated for inclusionary housing. Because this application is for a special permit where no significant amount of residential floor area is being added (approximately 208 gsf of residential floor area to be added within existing dwelling units), and is located in an M1-5B district, these text amendments would not apply to this project.

#### Study Area

Most of the area within 400 feet of the project site shares the property's M1-5B zoning. Therefore, the zoning use and bulk provisions relevant to the project site also apply to this portion of the project study area.

---

<sup>3</sup> 45,828 gsf minus 102 square feet of mechanical space.

Several other zoning districts are located within 400 feet of the site. A C6-2 district is mapped to the west of the site across Broadway and also to the east of the site across Mulberry Street. The project study area also overlaps small areas zoned C6-3 and C1-7 as well as the Special Little Italy District east of Mulberry Street.

C6 districts permit a wide range of high-bulk commercial uses requiring a central location. Corporate headquarters, large hotels, entertainment facilities, retail stores, and high-rise residences in mixed buildings are permitted in C6 districts. Most C6 districts are mapped in Manhattan and Downtown Brooklyn and permit Use Groups 1 through 12. C6-2 and C6-3 districts are generally mapped outside of central business cores and allow a commercial FAR of 6.0 and a community facility FAR of 6.5. The C6-2 district is equivalent to R8 districts for residential bulk regulations, allowing a base residential FAR of between 0.94 and 6.02. The C6-3 district is equivalent to R9 districts for residential bulk regulations, allowing a base residential FAR of between 0.99 and 7.52. As C6 districts are well served by mass transit, off-street parking is generally not required.

C1-7 districts are commercial districts that are predominantly residential in character. They are mapped along major thoroughfares in medium- and higher-density areas of the city. As in commercial overlays districts, typical retail uses include grocery stores, dry cleaners, drug stores, restaurants and local clothing stores that cater to the daily needs of the immediate neighborhood. In mixed buildings, commercial uses are limited to one or two floors and must always be located below the residential use. The maximum commercial FAR is 2.0. The C1-7 district is equivalent to R8 districts for residential bulk regulations, allowing a base residential FAR of between 0.94 and 6.02. As C1-7 districts are well served by mass transit, off-street parking is generally not required.

The Little Italy Special District (LI) was established to preserve and enhance the historic and commercial character of this traditional community. Special use regulations protect the retail area along Mulberry Street. Other regulations encourage residential rehabilitation and new development on a scale consistent with existing buildings, discourage the demolition of noteworthy buildings, and increase the number of street trees in the area.

The project site and the 400-foot radius project study area are located within the City's Food Retail Expansion to Support Health (FRESH) program boundaries. The City has established the 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 project site and the project study area surrounding the property are eligible for various tax incentives related to grocery store development and operation.

## **PUBLIC POLICY**

### Project Site

Several public policies relate to the project site. The project site is located within the New York City Landmarks Preservation Commission (LPC) designated NoHo Historic District. The NoHo Historic District is not listed on the New York State or National Register but it is certified on the



State and National lists, meaning properties therein are eligible for tax credits. The project site is therefore subject to New York City landmarks preservation regulations.

The project site is located within the NoHo Business Improvement District (BID). The NoHo BID is a non-profit organization of property owners, businesses, residents, and government officials working to improve NoHo's quality of life and promote its economic and cultural vitality. Since its founding in 1996, the NoHo BID has played a key role in maintaining a clean, safe, and inviting environment in NoHo. The BID provides significant investments in supplemental sanitation, graffiti removal, public safety, landscaping, and marketing and advocacy.

The site is not located within the City's Coastal Zone Boundary and is therefore not subject to the provisions of the New York City Waterfront Revitalization Program. The project site is not covered by any 197-a or other community plans, and it is not within an urban renewal area and is therefore not subject to the provisions of an urban renewal plan.

### Study Area

Portions of the land use study area surrounding the project site are also subject to the requirements of public policy documents. Most of the 400-foot radius project study area is located within an LPC designated Historic District. Most of the area between Mercer and Lafayette Streets north of Houston Street is located within the NoHo Historic District. Portions of the southeastern corner of the project study area are located within the NoHo East Historic District and directly to the north, the NoHo Historic District Extension. Two individually LPC designated historic properties are located within 400 feet of the project site. These properties include the Bayard-Condict building at 65 Bleecker Street, which lies directly across Bleecker Street from the project site. The second property is the Robbins-Appleton building at 1 Bond Street located on the block immediately north of the project site. The study area is therefore generally subject to the provisions of the New York City Landmarks Law.

The 400-foot radius project study area north of Houston Street between Mercer and Lafayette Streets is located within the NoHo BID. The NoHo BID covers a 4.4 square mile area located roughly between East Houston Street to the south, Waverly Place/East 7<sup>th</sup> Street to the north, Mercer Street to the west, and an irregular line running parallel to Lafayette Street to the east.

The 400-foot radius project study area is not located within the City's Coastal Zone Boundary and is therefore not subject to the City's Waterfront Revitalization Program. No other public policy documents would apply to the project study area.

## **THE FUTURE WITHOUT THE PROJECT**

### **Land Use**

In the future without the action, the Reasonable Worst Case Development Scenario (RWCDs) on the project site would be the same as the existing condition. The property would continue to be occupied by the existing approximately 62,128 gsf nine-story commercial/industrial building. The building would be comprised of 21 JLVQA units (UG 17D) occupying approximately 42,953 gsf of floor area primarily on the building's upper eight stories (floor area number also includes JLVQA lobby area and dedicated subcellar and cellar space) and 10 retail and eating and drinking establishments (UG 6) occupying approximately 8,566 gsf of floor area

primarily on the ground floor of the building (floor area number also includes dedicated sub-cellar and cellar space). The remaining 10,609 gsf of floor area would be comprised of sub-cellar and cellar space for building utilities and related uses as well as floor area beyond the building's footprint below the sidewalk vault.

No additional floor area would be permitted on the project site as the site is already developed in excess of the 5.0 FAR allowed in the M1-5B zoning district. The 5,157 square foot site is currently developed with 45,726 zsf<sup>4</sup> of commercial/industrial zoning floor area which represents an FAR of 8.87. However, as this floor area is a pre-existing condition which pre-dates the 1961 Zoning Resolution, this floor area is permitted to remain on the property.

In the absence of the proposed action, existing floor area on the lower floors of the building would not be reallocated and no new penthouses would be created on the roof of the existing building on the site as proposed under the action as discussed further below.

### Study Area

No development plans are known to exist for the 400-foot radius project study area by the project build year of 2018. No recent new development projects (filed in 2010 or later) have been identified for the 400-foot radius project study area based on a review of the CEQR listings of the NYC Department of City Planning's (DCP) Land Use & CEQR Application Tracking System (LUCATS) for Manhattan Community District 2. The study area is fully developed primarily with buildings of substantial size where limited new development potential exists.

### **Zoning and Public Policy**

Based on a review of the CEQR listings of the DCP's LUCATS list for Manhattan Community District 2, no rezonings are proposed for the 400-foot radius project study area by the project build year of 2018. In addition, the DCP website does not indicate any proposed changes to the zoning districts and zoning regulations or to any public policy documents relating to the project site or the surrounding study area in the near future.

## **THE FUTURE WITH THE PROJECT**

### **Land Use**

The With-Action RWCDs would entail the construction of new one-story penthouse additions on the roof of the existing building on the project site. The total proposed floor area of the rooftop additions would be 1,515 gsf comprised of 1,223 gsf at the penthouse level plus 292 gsf at the penthouse roof level. This would be accomplished by reallocating 2,382.18<sup>5</sup> gsf of floor area from the lower floors and mechanical spaces of the existing nine-story building as follows below.

The proposed east triplex and west duplex units on floors 8, 9, and the penthouse additions would replace existing JLWQA units currently occupying floors 8 (containing 3 JLWQA units) and 9 (containing 2 JLWQA units). As proposed, the building would be comprised of 20 JLWQA units, a decrease of 1 unit from the existing 21 JLWQA units. Therefore, no new dwelling units would be added to the building.

---

<sup>4</sup> 45,828 gsf minus 102 square feet of mechanical space.

<sup>5</sup> 102 square feet was subtracted from the 2496.79 square feet stated in the RWCDs memo to account for the mechanical floor area that was determined to pre-date the conversion of the building to JLWQA use.

Due to the difference of 208 gsf between the 1,306.86 gsf of floor area to be reallocated from inside the building and the 1,515 gsf to be constructed on the roof of the structure, the total building size would increase slightly from its current 62,128 gsf to 62,336 gsf. Therefore, following completion of the proposed project, the building would be comprised of 20 JLWQA units (UG 17D) occupying approximately 43,161.14 gsf of floor area primarily on the building's upper eight stories (floor area number also includes JLWQA lobby area and dedicated sub-cellar and cellar space) and 10 retail and eating and drinking establishments (UG 6) occupying approximately 8,566 gsf of floor area primarily on the ground floor of the building (floor area number also includes dedicated sub-cellar and cellar space). The remaining 10,609 gsf of floor area would continue to be comprised of sub-cellar and cellar space for building utilities and related uses as well as floor area beyond the building's footprint below the sidewalk vault.

No additional floor area would be permitted on the project site as the site is already developed in excess of the 5.0 FAR allowed in the M1-5B zoning district. The 5,157 square foot site would be developed with 44,775 zoning square feet<sup>6</sup> of commercial/industrial floor area which represents an FAR of 8.68. However, as this floor area is a pre-existing condition which pre-dates the 1961 Zoning Resolution, this floor area is permitted to remain on the property. The reallocation of existing floor area from the lower floors of the existing building to its rooftop level would not constitute an increase in floor area on the property.

The proposed penthouse additions would have the same JLWQA occupancy as the JLWQA floors in the building below. This use would continue to be compatible with the existing occupancies in the immediately surrounding buildings. At their January 20, 2015 hearing, the LPC voted to approve a Certificate of Appropriateness for the project as well as the continuing maintenance report prepared pursuant to ZR Section 74-711. LPC's approvals of the project were granted on March 13, 2015 and included a Certificate of No Effect and a Certificate of Appropriateness as well as a letter to the CPC issuing a favorable report in support of the application for the proposed Special Permit ("Modification of Use 16-8913"). An application was submitted to the LPC on March 8, 2017 for the amended Certificate of Appropriateness and an amendment to the work approved under the permit to reflect the recently modified reduced-size penthouses. By letter dated March 29, 2017, LPC determined that the revised scope of work is in keeping with the intent of the original approval and it issued an amended Certificate of Appropriateness. By a second letter dated March 29, 2017, LPC amended the report in support of the application for the proposed Special Permit (Modification of Use 16-8913).

No adverse impact to land use patterns in the area is expected to arise as a result of the proposed project, and further assessment of land use is not warranted.

## **Zoning**

The proposed action involves the request for a Special Permit pursuant to ZR Section 74-711 ("Landmark preservation in all districts") from the City Planning Commission (CPC), as further discussed below, to facilitate the construction of one-story penthouse additions on the roof of the existing building on the subject property as well as a fiberglass balustrade. ZR Section 74-711 allows for modification of the use and bulk regulations (except floor area) in order to further the preservation of designated landmark buildings or buildings located within historic districts.

---

<sup>6</sup> 951 square feet less than its legally non-complying condition.

The Special Permit is to allow an increase in the degree of non-compliance with height and setback regulations pursuant to ZR Section 43-43 (“Maximum Height of Front Wall and Required Front Setbacks”). ZR 43-43 provides that in an M1-5 district, the maximum height of a front wall is 85’ or 6 stories, whichever is less, at which height a setback of 20’ is required from narrow streets such as Crosby and Bleecker Streets and 15’ from a wide street such as Broadway. Above a height of 85’, building height is governed by a sky exposure plane of 2.7 to 1 from a narrow street and 5.6 to 1 from a wide street. The Building rises without setback to a height of 122’, penetrating the sky exposure planes from each street, so it is currently legally non-complying with respect to height and setback. As shown on the drawings accompanying this application, a portion of the Penthouse Additions measuring up to approximately 14’-9.5” in depth would encroach into the 20’ setback area and penetrate the sky exposure plane above Bleecker Street (they are set back 3’-7’) (the Penthouse Additions would comply with the setback and sky exposure plane requirements above Broadway and Crosby Street), and a new 4’-10” balustrade would encroach into the required setback area and penetrate the sky exposure planes on each frontage, reaching a height of 8’-10” above roof level (on top of the existing 4’ parapet which will remain unchanged), thus increasing the Building’s degree of non-compliance with height and setback regulations. The zoning provisions and findings related to the proposed Special Permit (ZR Section 74-711 – Landmark preservation in all districts) and the compliance of the proposed project with these provisions and findings are detailed below:

*In all districts, for #zoning lots# containing a landmark designated by the Landmarks Preservation Commission, or for #zoning lots# with existing #buildings# located within Historic Districts designated by the Landmarks Preservation Commission, the City Planning Commission may permit modification of the #use# and #bulk# regulations, except #floor area ratio# regulations, provided that:*

(a) *The following conditions are met:*

(1) *any application pursuant to this Section shall include a report from the Landmarks Preservation Commission stating that a program has been established for continuing maintenance that will result in the preservation of the subject #building# or #buildings#, and that such #use# or #bulk# modifications, or restorative work required under the continuing maintenance program, contributes to a preservation purpose;*

This Application includes a report from the Landmarks Preservation Commission (“LPC”) dated March 13, 2015 (the “Report”) stating that a program has been established for continuing maintenance that will result in the preservation of the subject building, and further that the proposed restorative work required under the program for continuing maintenance contributes to a preservation purpose. An amendment to the report will also be issued, solely to reference the amended Certificate of Appropriateness.

The details of the program for continuing maintenance are set forth in a Restrictive Declaration, to be executed by the Applicant and all other parties-in-interest in the property that have not waived such rights, upon approval of this application, in anticipation of filing and recording with the Office of the Register of the City of New York, in accordance with the guidelines and specifications of the LPC.

(2) *any application pursuant to this Section shall include a Certificate of Appropriateness, other permit, or report from the Landmarks Preservation Commission stating that such #bulk#*

*modifications relate harmoniously to the subject landmark #building# or #buildings# in the Historic District, as applicable; and*

This application includes a Certificate of Appropriateness from LPC, #16-8911, dated March 13, 2015 (the "Certificate"). The Certificate finds that the proposed renovation of the building, including constructing the penthouse additions, is appropriate "to the building and the NoHo Historic District." An application was submitted to the LPC on March 8, 2017 for the amended Certificate of Appropriateness to reflect the recently modified reduced-size penthouses. By letter dated March 29, 2017, LPC determined that the revised scope of work is in keeping with the intent of the original approval and it issued an amended Certificate of Appropriateness.

- (3) *the maximum number of dwelling units shall be as set forth in Section 15-111 (Number of permitted dwelling units).*

The building contains 21 units of Joint Living Work Quarters for Artists and will be reduced by 1 to 20, as the two penthouse additions will form part of a duplex and triplex unit, respectively, with the units immediately below, far fewer than the 62 units permitted by Section 15-111 (i.e.,  $44,775 \text{ SF} / 740 = 60$ ).

- (b) *In order to grant a special permit, the City Planning Commission shall find that:*

- (1) *such #bulk# modifications shall have minimal adverse effects on the structures or #open space# in the vicinity in terms of scale, location and access to light and air; and*

The height and setback waiver (ZR §43-43) is being requested for (i) the 4'-10" balustrade being installed per LPC's request that would rise to a height of 8'-10" above roof level (on top of the existing 4' parapet), and encroach into the required set back areas (20' from Crosby and Bleecker Streets, both narrow streets, and 15' from Broadway, a wide street) and penetrate the sky exposure planes above 85' (2.7 to 1 from Crosby and Bleecker and 5.6 to 1 from Broadway), and (ii) the portion of the penthouse additions that would encroach into the 20' setback area and penetrate the sky exposure plane above Bleecker Street. The building already reaches a height of 122 feet without setbacks, so the balustrade and penthouse additions would increase the degree of non-compliance with the height and setback provisions.

The penthouse additions would be only 12' above the existing roof height and will be set back from the existing building wall in order to be minimally visible from the street, pursuant to LPC's requirements, so they are not expected to significantly affect the light and air available to the surrounding structures. This is particularly true since the building has three street frontages and is directly adjacent to just one building, 636 Broadway (Block 522, Lot 12), which would be the only building directly affected by the penthouse additions. As shown on the Community Character Diagram accompanying the zoning application, 636 Broadway is approximately 150' tall, much taller than the penthouse additions, which would reach a height of 134', and contains no residential use (it is occupied by office uses on its upper floors, a gym on the second floor, and retail uses on the ground floor). Thus, the additions would have a minimal effect on light and air.

The appropriateness of the penthouse additions was noted by the LPC in the C of A, which stated, "the presence of one-story rooftop additions will not significantly alter the overall scale of the building;...[and] that the enclosed penthouse and bulkheads will not be visible from any public thoroughfares."

ZR §42-14(D)(1)(e) requires that up to 50%<sup>7</sup> of the gross roof area of a building containing JLWQA be maintained as open recreation space, accessible to all building occupants and their guests, free of charge. The Building's certificate of occupancy reflects this requirement by stating that "at least 30% of the roof area shall be developed for recreational use by the occupants of and guests," which generates a required recreation space of 2,127.6 SF.

Since the area of the roof is 5,092 square feet and the proposed gross penthouse area is 1,223 square feet, there would be sufficient space to provide the 2,028<sup>6</sup> square feet of required rooftop recreation space. Thus, the Applicant is not seeking a waiver of the required rooftop recreation space. While the Zoning Resolution and the Department of Buildings does not require the rooftop recreation space to be improved, the Applicant intends to implement landscaping and a deck in a portion of the rooftop, as an amenity for the enjoyment of building residents. The Applicant also intends to improve access to the rooftop by installing an upgraded egress stair. The existing rooftop space is sparsely used by building residents. To address this, the Applicant intends to post conspicuous signage stating "Rooftop Recreation Space Open to All Building Residents and Their Guests, 24 Hours a Day, 7 Days a Week."

- (2) *such #use# modifications shall have minimal adverse effects on the conforming #uses# within the #building# and in the surrounding area.*

Not applicable. No use modifications are being sought in connection with this application.

*The City Planning Commission may prescribe appropriate additional conditions and safeguards which will enhance the character of the #development# and #buildings# on the #zoning lot#.*

It is submitted that the instant application meets the criteria of Section 74-711, and it is therefore respectfully requested that the City Planning Commission grant this special permit application requesting a modification of the height and setback regulations to allow the penthouse additions and balustrade. The requested modifications are in keeping with the character of the neighborhood and will not adversely affect its residents.

### Conclusions

The requested Special Permit is required in order to modify bulk regulations applicable to the building which is located within an LPC designated Historic District. The proposed action would meet all the required CPC conditions and findings as specified above.

The proposed development would not result in significant adverse zoning impacts. The proposed JLWQA occupancy of the penthouse additions would have the same JLWQA

---

<sup>7</sup> 30% for the first 15 JLWQA, and an additional 100 SF per unit over 15 units, up to a total of 50%.

<sup>6</sup> The 2,128 SF currently required would be reduced by 100 SF since one (market rate) unit is being eliminated.



occupancy as the JMWQA floors in the building below. This use would continue to be compatible with the existing occupancies in the immediately surrounding buildings. The bulk and form of the proposed building additions and the proposed balustrade would also be compatible with surrounding development and would not result in adverse impacts related to access to light and air. 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.

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.

### **Public Policy**

No adverse impacts to public policies would occur as a result of the proposed action as 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). At their January 20, 2015 hearing, the LPC voted to approve a Certificate of Appropriateness for the project as well as the continuing maintenance report prepared pursuant to ZR Section 74-711. LPC's approvals of the project were granted on March 13, 2015 and included a Certificate of No Effect and a Certificate of Appropriateness as well as a letter to the CPC issuing a favorable report in support of the application for the proposed Special Permit ("Modification of Use 16-8913"). An application was submitted to the LPC on March 8, 2017 for the amended Certificate of Appropriateness and an amendment to the work approved under the permit to reflect the recently modified reduced-size penthouses. By letter dated March 29, 2017, LPC determined that the revised scope of work is in keeping with the intent of the original approval and it issued an amended Certificate of Appropriateness. By a second letter dated March 29, 2017, LPC amended the report in support of the application for the proposed Special Permit (Modification of Use 16-8913).

The proposed penthouse additions and the associated improvements to the roof of the building at 640 Broadway would represent a significant investment in the property that would be in keeping with the intent of the NoHo BID to fund improvements to the surrounding NoHo 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.

## **7. OPEN SPACE**

ZR §42-14(D)(1)(e) requires that up to 50%<sup>8</sup> of the gross roof area of a building containing JLWQA be maintained as open recreation space, accessible to all building occupants and their guests, free of charge. The Building's certificate of occupancy reflects this requirement by stating that "at least 30% of the roof area shall be developed for recreational use by the occupants of and guests," which generates a required recreation space of 2,127.6 SF.

Since the area of the roof is 5,092 square feet and the proposed gross penthouse area is 1,223 square feet, there would be sufficient space to provide the 2,028<sup>6</sup> square feet of required rooftop recreation space. Thus, the Applicant is not seeking a waiver of the required rooftop recreation space. While the Zoning Resolution and the Department of Buildings does not require the rooftop recreation space to be improved, the Applicant intends to implement landscaping and a deck in a portion of the rooftop, as an amenity for the enjoyment of building residents. The Applicant also intends to improve access to the rooftop by installing an upgraded egress stair. The existing rooftop space is sparsely used by building residents. To address this, the Applicant intends to post conspicuous signage stating "Rooftop Recreation Space Open to All Building Residents and Their Guests, 24 Hours a Day, 7 Days a Week."

As improved rooftop recreational space and access thereto would be provided by the Applicant as part of the proposed action, the action would not result in a significant adverse open space impact as described in the *CEQR Technical Manual*. In addition, the project site, which is not located within an underserved or well-served area, would require an open space assessment if that project would generate more than 200 residents or 500 employees. Under the future no-action condition, the building on the site would contain 21 JLWQA units which would be decreased to 20 JLWQA units in the future with-action condition. Based on the 2010 census average household size of 1.77 persons per dwelling unit in the census tract in which the project site is located (tract 55.02), the residential occupancy of the building would actually decrease from 37 to 35 persons. In addition, there would be no change to employee numbers in the building.

---

<sup>8</sup> 30% for the first 15 JLWQA, and an additional 100 SF per unit over 15 units, up to a total of 50%.

<sup>6</sup> The 2,128 SF currently required would be reduced by 100 SF since one (market rate) unit is being eliminated.

## **8. SHADOWS**

### **Introduction**

A shadows assessment is required for the proposed action as the project would result in the construction of penthouse additions to the existing nine-story building on the property which is located within the LPC designated NoHo Historic District and across the street from the individually designated Bayard-Condict building at 65 Bleecker Street. A shadows assessment is required since the surrounding Historic District and the Bayard-Condict building may contain architectural resources that are sunlight-sensitive and may be adversely affected by shadows cast by the proposed building additions. There are landscaped strips along Bleecker and Mercer Streets one block west of the project site but these would not experience any new shadows from the proposed building additions due to the presence of several multi-story structures located between the project site and these resources. Potentially sunlight-sensitive architectural resources 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.
- Buildings distinguished by elaborate, highly carved ornamentation.
- Buildings with stained glass windows.
- Exterior materials and color that depend on direct sunlight for visual character.
- Historic landscapes, such as scenic landmarks including vegetation recognized as an historic feature of the landscape.
- 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.

The only sunlight sensitive architectural resource that could be affected by shadows from the proposed development would be the Bayard-Condict building at 65 Bleecker Street. The NoHo-Historic District LPC Designation Report (June 29, 1999) summarizes this 12-story loft building as follows:

This loft building, designed by famous Chicago architect Louis Sullivan with assistance from New York architect Lyndon P. Smith, was constructed in 1897-99 for the United Loan and Investment Company and is Sullivan's only work in New York City. Its terra-cotta curtain wall construction was unique in New York at that time. Assisting with the design of the ornament was George Elmslie, a young architect who worked for Sullivan for a number of years, and later was a member of the firm Purcell & Elmslie. The terra cotta was manufactured by the Perth Amboy Terra Cotta Company. The building was converted from lofts to an office building above the first floor in the 1980s. The building features include five bays; paired window openings; non-historic storefronts and signage; elaborate entry way to upper floors featuring ornamented piers, molded hood, and foliated lunette with cresting; upper stories feature ornamental spandrel panels, geometric decoration, vertical piers and mullions, ornamental plaques, and boldly projecting roof cornice with richly ornamented soffit panels.

Based on the above, it could be concluded that the Bayard-Condict building is distinguished by elaborate, highly carved ornamentation and perhaps exterior materials and color that depend on direct sunlight for visual character.

### **Tier 1 Screening Assessment**

The proposed building additions would reach a total height of 147'-5" to the top of the rooftop mechanicals. Based on 2014 *CEQR Technical Manual* criteria, the longest shadow that any building or structure 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 maximum building height of 147'-5" results in a maximum shadow distance of approximately 634 feet. This is shown on the attached Tier 1 Screening Assessment diagram.

### **Tier 2 Screening Assessment**

The Tier 2 Screening Assessment diagram shows the area south of the project site that would not experience any shadows cast by either the existing building or the proposed additions. As shown on the attached diagram, the shadow sensitive Bayard-Condict building is not located within the area that is between -108 degrees from true north and +108 degrees from true north so further assessment is required.

### **Tier 3 Screening Assessment**

A Tier 3 screening assessment has been performed to determine when and for how long new shadows would be cast by the proposed building additions on the Bayard-Condict building. As shown on the attached Tier 3 Screening Assessment figures, the proposed development would cast new shadows on this building during the May 6<sup>th</sup> and June 21<sup>st</sup> analysis days. No new shadows would be cast on the building during the December 21<sup>st</sup> and March 21<sup>st</sup> analysis days.

The most significant shadows cast on the Bayard-Condict building result from the 12-story building at 636 Broadway adjacent to the project site to the south. The outline of the shadow cast by 636 Broadway on the Bayard-Condict building is also shown on the Tier 3 drawing. The incremental shadow cast by the proposed additions to the subject building at 640 Broadway is shown on the Tier 3 Incremental Impact diagrams for the May 6 and June 21 analysis days.

New shadows would be cast on the Bayard-Condict building from the proposed building additions at 640 Broadway on the following days and time periods.

- May 6 Analysis Day: 5:16-5:48 pm, 6:00-6:04 pm (from 5:49 pm to 5:59 pm the shadow of the southern of the two NYU towers along Mercer Street to the west passes over the site) – a period of 36 minutes.

- June 21 Analysis Day: 4:42-5:32 pm – a period of 50 minutes.

The attached three-dimensional (3D) set of drawings more clearly shows the existing shadows cast on the Bayard-Condict building from surrounding development and the new shadows cast by the proposed building additions during selected times on the May 6 and June 21 analysis days.

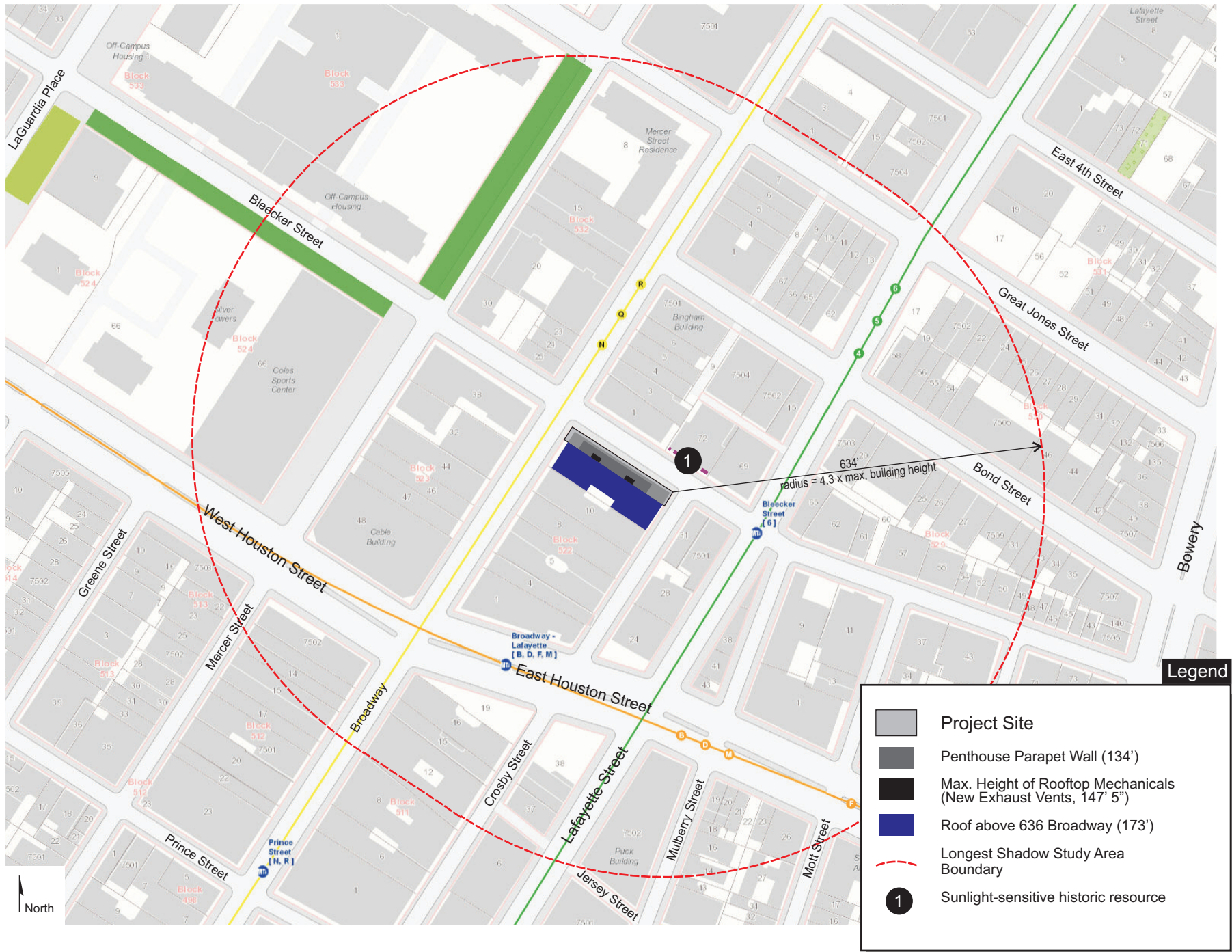
As evidenced from the Tier 3 Incremental Impact diagrams and the three-dimensional drawings, the area of incremental shadow and the duration of the shadows that would be cast

by the proposed building additions at 640 Broadway on the Bayard-Condict building at 65 Bleecker Street would be minimal and not considered significant.

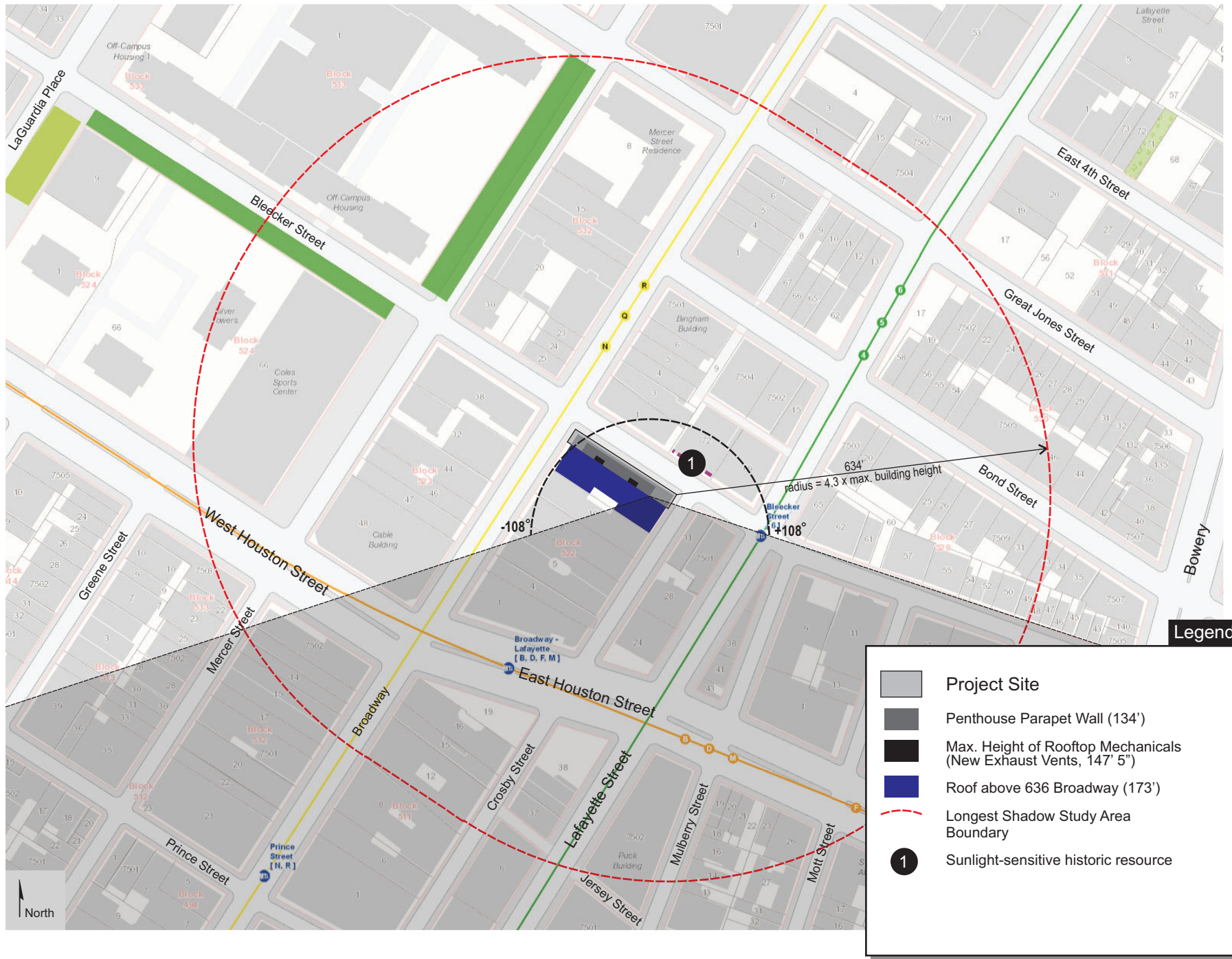
### **Conclusion**

The proposed project would cast additional shadows on a miniscule area of the façade of the Bayard-Condict building for a maximum of 50 minutes in the late afternoon hours on the May 6 and June 21 analysis days. Due to the small area of incremental shadow and the relatively short duration of these new shadows within the context of much more significant shadows cast by existing development in the area on this building, it is concluded that the proposed project would not result in any significant adverse shadows impacts on the Bayard-Condict building.

The proposed development would not result in significant adverse shadows impacts on historic resources and no further assessment is needed for the project.







**Legend**

- Project Site
- Penthouse Parapet Wall (134')
- Max. Height of Rooftop Mechanicals (New Exhaust Vents, 147' 5")
- Roof above 636 Broadway (173')
- Longest Shadow Study Area Boundary
- 1 Sunlight-sensitive historic resource





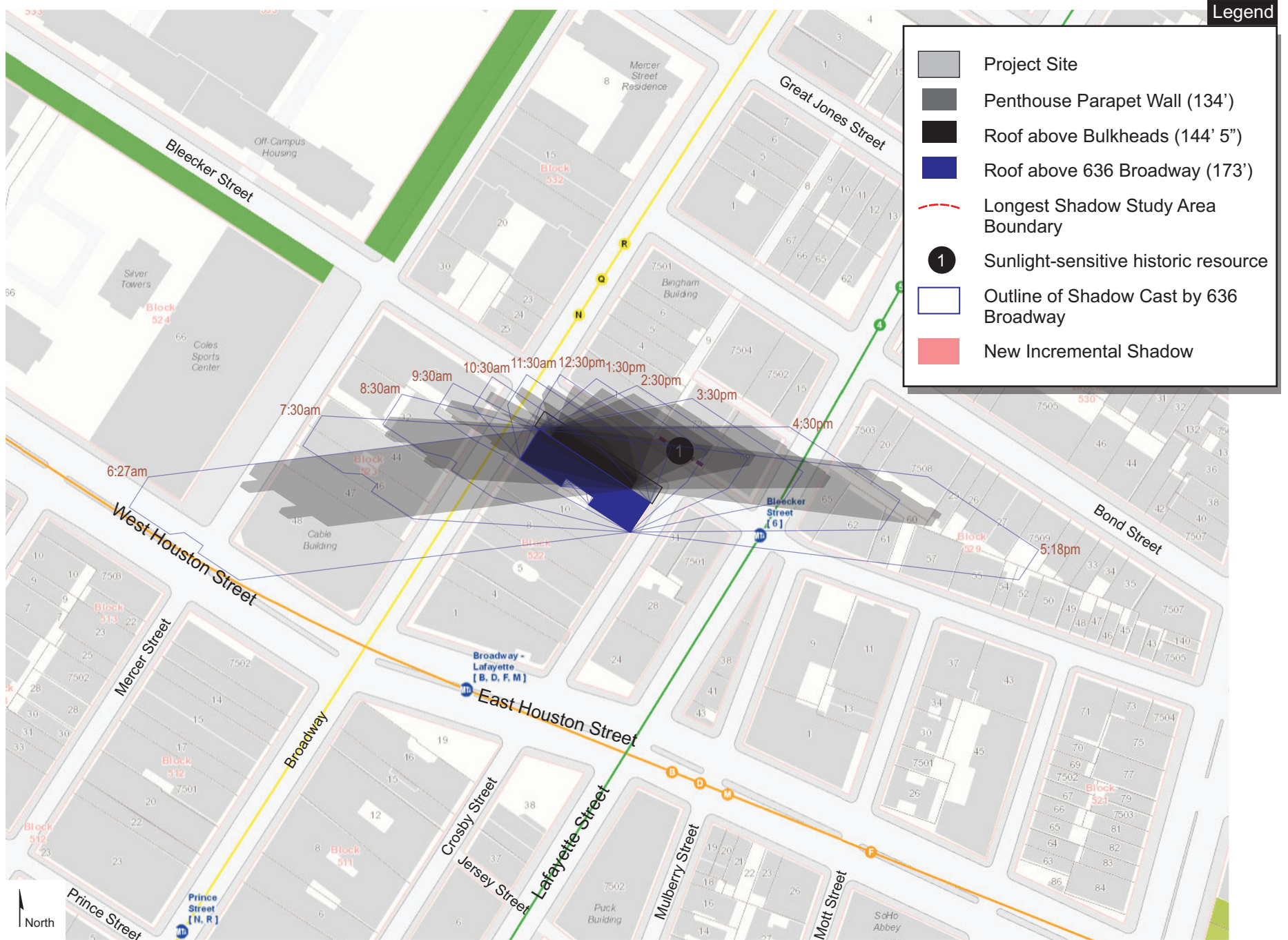
**Legend**

- Project Site
- Penthouse Parapet Wall (134')
- Roof above Bulkheads (144' 5")
- Roof above 636 Broadway (173')
- Longest Shadow Study Area Boundary
- 1 Sunlight-sensitive historic resource
- Outline of Shadow Cast by 636 Broadway
- New Incremental Shadow

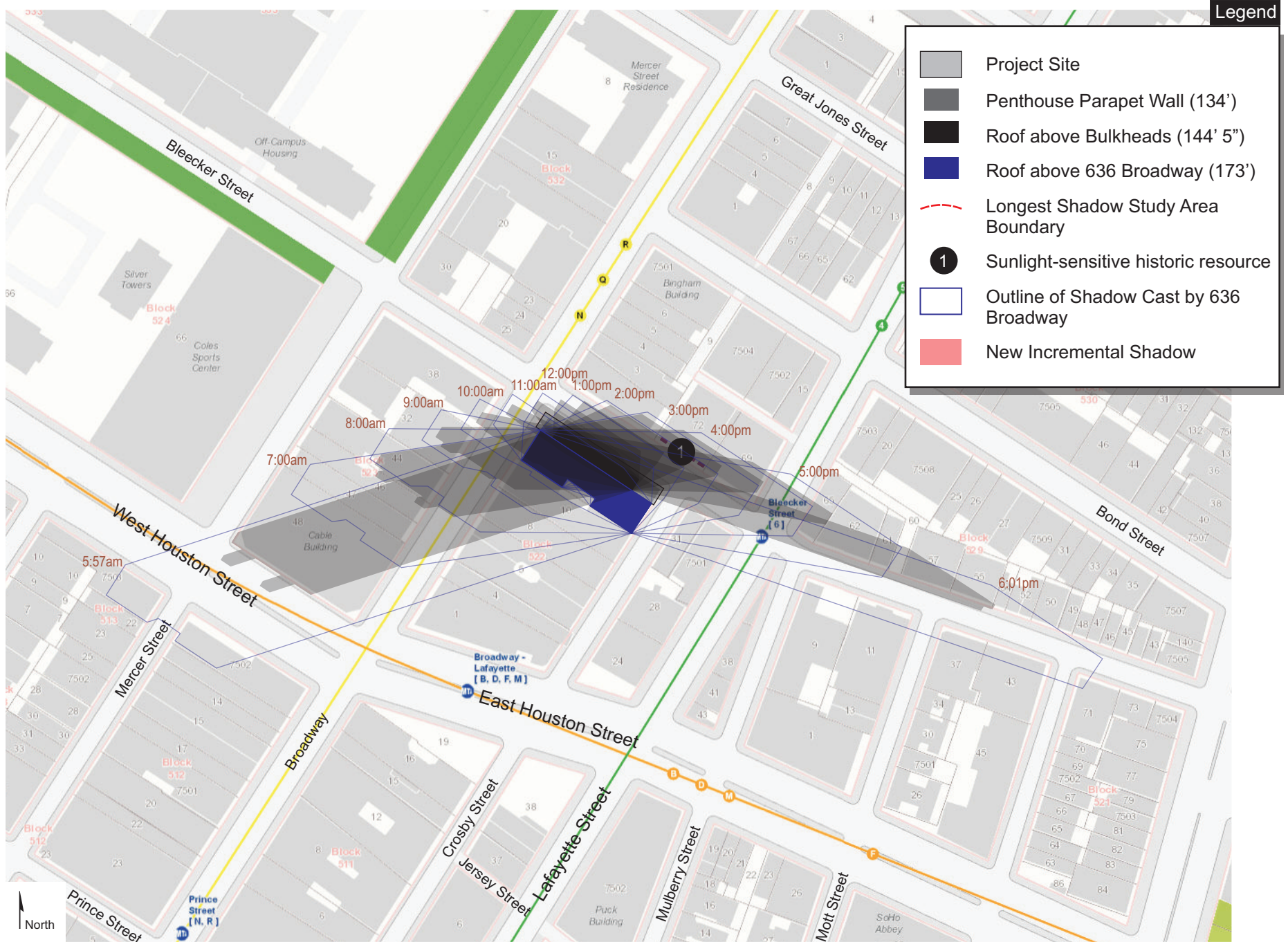




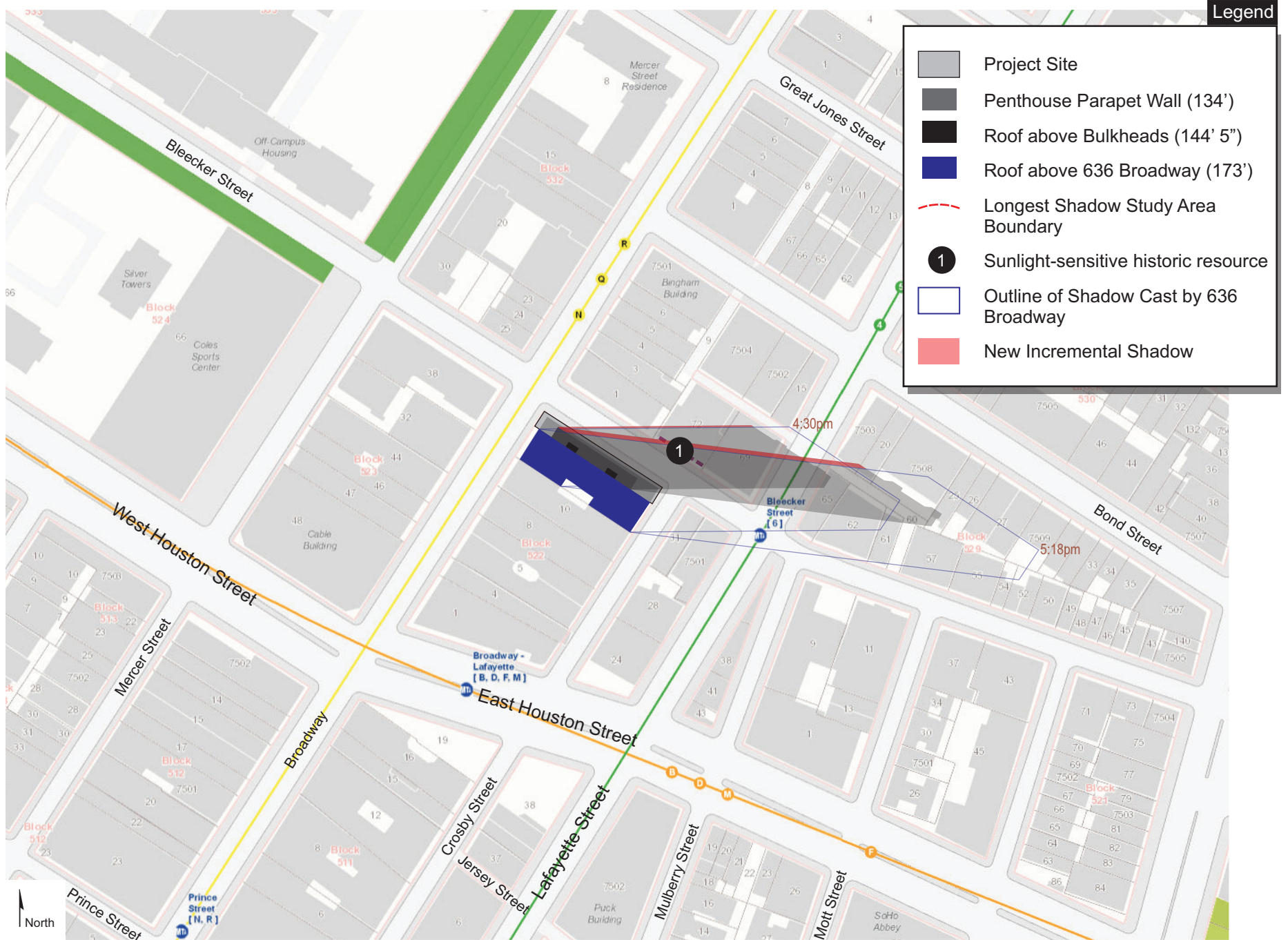




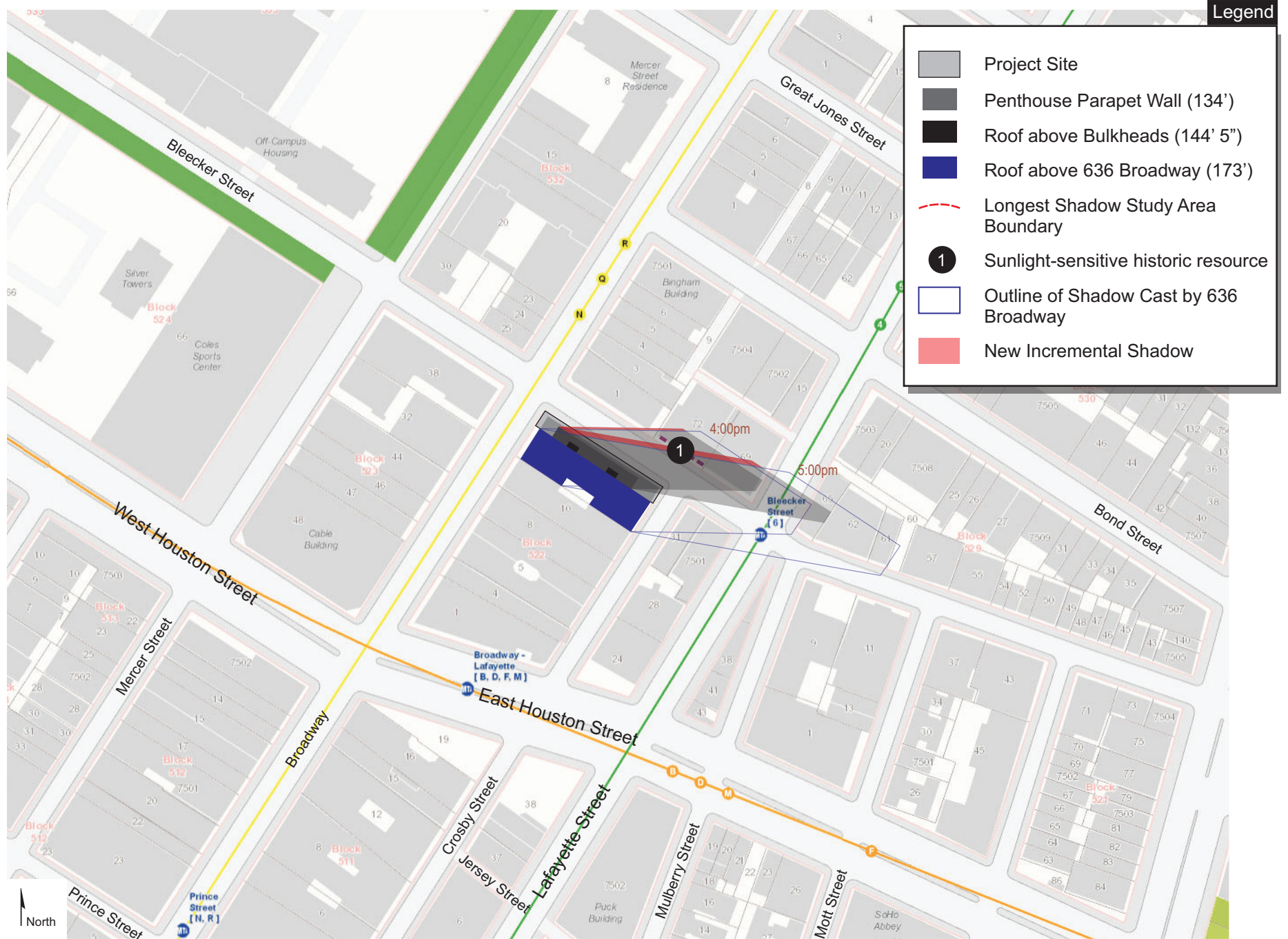




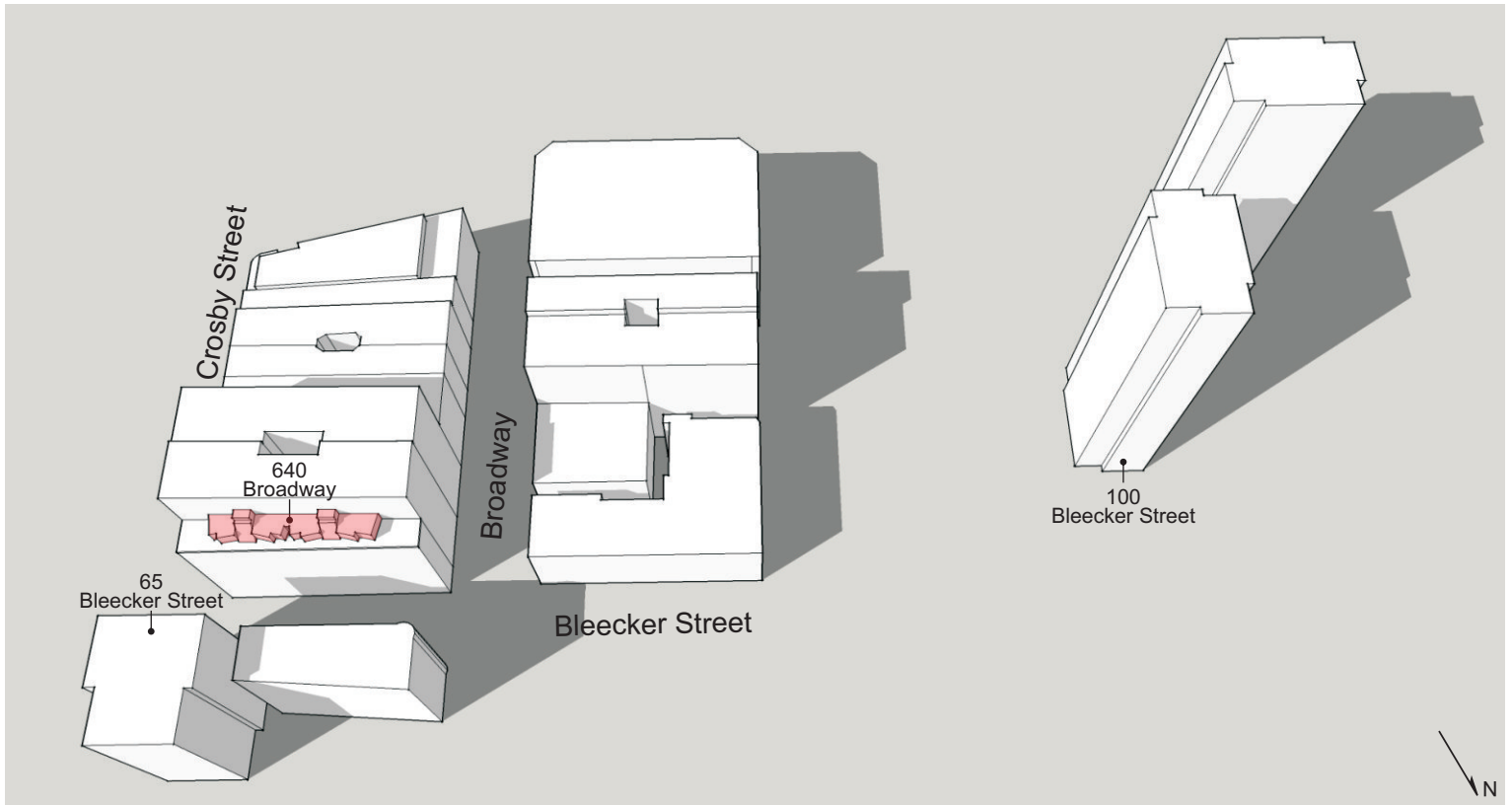




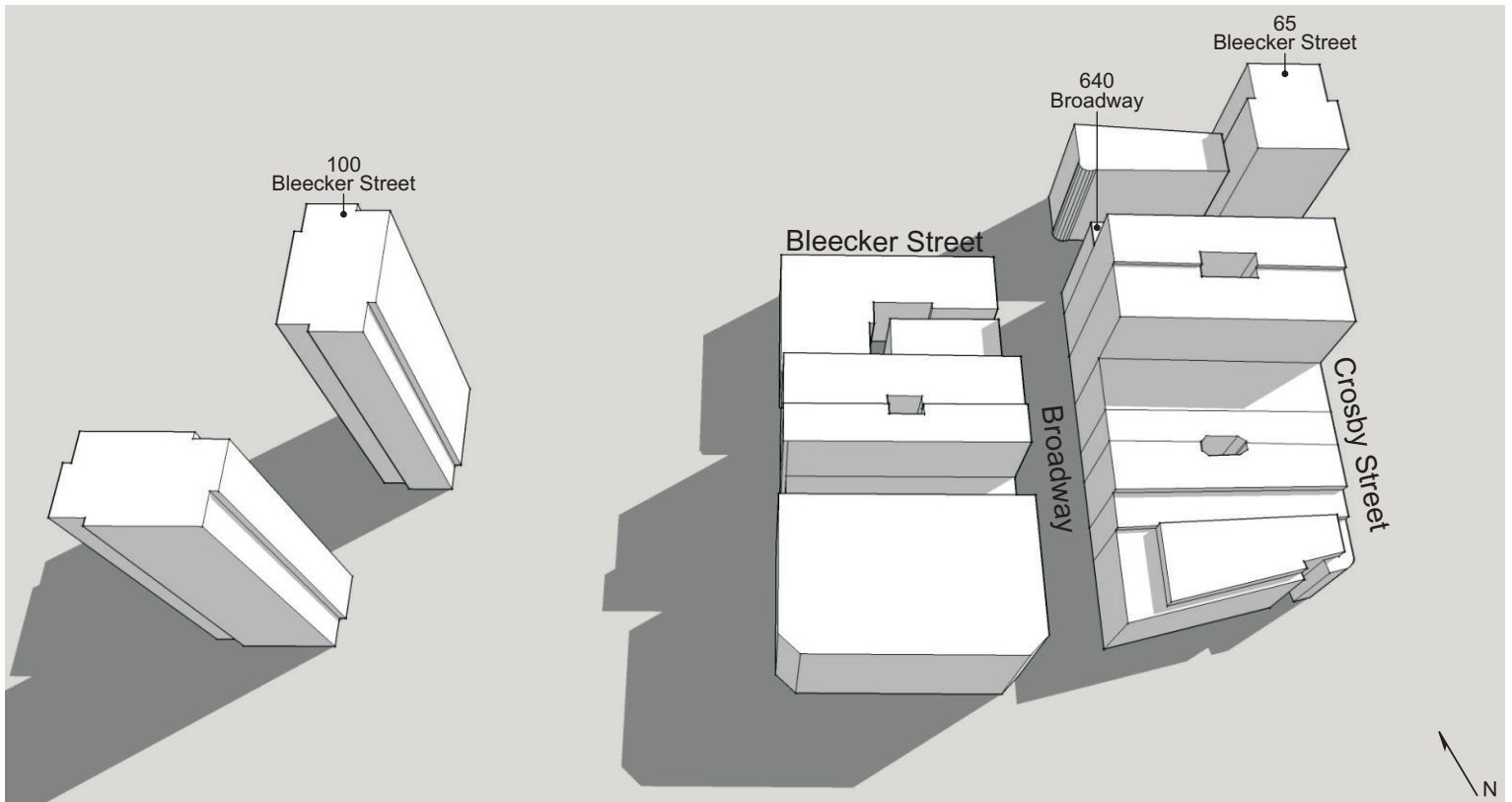





View from North

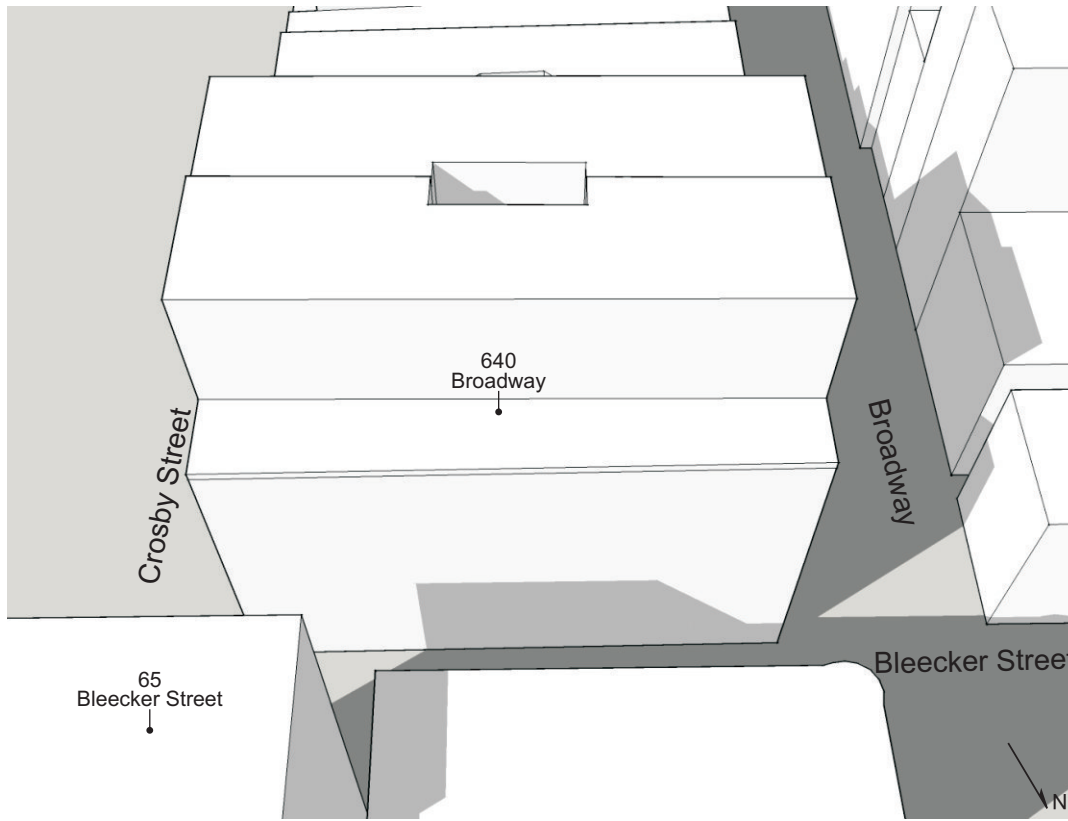


View from South

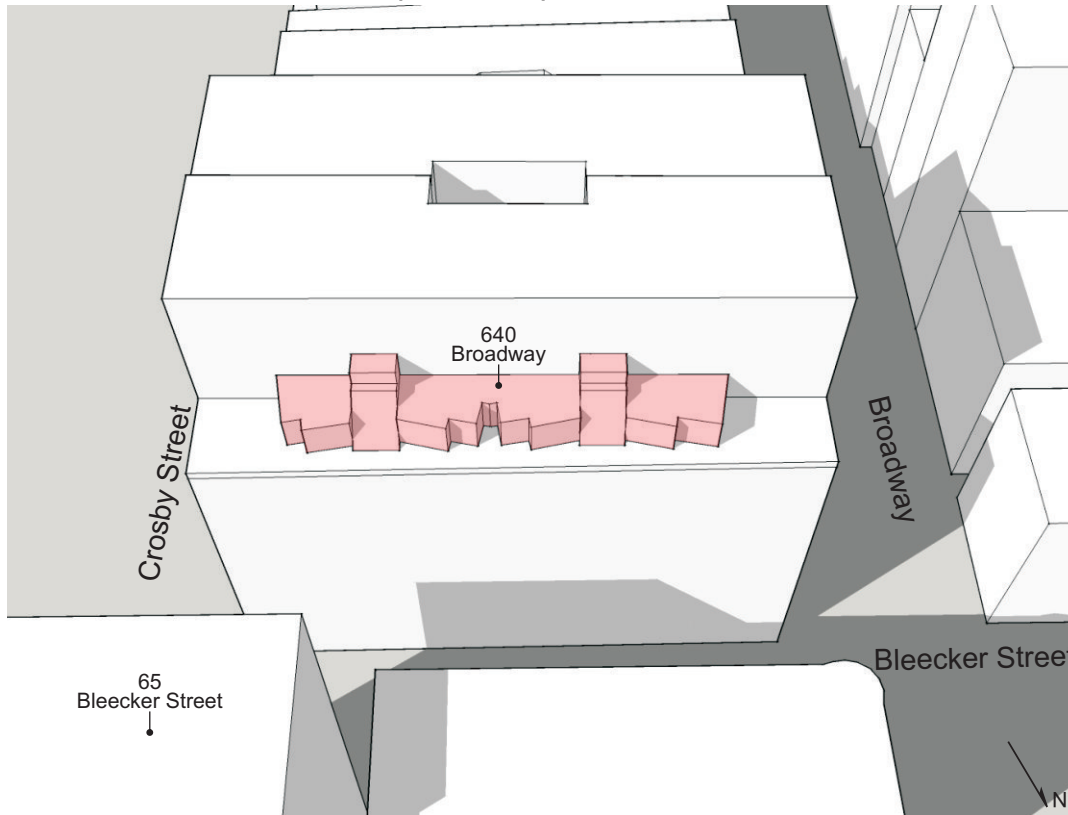


 Proposed Penthouse

### Existing Rooftop

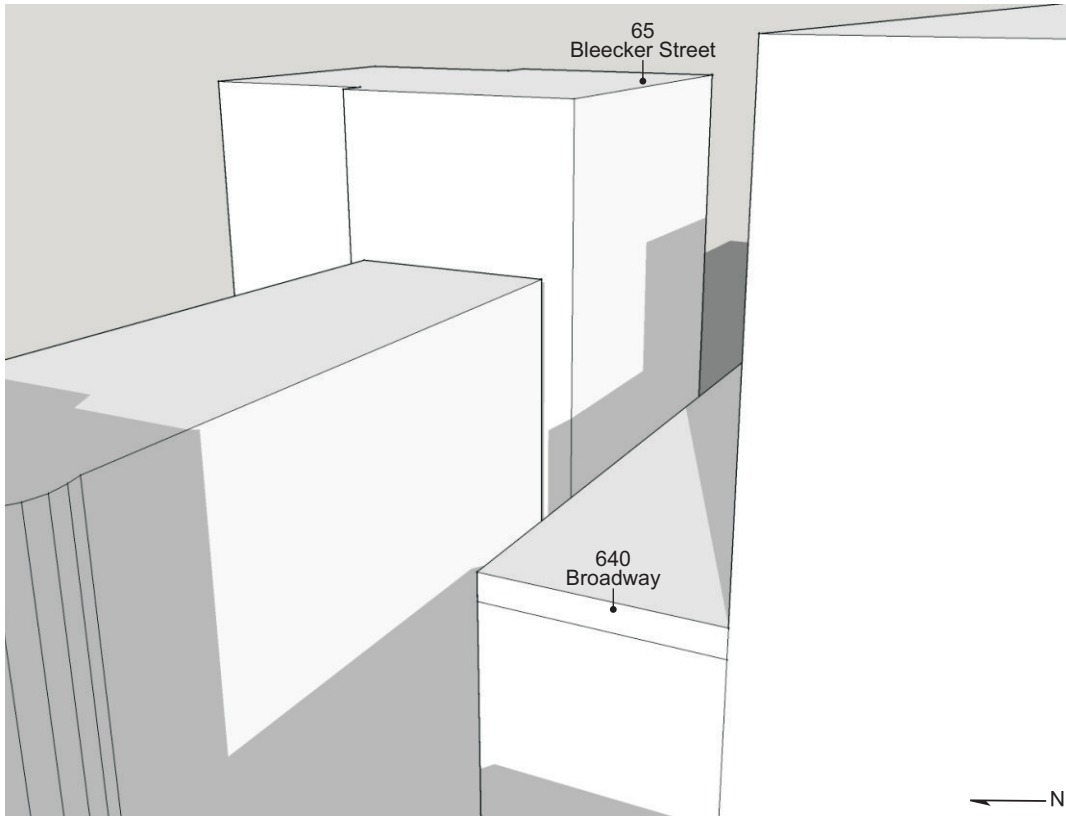


### Rooftop with Proposed Penthouse\*

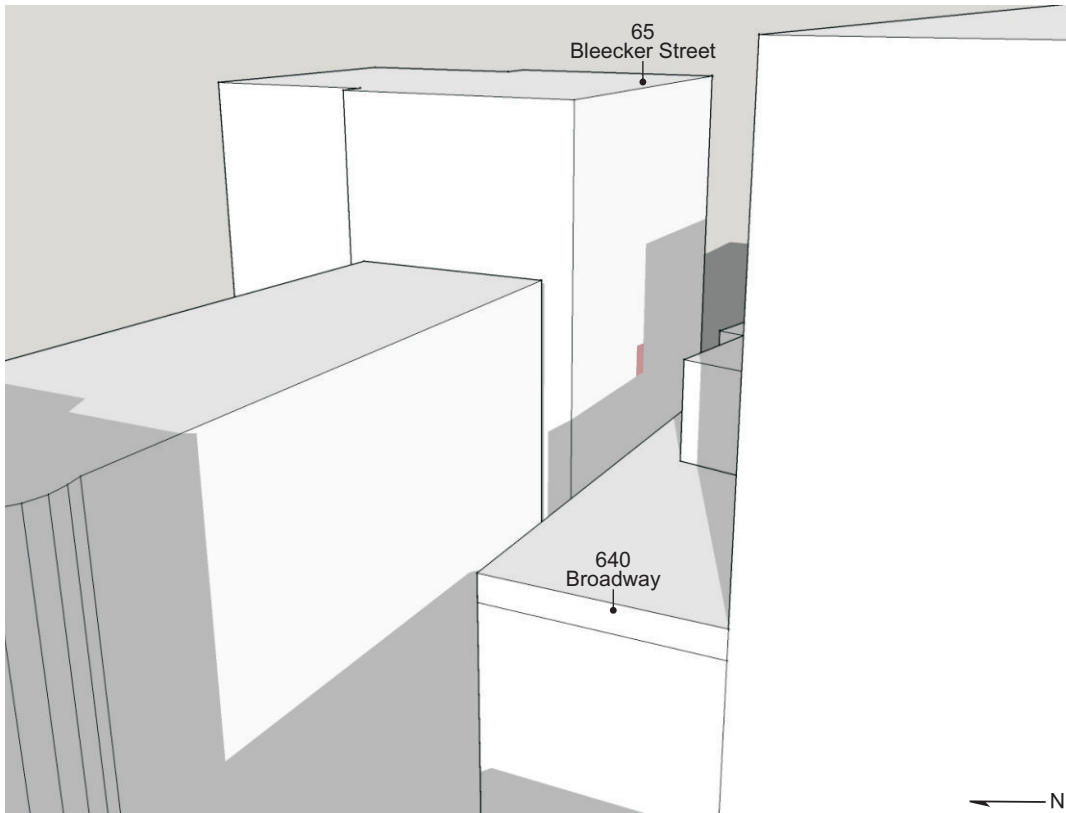


Proposed Penthouse

### Existing Rooftop



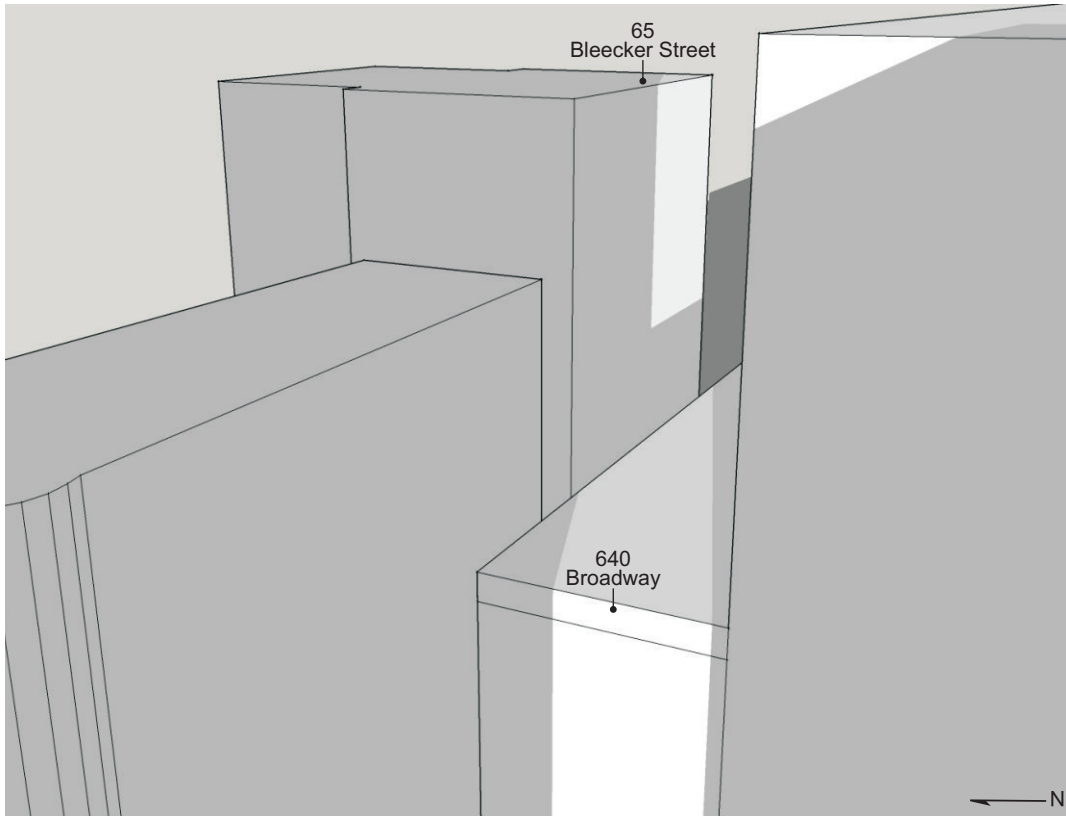
### Rooftop with Proposed Penthouse



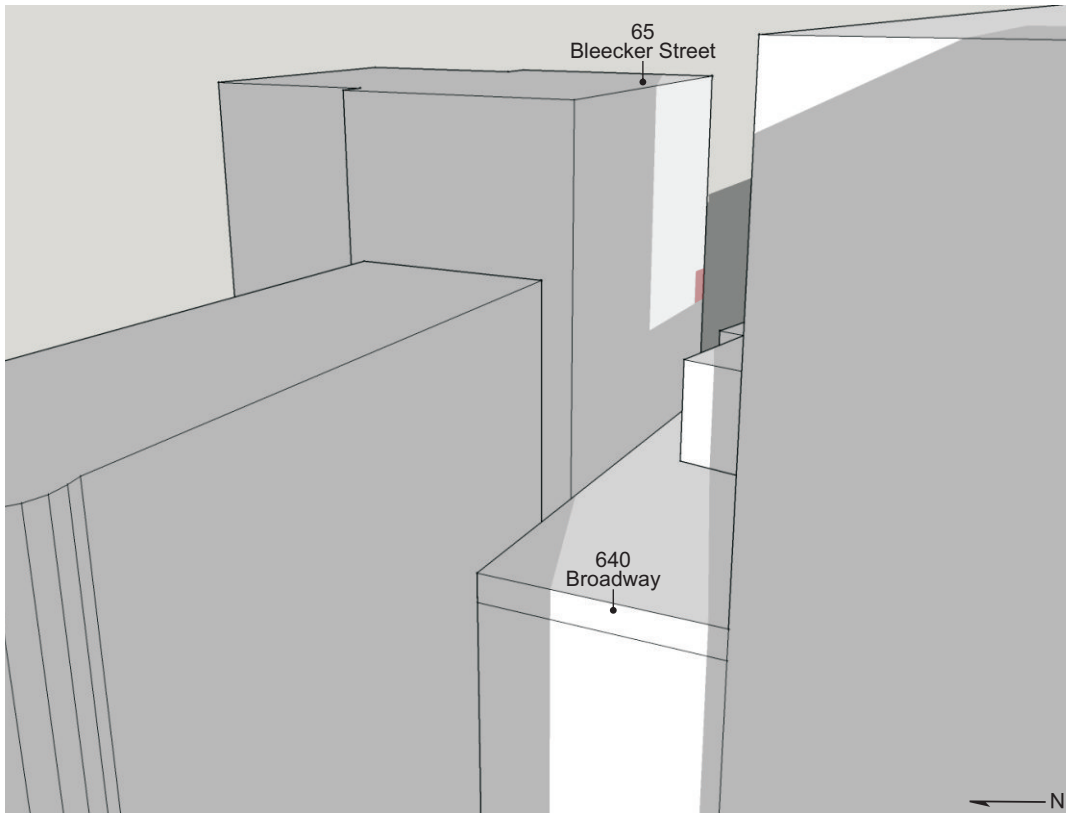
■ New Shadow Cast by the Proposed Penthouse



### Existing Rooftop

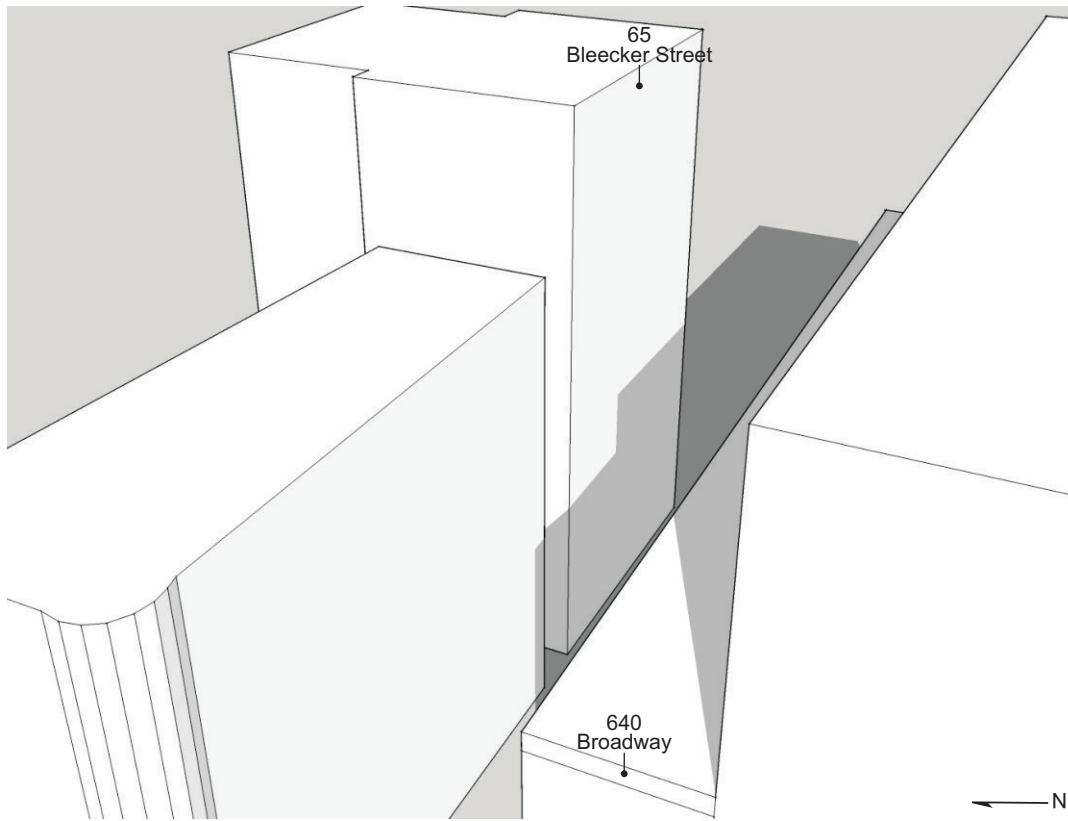


### Rooftop with Proposed Penthouse

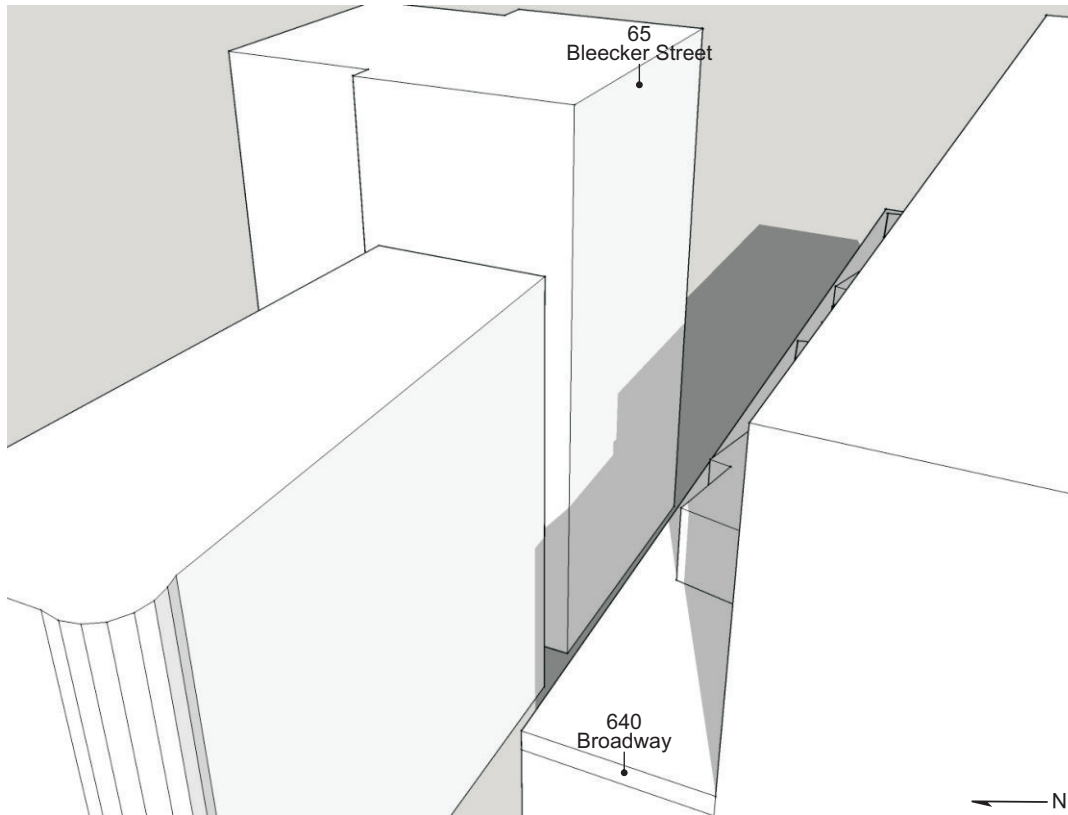


■ New Shadow Cast by the Proposed Penthouse

### Existing Rooftop

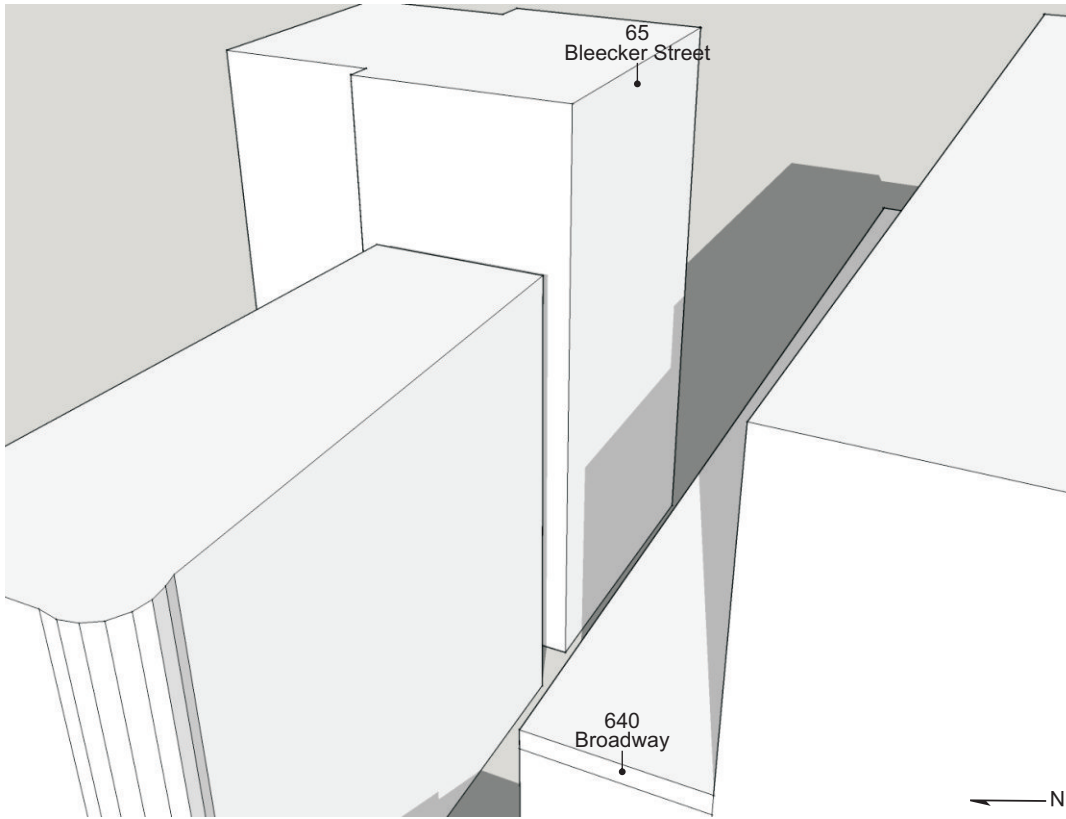


### Rooftop with Proposed Penthouse

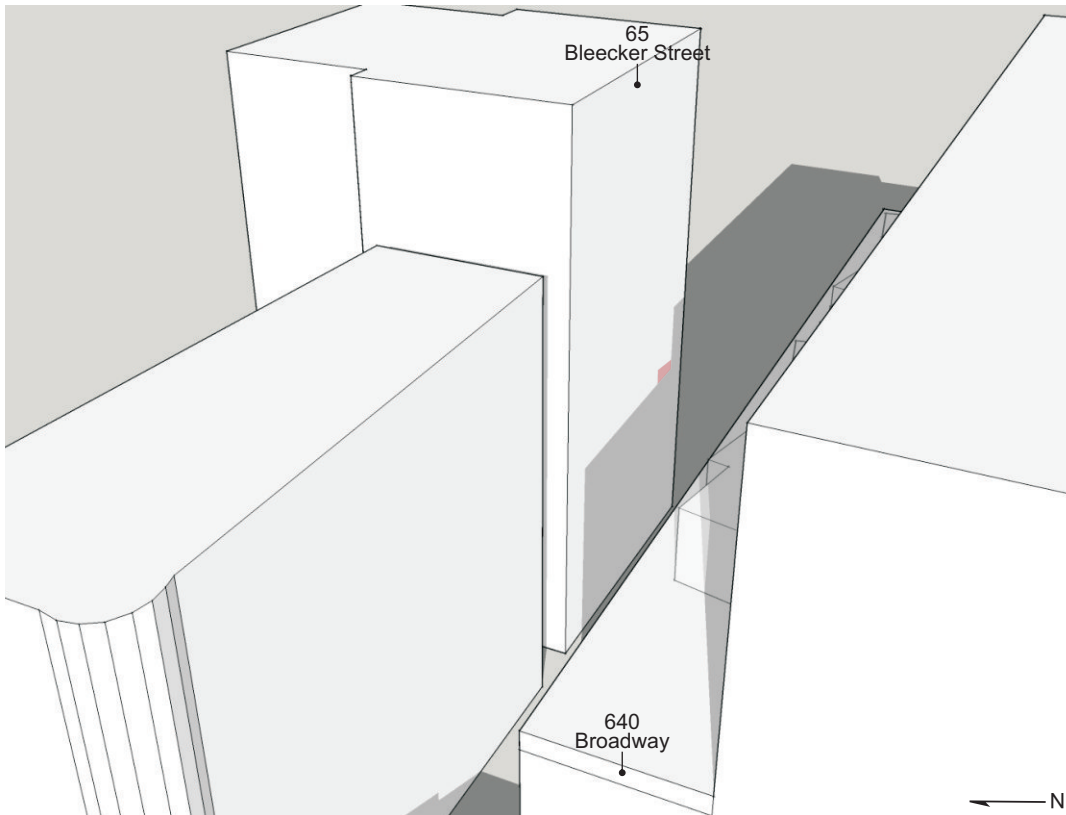


■ New Shadow Cast by the Proposed Penthouse

### Existing Rooftop



### Rooftop with Proposed Penthouse



■ New Shadow Cast by the Proposed Penthouse



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

### **EXISTING/FUTURE NO-ACTION CONDITIONS**

#### Project Site

The subject property at 640 Broadway is a corner, through-block lot bounded by the southerly side of Bleecker Street, the easterly side of Broadway, and the westerly side of Crosby Street in the NoHo Historic District of Manhattan. The property is across the street from the LPC designated Bayard-Condict building at 65 Bleecker Street. The property measures 5,157 square feet in area and is nearly rectangular in shape. The site has approximately 196.33' of frontage along Bleecker Street to the north, 25.29' along Broadway to the west, and 27.25' of frontage along Crosby Street to the east. The property is bordered by another lot to the south.

The property is developed with an approximately 62,128 gsf nine-story commercial/industrial building. The building contains 21 JLVQA units (UG 17D) occupying approximately 42,953 gsf of floor area primarily on the building's upper eight stories (floor area number also includes JLVQA lobby area and dedicated sub-cellar and cellar space). There are 9 rent stabilized units in the building and the building includes 2 tenants registered with the NYC Department of Cultural Affairs. These units are included within and are not in addition to the above noted 21 JLVQA units. The building also includes 10 retail and eating and drinking establishments (UG6) occupying approximately 8,566 gsf of floor area primarily on the ground floor of the building (floor area number also includes dedicated sub-cellar and cellar space). The remaining 10,609 gsf of floor area is comprised of sub-cellar and cellar space for building utilities and related uses as well as floor area beyond the building's footprint below the sidewalk vault.

The Noho Historic District Designation Report describes 640 Broadway as a Classical Revival style store, loft, and office building designed by DeLemos and Cordes and built in 1896-97, and the building's style, scale, materials and details are among the features that contribute to the special architectural and historic character of the Noho Historic District.

#### Study Area

The project site is located near the southern end of the NoHo Historic District and within 400 feet of both the NoHo Historic District Extension and the NoHo East Historic District across Lafayette Street to the east. The SoHo Cast Iron Historic District begins south of Houston Street but is just beyond 400 feet of the project site. The subject property is located directly across Bleecker Street from the Bayard-Condict building at 65 Bleecker Street, an individually designated property within the NoHo Historic District. The project site is also located approximately 180 feet from the Robbins & Appleton Building to the north at 1-5 Bond Street, another individually designated property within the NoHo Historic District. Finally, the property is located approximately 140 feet from the underground IRT subway station at Bleecker and Lafayette Streets which is a designated interior landmark. A brief discussion of these Districts and properties follows below.

NoHo-Historic District – The District extends north from Houston Street to East 9<sup>th</sup> Street, and east from Broadway and Mercer Street to Lafayette Street and the west side of Cooper Square. The LPC Designation Report (June 29, 1999) summarizes the District as follows:

The NoHo Historic District, which is comprised of approximately 125 buildings, represents the period of New York City's commercial history from the early 1850s to

the 1910s, when this section prospered as one of its major retail and wholesale dry goods centers. Acclaimed architects were commissioned to design ornate store and loft buildings in popular architectural styles, providing a rich fabric against which shoppers promenaded, looked at display windows, and bought goods, and merchants sold products. The district also contains early-nineteenth century houses, nineteenth- and twentieth-century institutional buildings, turn-of-the-century office buildings, as well as modest twentieth-century commercial structures, all of which testify to each successive phase in the development of the historic district. Today, the effect is of powerful and unifying streetscapes of marble, cast iron, limestone, brick, and terra-cotta facades.

NoHo-Historic District Extension – The District extends in an irregular pattern north from as far south as Bleecker Street to the mid-block north of East 4th Street and east from Lafayette Street to as far east as the Bowery. The LPC Designation Report (May 13, 2008) summarizes the District as follows:

Abutted on three sides by the previously designated NoHo and NoHo East Historic Districts, the NoHo Historic District Extension consists of fifty-six buildings centered on Bond, Great Jones, and East 4th Streets between Lafayette Street and the Bowery plus the northeast corner of Bleecker Street and Lafayette Street. Built primarily between the early nineteenth and early twentieth centuries, the area, which is dominated by mid-rise store-and-loft buildings, includes residential, commercial and civic buildings. On the basis of a careful consideration of the history, the architecture, and other features of this area, the Landmarks Preservation Commission finds that the NoHo Historic District Extension contains buildings and other improvements which have a special character and a special historic and aesthetic interest and value and which represent one or more eras in the history of New York city and which cause this area, by reason of these factors, to constitute a distinct section of the city.

NoHo East-Historic District – The District includes portions of four blocks including most of the block bounded by the Bowery and Elizabeth, Bleecker, and East Houston Streets; the northern one-third to one-half of the block bounded by Elizabeth, Bleecker, Mott, and East Houston Streets; approximately two-thirds of the eastern half of the block bounded by Bleecker, Mott, Mulberry, and East Houston Streets; and the southern half of the block bounded by the Bowery and Bleecker, Lafayette, and Bond Streets. The LPC Designation Report (June 24, 2003) summarizes the District as follows:

The NoHo East Historic District, which is centered on Bleecker Street between the Bowery and Lafayette Street, consists of forty-two buildings constructed between the early nineteenth and the early twentieth centuries, and includes residential, commercial, and institutional buildings. The earliest developments were rows of Federal-style row houses that were constructed in the first decades of the nineteenth century for middle-class New Yorkers who were moving uptown as the lower Manhattan business district rapidly expanded into existing residential neighborhoods. A second period of residential development occurred following the Civil War, a period during which the NoHo East area began its transformation from a low-scale neighborhood of rowhouses to a densely built-up and crowded urban

sector. By the 1880s, larger commercial buildings began to spread into the area from the west and south, replacing several early-nineteenth-century houses. Residential development resumed around the turn of the century, at a time when many Italian immigrants were moving into the neighborhood. The historic district includes an unusual street pattern featuring a gentle curve along Bleecker Street and closed vistas at the northern termini of Elizabeth and Mott Streets. This distinctive enclave retains much of its nineteenth and early-twentieth century residential and commercial character. The district's low-scale, early-nineteenth century houses on Bleecker Street and Elizabeth Street are reminders of the area's early residential history, while the larger store and loft buildings testify to New York's growing importance as a hub of commercial activity in the nineteenth and early-twentieth centuries. Today, this diversity of small dwellings, apartment buildings, factories, lofts, and stables represents an intact and unusual historic mixed-use neighborhood in lower Manhattan.

Bayard-Condict Building (65-69 Bleecker Street) - The NoHo-Historic District LPC Designation Report (June 29, 1999) summarizes this 12-story loft building as follows:

This loft building, designed by famous Chicago architect Louis Sullivan with assistance from New York architect Lyndon P. Smith, was constructed in 1897-99 for the United Loan and Investment Company and is Sullivan's only work in New York City. Its terra-cotta curtain wall construction was unique in New York at that time. Assisting with the design of the ornament was George Elmslie, a young architect who worked for Sullivan for a number of years, and later was a member of the firm Purcell & Elmslie. The terra cotta was manufactured by the Perth Amboy Terra Cotta Company. The building was converted from lofts to an office building above the first floor in the 1980s. The building features include five bays; paired window openings; non-historic storefronts and signage; elaborate entry way to upper floors featuring ornamented piers, molded hood, and foliated lunette with cresting; upper stories feature ornamental spandrel panels, geometric decoration, vertical piers and mullions, ornamental plaques, and boldly projecting roof cornice with richly ornamented soffit panels.

Robbins & Appleton Building (1-5 Bond Street) - The NoHo-Historic District LPC Designation Report (June 29, 1999) summarizes this six-story former factory building as follows:

This cast-iron-fronted factory was designed by Stephen Decatur Hatch, and built in 1879-80 for the American Waltham Watch Company founded by Daniel F. Appleton and Henry A. Robbins. It replaced a cast-iron store building, also by Hatch and built in 1871 for the same company, that was destroyed by fire in 1877. The American Waltham Watch Company, founded in Massachusetts, was one of the major manufacturing firms of its type. The Bond Street building was used for the production of watch cases. By 1895, ownership of the building had passed on to Albert Friedlander. The building now houses joint living/working quarters on the upper floors.

The building features include twelve bays; shallow end pavilions; portico crowned by broken pediment carried on modillions; cast-iron storefront with non-historic

infill; non-historic access ramp; two non-historic flagpoles; recessed fenestration; smooth columns with stylized caps carrying shouldered arches; historic sash; mansard roof featuring imbricated slates, Palladian dormers with keystones, and decorative plaque and bull's-eye.

Underground IRT subway station at Bleecker Street – The LPC publication, *Guide to New York City Landmarks*, states that a number of underground Interborough Rapid Transit (IRT) subway stations were designated as City landmarks in 1979. The underground stations were principally designated for their interior ornamentation where the architects were required to use white tile and light colored brick except where color was introduced for architectural effect. Color was used for the mosaic sign panels and for the terra-cotta and faience plaques that embellish each station.

### **FUTURE WITH-ACTION CONDITIONS**

The Applicant proposes to create new penthouse additions on the roof of the existing building, totaling 1,515 gsf in floor area, through the reallocation of 2,382.18<sup>9</sup> gsf of floor area from the lower floors and mechanical spaces of the building. The proposed east triplex and west duplex units on floors 8, 9, and the penthouse additions would replace existing JLWQA units currently occupying floors 8 (containing 3 JLWQA units) and 9 (containing 2 JLWQA units). As proposed, the building would be comprised of 20 JLWQA units, a decrease of 1 unit from the existing 21 JLWQA units. Therefore, no new dwelling units would be added to the building.

Due to the difference of 208 gsf between the 1,306.86 gsf of floor area to be reallocated from inside the building and the 1,515 gsf to be constructed on the roof of the structure, the total building size would increase slightly from its current 62,128 gsf to 62,336 gsf. Therefore, following completion of the proposed project, the building would be comprised of 20 JLWQA units (UG 17D) occupying approximately 43,161.14 gsf of floor area primarily on the building's upper eight stories (floor area number also includes JLWQA lobby area and dedicated sub-cellar and cellar space) and 10 retail and eating and drinking establishments (UG 6) occupying approximately 8,566 gsf of floor area primarily on the ground floor of the building (floor area number also includes dedicated sub-cellar and cellar space). The remaining 10,609 gsf of floor area would continue to be comprised of sub-cellar and cellar space for building utilities and related uses as well as floor area beyond the building's footprint below the sidewalk vault. 20-foot setbacks are required for the building at a height of six stories on Crosby and Bleecker Streets, which are narrow streets, and 15 feet on Broadway, which is a wide street. The proposed east and west setbacks of the penthouse would comply with the required zoning setbacks while the north setback would encroach over the initial setback required on Bleecker Street by a maximum of 14'-9.5". A waiver of this requirement is therefore being requested.

The proposed parapet balustrade, being installed per LPC's request, would constitute a non-conforming obstruction penetrating the sky exposure plane. Parapets up to 4'-0" in height are a permitted obstruction and the balustrade would add 4'-10" of height to the existing parapet (the existing parapet height would not be modified). The resulting height of the existing parapet with the proposed balustrade would be approximately 8'-10". A waiver of this requirement is therefore being requested.

---

<sup>9</sup> 102 square feet was subtracted from the 2496.79 square feet stated in the RWCDS memo to account for the mechanical floor area that was determined to pre-date the conversion of the building to JLWQA use.

The proposed rooftop modifications include moving the 16 existing condenser units on the building's main roof to the new penthouse roof. Another 12 new condenser units would be installed over the existing west elevator and egress stair bulkheads as well as on the roofs of the 2 new private stair bulkheads. The units would be arranged grouped in line side by side along the south lot line wall sheltered behind noise screens. In addition, a new cooling tower would be installed over the existing east egress stair bulkhead.

Since the area of the roof is 5,092 square feet and the proposed gross penthouse area is 1,223 square feet, there would be sufficient space to provide the 2,028<sup>6</sup> square feet of required rooftop recreation space. The Applicant intends to implement landscaping and a deck in a portion of the rooftop as an amenity for the enjoyment of building residents. The Applicant also intends to improve access to the rooftop by installing an upgraded egress stair.

The project will include the restoration of the building's historic façade, which includes, among other work, repair and cleaning of the building's limestone enframing near its entrance and replacing limestone units, replacing non-historic windows and brick to match original window configuration and bricks, cleaning of brick and terracotta on the ground floor, removing embeds from the masonry on all street façades and patching holes, implementing a new storefront infill on Bleeker Street incorporating historic storefront features, and replacing the missing original rooftop balustrade with a new fiberglass balustrade based on historic conditions, which requires the requested height and setback waiver. The work is described in detail in the restrictive declaration which will be recorded if and when the Special Permit application is approved.

At their January 20, 2015 hearing, the LPC voted to approve a Certificate of Appropriateness for the project as well as the continuing maintenance report prepared pursuant to ZR Section 74-711. LPC's approvals of the project were granted on March 13, 2015 and included a Certificate of No Effect and a Certificate of Appropriateness as well as a letter to the CPC issuing a favorable report in support of the application for the proposed Special Permit ("Modification of Use 16-8913"). An application was submitted to the LPC on March 8, 2017 for the amended Certificate of Appropriateness and an amendment to the work approved under the permit to reflect the recently modified reduced-size penthouses. By letter dated March 29, 2017, LPC determined that the revised scope of work is in keeping with the intent of the original approval and it issued an amended Certificate of Appropriateness. By a second letter dated March 29, 2017, LPC amended the report in support of the application for the proposed Special Permit (Modification of Use 16-8913). (See Historic Resources Appendix)

#### Archaeological Resources

No subsurface ground disturbance would occur to accommodate the proposed action. Therefore, the proposed action would not result in any disturbance to potentially existing archaeological resources on the project site.

#### Historic Resources

The proposed project would result in the construction of new penthouse additions on the roof of the existing building. A proposed parapet balustrade would also be added to the roof of the

---

<sup>6</sup> The 2,128 SF currently required would be reduced by 100 SF since one (market rate) unit is being eliminated.



structure. The proposed rooftop modifications include moving the 16 existing condenser units on the building's main roof to the new penthouse roof. Another 12 new condenser units would be installed over the existing west elevator and egress stair bulkheads as well as on the roofs of the 2 new private stair bulkheads. In addition, a new cooling tower would be installed over the existing east egress stair bulkhead.

Since the area of the roof is 5,092 square feet and the proposed gross penthouse area is 1,223 square feet, there would be sufficient space to provide the 2,028<sup>6</sup> square feet of required rooftop recreation space. The Applicant intends to implement landscaping and a deck in a portion of the rooftop as an amenity for the enjoyment of building residents. The Applicant also intends to improve access to the rooftop by installing an upgraded egress stair. As these additions constitute a change from the existing condition on the property and would be occurring within a designated Historic District and across the street from an individually designated property, potential impacts on historic resources would be of concern. The *CEQR Technical Manual* indicates that architectural resources should be surveyed and assessed if the proposed project would result in any of the conditions noted in italics below.

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

The proposed action would result in new construction on the project site. As stated above, the proposed project would result in the construction of two new penthouse additions on the roof of the existing building. A proposed parapet balustrade would also be added to the roof of the structure. The proposed rooftop modifications include moving the 16 existing condenser units on the building's main roof to the new penthouse roof. Another 12 new condenser units would be installed over the existing west elevator and egress stair bulkheads as well as on the roofs of the 2 new private stair bulkheads. In addition, a new cooling tower would be installed over the existing east egress stair bulkhead.

Since the area of the roof is 5,092 square feet and the proposed gross penthouse area is 1,223 square feet, there would be sufficient space to provide the 2,028<sup>6</sup> square feet of required rooftop recreation space. The Applicant intends to implement landscaping and a deck in a portion of the rooftop as an amenity for the enjoyment of building residents. The Applicant also intends to improve access to the rooftop by installing an upgraded egress stair.

As stated above, at their January 20, 2015 hearing, the LPC voted to approve a Certificate of Appropriateness for the project as well as the continuing maintenance report prepared pursuant to ZR Section 74-711. LPC's approvals of the project were granted on March 13, 2015 and included a Certificate of No Effect and a Certificate of Appropriateness as well as a letter to the CPC issuing a favorable report in support of the application for the proposed Special Permit ("Modification of Use 16-8913"). An

---

<sup>6</sup> The 2,128 SF currently required would be reduced by 100 SF since one (market rate) unit is being eliminated.

<sup>6</sup> The 2,128 SF currently required would be reduced by 100 SF since one (market rate) unit is being eliminated.

application was submitted to the LPC on March 8, 2017 for the amended Certificate of Appropriateness and an amendment to the work approved under the permit to reflect the recently modified reduced-size penthouses. By letter dated March 29, 2017, LPC determined that the revised scope of work is in keeping with the intent of the original approval and it issued an amended Certificate of Appropriateness. By a second letter dated March 29, 2017, LPC amended the report in support of the application for the proposed Special Permit (Modification of Use 16-8913).

Specifically, the Certificate of Appropriateness states the following regarding the proposed rooftop additions:

With regard to the proposal, the Commission found that the presence of one-story rooftop addition will not significantly alter the overall scale of the building; that the building historically featured rooftop accretions, including bulkheads and water towers, visible from public thoroughfares, therefore the presence of rooftop structures will be in keeping with the character of the building; that the simple design and details and dark colored finish of the proposed additions and bulkheads will be in keeping with the utilitarian character of the existing rooftop structures, thereby helping to integrate these structures into the existing roof-scape and not drawing attention away from the significant features of the building and streetscapes; that the enclosed penthouse and bulkheads will not be visible from any public thoroughfares; that the glass railing at the roof of the penthouse addition will be minimally visible for a limited vantage point looking south on Broadway and looking west on Lafayette Street and will be seen through the proposed replicated rooftop balustrade and therefore obscured; and that the proposed balustrade is nine stories above the street and therefore a change in material from the historic metal to fiberglass will not be perceptible from the street nor will the change in material detract from the significant features of the building. Based on these findings, the Commission determined the work to be appropriate to the building and to the Noho Historic District and voted to approve it.

In addition, the Certificate of No Effect states the following regarding the proposed building work:

With regard to this proposal, the Commission finds that the proposed work is restorative in nature and will return the building closer to its original appearance; that the balustrade at the roof will restore a missing historic architectural feature to the building and will accurately replicate the historic balustrade in terms of location, dimensions, and details; that the restored stone entablature will accurately replicate the historic entablature as documented in historic photographs; that the proposed replacement windows will be installed within existing masonry openings and will match the historic windows in terms of configuration, operation, material, and finish;

that the circular windows will be repaired in kind; that the metal cornice will be replaced in kind; that replacement brick and terra cotta will match the color, size, texture and bonding pattern of the historic brick; that the pointing mortar will be compatible with the historic masonry in terms of composition, and that it will match the historic masonry in terms of color, texture, and tooling; and that the facades will be cleaned with the gentlest means possible to ensure the underlying masonry and terra cotta is not damaged.

Based on the above, it is concluded that the proposed action would have no significant adverse affect on the historic character of the property or the surrounding area.

- *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.*

As stated above, the proposed project would result in the construction of two new penthouse additions on the roof of the existing building. A proposed parapet balustrade would also be added to the roof of the structure. The proposed rooftop modifications include moving the 16 existing condenser units on the building's main roof to the new penthouse roof. Another 12 new condenser units would be installed over the existing west elevator and egress stair bulkheads as well as on the roofs of the 2 new private stair bulkheads. In addition, a new cooling tower would be installed over the existing east egress stair bulkhead.

Since the area of the roof is 5,092 square feet and the proposed gross penthouse area is 1,223 square feet, there would be sufficient space to provide the 2,028<sup>6</sup> square feet of required rooftop recreation space. The Applicant intends to implement landscaping and a deck in a portion of the rooftop as an amenity for the enjoyment of building residents. The Applicant also intends to improve access to the rooftop by installing an upgraded egress stair.

The project would result in a change in scale and visual prominence relative to the surrounding area. However, as LPC writes in the Certificate of Appropriateness excerpted above, "the Commission found that the presence of one-story rooftop addition will not significantly alter the overall scale of the building. " In addition, the Commission states that "the enclosed penthouse and bulkheads will not be visible from any public thoroughfares; that the glass railing at the roof of the penthouse addition will be minimally visible for a limited vantage point looking south on Broadway and looking west on Lafayette Street and will be seen through the proposed replicated rooftop balustrade and therefore obscured; and that the proposed balustrade is nine stories above the street and therefore a change in material from the historic metal to fiberglass

---

<sup>6</sup> The 2,128 SF currently required would be reduced by 100 SF since one (market rate) unit is being eliminated.

will not be perceptible from the street nor will the change in material detract from the from the significant features of the building.”

It is therefore concluded that the change in scale and visual prominence resulting from the proposed action would be relatively minor and appropriate to the surroundings. The proposed building additions 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 (TPPN # 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. TPPN # 10/88 pertains to any structure which is a designated NYC Landmark or located within a historic district, or listed on the National Register of Historic Places and is contiguous to or within a lateral distance of 90 feet from a lot under development or alteration.

- *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.*

On the basis of the *CEQR Technical Manual* criteria above, the project would not result in significant shadows impacts on historic resources. As discussed in the Shadows section above, the proposed building additions would reach a total height of 147'-5" to the top of the rooftop mechanicals and would result in a maximum shadow distance of approximately 634 feet. Some new shadows would reach the façade of the Bayard-Condict building at 65 Bleecker Street which is a shadow sensitive historic resource.

The proposed project would cast additional shadows on a miniscule area of the façade of the Bayard-Condict building for a maximum of 50 minutes in the late afternoon hours on the May 6 and June 21 analysis days. Due to the small area of incremental shadow and the relatively short duration of these new shadows within the context of much more significant shadows cast on this building by existing development in the area, it is concluded that the proposed project would not result in any significant adverse shadows impacts on the Bayard-Condict building. Therefore, the proposed project would not result in any significant adverse shadows impacts on historic resources.

Based on the above analysis, it is concluded that the proposed building additions would be compatible with the historic context and with the surrounding NoHo Historic District, the NoHo Historic District Extension, and the NoHo East Historic District as well as the individually designated properties within 400 feet of the project site. No impact to these Historic Districts or individual historic properties would be expected as a result of the proposed action.

The proposed project would not result in any impacts to historic or archaeological resources.



## 10. URBAN DESIGN AND VISUAL RESOURCES

An assessment of urban design is needed when a project may have effects on any of the elements that contribute to the pedestrian experience of public space. 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;
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.

### Floor Area

The proposed action would result in the construction of new one-story penthouse additions on the roof of the building, totaling 1,515 gsf in floor area, by reallocating 2,382.18<sup>10</sup> gsf of floor area from the lower floors and mechanical spaces of the existing nine-story building on the property, of which 1,075.32<sup>11</sup> gsf would be comprised of new mechanical deductions and 1,306.86 gsf would consist of floor area reallocations. However, as the penthouses will contain only 1,139 SF of zoning floor area, this floor area could come entirely from the 1,306.86 SF of floor area reallocations- the balance of 150 SF, for the enclosed stairwells on the penthouse roof, could come from among the 1,075.32 SF of new mechanical space. 1,515 gsf would be constructed on the roof of the structure, an increase of 208.14 gsf when accounting for the 1,306.86 gsf of floor area re-allocation which is not included in the new gross floor area as it has already been counted as part of the existing building<sup>12</sup>. It should be noted, however, that the zoning floor area of the building would decrease from 45,726 zsf currently to 44,775 zsf under the proposed action. Therefore, although the project would result in an increase of 208.14 square feet of gross floor area, it would not result in an increase in built zoning floor area beyond what would be allowed 'as-of-right' or in the future without the proposed project. The project would in fact result in a decrease of 951 square feet of zoning floor area.

It should be noted that the project site is already developed in excess of the 5.0 FAR allowed in the M1-5B zoning district in which it is located. The 5,157 square foot site is currently developed with 45,726 zsf of commercial/industrial zoning floor area which represents an FAR of 8.87. However, as this floor area is a pre-existing condition which pre-dates the 1961 Zoning Resolution, this floor area is permitted to remain on the property. Following completion of the proposed project, the 5,157 square foot site would be developed with 44,775 zsf of commercial/industrial zoning floor area which represents an FAR of 8.68, a decrease of 0.19 FAR from the existing condition.

---

<sup>10</sup> 102 square feet was subtracted from the 2496.79 square feet stated in the RWCDs memo to account for the mechanical floor area that was determined to pre-date the conversion of the building to JLWQA use.

<sup>11</sup> Total 1,075.32 sf of new mechanical floor area in the existing building calculated based on 1261.24 sf of total proposed mechanical deductions minus 102 sf of existing mechanical deductions minus 83.92 sf of mechanical space in the new penthouse.

<sup>12</sup> Note: The new mechanical deductions are included as part of GFA, while the new floor area re-allocations are not.

### Yard, Height, and Setback Requirements

The proposed action would not result in the modification of any yard requirements but would modify height and setback requirements as follows.

- 20-foot setbacks are required for the building at a height of six stories on Crosby and Bleecker Streets, which are narrow streets, and 15 feet on Broadway, which is a wide street. The proposed east and west setbacks of the penthouse would comply with the required zoning setbacks while the north setback would encroach over the initial setback required on Bleecker Street by a maximum of 14'-9.5". A waiver of this requirement is therefore being requested.

- The proposed parapet balustrade, being installed per LPC's request, would constitute a non-conforming obstruction penetrating the sky exposure plane. Parapets up to 4'-0" in height are a permitted obstruction and the balustrade would add 4'-10" of height to the existing parapet (the existing parapet height would not be modified). The resulting height of the existing parapet with the proposed balustrade would be approximately 8'-10". A waiver of this requirement is therefore being requested.

As discussed in the Historic and Cultural Resources section above, LPC states in their 03/13/15 Certificate of Appropriateness that "the enclosed penthouse and bulkheads will not be visible from any public thoroughfares; that the glass railing at the roof of the penthouse addition will be minimally visible for a limited vantage point looking south on Broadway and looking west on Lafayette Street and will be seen through the proposed replicated rooftop balustrade and therefore obscured; and that the proposed balustrade is nine stories above the street and therefore a change in material from the historic metal to fiberglass will not be perceptible from the street nor will the change in material detract from the significant features of the building." Therefore, there would not be the potential for a pedestrian to observe, from the street level, a physical alteration beyond that allowed by existing zoning.

The proposed action would not result in the obstruction of publicly accessible views to visual resources that are not allowed by the existing zoning of the property.

As discussed in the Historic and Cultural Resources section above, it should again be noted that at their January 20, 2015 hearing, the LPC voted to approve a Certificate of Appropriateness for the project as well as the continuing maintenance report prepared pursuant to ZR Section 74-711. LPC's approvals of the project were granted on March 13, 2015 and included a Certificate of No Effect and a Certificate of Appropriateness as well as a letter to the CPC issuing a favorable report in support of the application for the proposed Special Permit ("Modification of Use 16-8913"). An application was submitted to the LPC on March 8, 2017 for the amended Certificate of Appropriateness and an amendment to the work approved under the permit to reflect the recently modified reduced-size penthouses. By letter dated March 29, 2017, LPC determined that the revised scope of work is in keeping with the intent of the original approval and it issued an amended Certificate of Appropriateness. By a second letter dated March 29, 2017, LPC amended the report in support of the application for the proposed Special Permit (Modification of Use 16-8913).

The LPC presentation materials and the Neighborhood Character Diagram/Streetscape Drawing included in the Urban Design Appendix to this EAS provide a visibility study

showing the non-visibility of the penthouse from the street as well as a representation of the balustrade.

Based on the above, an urban design assessment would not be required and the proposed action would not result in significant adverse impacts to urban design or visual resources.

## **12. HAZARDOUS MATERIALS**

### **INTRODUCTION**

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

- 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 SITE ASSESSMENT (ESA)**

CNS Environmental (CNS) performed a Phase I Environmental Site Assessment (ESA) in compliance with ASTM Standard E1527-13 and E1528-06 of 640 Broadway (Block #: 522, Lot #: 14) in New York, NY 10012; referred to hereafter as the subject site.

The purpose of this environmental assessment is to evaluate the property's compliance with applicable Federal, State, and local environmental regulations, and identify any "Recognized Environmental Conditions" that may require further investigation and/or mitigation, including contaminants within the scope of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and petroleum products.

### **Site Description**

The subject site is situated on a 5,157 square foot parcel, improved with an approximate 45,726 zsf nine-story landmarked mixed use commercial and JMWQA building with a basement and sub-basement within the NoHo Historic District. The sub-basement contains the building's fuel oil boiler, 3,500-gallon fuel oil storage tank, and electric elevator machine room. The basement consists of storage for retail tenants, utility rooms, the superintendent's office, two retail spaces (western portion), and an accessory gym/fitness center within the eastern portion, currently under construction. The ground level of the building includes six (6) retail spaces and an eastern lobby accessed from Crosby Street, and a western lobby accessed from Broadway providing entrance to the JMWQA units on the 2<sup>nd</sup> through 9<sup>th</sup> floors. It should be noted that at the time of the ESA assessment, apartments 6C, 8B, and 8C were undergoing interior renovations.

### **Site Surroundings**

The subject site is situated in an urban area characterized by commercial and residential establishments with retail storefronts on the ground level. The subject site extends west to east from Broadway to Crosby Street, and is bounded to the west by Broadway, to the east by Crosby Street, to the north by Bleeker Street, and to the south by 636 Broadway containing various retail and office tenants including Duane Reade, WORK Train Fight Gym, Ready Set Rocket, Imagine Apparel Group, and Noho Productions Freshmade NYC. The elevation of the subject site is at 40 feet above mean sea level, and based upon the regional topography groundwater flow is anticipated to flow in a general southwestern direction towards the Hudson River.

## **FINDINGS**

Below is a brief overview of the findings.

### **Site Reconnaissance**

*Storage Tanks* - The site reconnaissance identified a 3,500-gallon #2 Fuel Oil Aboveground Storage Tank (AST) used in connection with a #2 fuel oil fed boiler located within the northeastern portion of the sub-basement, adjacent to the building's original coal fueled boiler. The AST is situated on stilts on the sub-basement level; however is vaulted and is accessed through the basement level tank room. CNS observed slight staining directly beneath the AST upon the slab; however, the surface appeared dry and the tank appeared in good condition. Based upon observations made, CNS considers this surficial staining to be a de minimis condition and is not likely to represent a significant concern to the subject site. It should be noted that the Former Two Boots Pizzeria tenant space is currently serviced by natural gas provided by Con-Edison.

*Potential PCBs* - No pole-mounted or pad-mounted transformers were observed on or around the subject site. CNS observed fluorescent light fixtures throughout the sub-basement and basement. Although these light fixtures have likely been replaced throughout the years, based upon the age of the building these fixtures may contain PCBs and should be treated as universal waste in compliance with NYSDEC regulations.

*Asbestos Containing Materials* - CNS completed several asbestos surveys prior to this assessment, in August 2012, September 2013 and January 2015, bound under separate cover. Of the material sampled, the Boiler Insulation identified on the old boiler was identified as ACM. CNS also monitored asbestos abatement procedures of Greenfields USA Corp for the removal of 220 square feet of ACM roofing and tar from the roof level elevator bulkhead in June 2014; and for the removal of 15 linear feet of thermal pipe insulation from the ceiling plenum in the basement level of the Former Two Boots Pizza tenant space in December 2014.

Suspect asbestos-containing materials observed during the site visit not previously sampled by CNS consist of plaster, gypsum wallboard, joint compound, and 2' x 2' and 2' x 4' ceiling tile within in the basement, ground floor tenant spaces, and JLWQA units, respectively; and vapor barrier paper under the wood flooring in the JLWQA units and stairwell landings.

*Lead-Based Paint* - CNS observed small areas of peeling and cracking suspect lead-based paint in the JLWQA stairwells, fire escapes, vacant retail spaces, and within Apartment 9A. A previous lead based survey was conducted by CNS on May 13, 2013 for the proposed renovation of Apartment 5A, where lead based paint was identified on the den window sills within the apartment. To the best of CNS's knowledge, the identified lead-based paint has not been abated.

*Water Damage and Mold* - CNS observed various areas of water damage upon the ceiling within the basement's common hallway, directly adjacent to the front of the basement retail spaces; however, no mold damage was observed at the subject site.

*Current Operations* - CNS did not observe any current operations that would produce any hazardous waste; however, CNS did observe two (2) approximately 100 gallon injection tanks, located within the center portion of the sub-basement, one of which is inactive and awaiting removal. The remaining tank currently provides service to Café Angelique directing waste to



the NYC Sewer System, due to the lavatory being at a lower elevation than the NYC sewer system. Standard non-hazardous waste is handled by the New York City Department of Sanitation.

Interviews - CNS was escorted throughout the subject site by Mr. Renato Vasconex, building superintendent, although the current property owner or a representative was not present or available to answer questions regarding past use of the property. Mr. Vasconex possessed basic knowledge of the site, including the installation of a new elevator at the eastern portion of the building, as well as the future renovation of the retail spaces at 64 and 66 Bleecker Street.

The Property Owner Questionnaire was completed by Mr. Tom Julius, Director of Non-Conforming Assets of Acadia Realty Trust, LLC; and identified the current use of the site and utility service providers, as well as referenced previous reports completed for the property. The User Questionnaire was also completed by Mr. Julius and indicated that the User was not aware of any environmental clean-up liens or AULs on the subject site, and that there are no obvious indicators that would indicate the presence of contamination at the subject site.

### **Characteristics of the Site Area**

Regional Hydrology - The data provided identifies the subject site being located within close proximity to a FEMA Flood Zone, based upon its location on the west side of Manhattan Island. Based on topographic data, the general gradient of the region is towards the west; however based upon the site's location on Manhattan Island, groundwater likely flows in a southwestern direction towards the Hudson River.

Radon - USEPA Radon Information was reported within the EDR report for 31 sites tested in New York County. The average activity within Living Areas was reported at 0.690 pico Curies per Liter (pCi/L), and within Basements at 1.490 pCi/L; both of which are below the USEPA Action Level of 4.0 pCi/L. In addition, NYS Radon information was provided for the five boroughs of New York County. A total of 108 tests were performed within Manhattan, with an average result of 2.15 pCi/L, which is below the USEPA Action Level of 4.0 pCi/L.

### **Historical Background**

The subject site was constructed with its current structure in 1896-1897, and was originally occupied as mixed-use by stores, offices and lofts. Per the NoHo Historic Designation Report dated June 29, 1999, a 1943 NYCDOB application identified occupancy by towel manufacturing, window cleaners, millinery, gloves, shoes, and confection packaging. In 1965, the report states that the ground floor was occupied by a barber shop and shoemaker, while the upper levels were occupied by dress, button, and badge makers, and a cloth cutter. By 1976, occupancy included an offset press, a food and vitamin distributor, import/export companies, and an interior design firm. As of the issuance of the Designation Report, the subject site housed joint living and work quarters for artists (JLWQA) on the upper levels, with commercial/retail remaining on the ground floor. The historical manufacturing and printing operations that occurred at the subject site from 1943-1976 would typically represent *Recognized Environmental Conditions*; however based upon site observations, the absence of notations within Sanborn Maps, and historical Certificates of Occupancy, it is unlikely these operations had an environmental impact to the subject site.

### **NYS Database Information**

Petroleum Bulk Storage Facilities - The subject site was identified as a PBS Facility (# 2-609725) with one (1) registered 3,500-gallon #2 Fuel Oil AST installed on an unknown date, with no spills identified and used in connection with a #2 fuel oil fed boiler. As stated herein, CNS observed slight staining directly beneath the AST upon the sub-basement slab; however, the surface appeared dry and the tank appeared in good condition. Based upon observations made, CNS considers this surficial staining to be a de minimis condition and is not likely to represent a significant concern to the subject site.

### **NYC Agency Records**

NYC Department of Buildings Records - The subject site's NYCDOB boiler profile identified one (1) active Federal commercial low pressure boiler; and one (1) voided commercial low pressure boiler with notations stating the boiler was removed in 2007. The NYCDEP boiler record indicated that a Federal FST80 boiler and a Carlin 1150FFD burner, with a permit issued on 1/8/2010 was "disapproved"; however no other details were provided. The subject site's elevator devices profile indicates a total of four (4) elevator devices; only one of which is a currently active passenger elevator approved in 2010 with the remaining three removed or dismantled from 2005-2006, respectively.

The subject site was further identified with one (1) active DOB violation issued in 2013 for the elevator, and three (3) active violations issued in 2014 for work without a permit and failure to file the Annual Boiler Report for 2012 as well as failure to certify correction on immediate hazardous (Class 1) ECB violation with a civil penalty of \$1,500. Additionally, there were two (2) active ECB violations issued in June 2014 for electrical work without a permit in Apt #6B and hallways, and for unapproved/unsafe/unsuitable electrical equipment in use within the basement electrical room.

NYC Department of Housing Preservation and Development (HPD) Records - Due to the fact that the subject site is partially occupied by a multiple dwelling; the building is required to register with the NYC HPD. Based upon the most current data available, the subject site's registration expired on September 15<sup>th</sup>, 2013 and is not currently validly registered. Additionally, records indicate a total of four (4) open violations.

### **Environmental Desktop Review**

An *Environmental Desktop Review* was previously completed by CNS in January 2012, and included a review of accessible environmental information, a site visit, and the review of a *Phase I Environmental Site Assessment* completed by Merritt Environmental Consulting (Merritt) dated April 1, 2011, which did not identify any recognized environmental conditions. Based upon the completion of the environmental review, CNS concluded that although historical manufacturing and printing operations occurred at the site from approximately 1943-1976, based on observations made and a review of past Certificates of Occupancy, it is unlikely that these operations took place in the sub-basement, basement, or ground level of the structure making it unlikely that a historical release of chemicals or hazardous substances occurred at the ground surface level. At the time of Merritt's Phase I ESA, Bleecker Photo Digital Solutions was occupying a ground floor tenant space and generated hazardous waste during its photo-developing operations. CNS further concluded that the tenant be registered with the USEPA as a RCRA-Generator. CNS additionally concluded that suspect ACM consisting of plaster walls at

the core of the building, window caulking throughout, asphalt roofing materials, and potential pipe insulations within the wet walls, must be considered Presumed Asbestos Containing Materials (PACM) until bulk samples could be collected. If materials were not to be impacted during renovations, ACM could be managed in-place by implementing an Operations and Maintenance (O&M) Plan. Furthermore, since the subject site was a multiple dwelling, NYC Local Law #1 would apply pertaining to the observed suspect lead-based paint.

### **Environmental Lien Review**

In order to determine if any environmental liens or activity and use limitations existed on the subject site, CNS was provided with an Environmental Lien Search Report by National Environmental Title Research. The search report did not identify any environmental liens or other activity and use limitations on the subject site although did identify one *Bargain & Sale Deed without Covenants*; whereas 640 Realty, LLC, a New York limited liability company and 86 Realty, LLC, a New York limited liability company, conveyed Lot 14, Block 522, commonly known as "640 Broadway," to 640 Broadway Owners, LLC, a Delaware limited liability company, on February 7, 2012 and recorded with the NYCDOF, Office of the City Register, on February 24, 2012, Instrument #2012000072942.

### **Address Records Review**

The subject site's address of 64 Bleeker Street was identified as a potential Historical Auto Station based upon a listing for "ACC Car Care Center" in 2004. Based upon CNS' review of City Directory Listings, in conjunction with Certificates of Occupancy and Sanborn Maps, this listing is likely a mailing address associated with a tenant's business; and is not associated with any auto-related operations that took place at the subject site.

The subject site's address of 640 Broadway was identified as a RCRA Non-Generator as "Con Edison Service Box 26578" specifically listed to be located in front of the subject site. There were no violations identified with this Con Edison service box and it is not likely to represent a significant threat to the environmental integrity of the subject site.

### **Regulatory Information Review**

#### **Adjacent Properties**

The southern abutting property located at 636 Broadway, was identified as having one (1) active 4,000 gallon #6 Fuel AST with two (2) LTANKS records and three (3) NY Spill records, all of which are currently closed. The identified releases appeared to be minor in nature and based on the site's current status and respective listing, is not likely to represent a significant environmental concern to the subject site.

The northern adjacent property beyond Bleeker Street, located at 644 Broadway, was identified as having one (1) 5,000 gallon #2 Fuel AST, and was also identified with one (1) NY Spill which was immediately tended to and closed the same day. Based on its current status and respective listing, this property is not likely to represent a significant environmental concern to the subject site.

The western adjacent property beyond Broadway identified as 88 Bleeker Street, and the northeastern adjacent property beyond Bleeker Street located at 65 Bleeker Street, were both

identified as PBS Facilities with no documented spills or releases and are not likely to represent a significant environmental concern to the subject site.

#### Other Site Area Properties

The "Former" Amoco Service Station #13410 (currently improved as a commercial office building with the Adidas retail store on the ground level) is located to the south of the subject site at the northeast corner of Broadway and East Houston Street, and was listed with a total of twelve (12) 550-gallon Gasoline USTs removed in 1992 and four (4) 4,000-gallon USTs which replaced the smaller USTs but were removed in 2003 during redevelopment of the site. This former gas station was also identified with three (3) LTANKS releases and three (3) NY Spill records, all of which are currently closed. Impacted soil identified during redevelopment activities was excavated and removed, with post-excavation samples indicating the absence of residual contamination. Based upon the redevelopment of this former gas station along with the absence of contamination, its distance from the subject site and topographic gradient; this "Former" Amoco station is not likely to represent a significant threat to the environmental integrity of the subject site.

The BP Gas Station located to the southeast of the subject site at the southeast corner of Crosby and East Houston Streets was identified with two (2) currently active 10,000-gallon gasoline USTs installed in 2005 that replaced three (3) former 4,000 gallon gasoline USTs. This active gas station was also identified with one (1) LTANKS release and one (1) NY Spill record, both of which are currently closed. Soil and groundwater contamination had been identified at this site with soil removal activities and groundwater monitoring successfully accomplished, where groundwater samples indicated non-detect findings and the NYSDEC issued an NFA in early 2006. Based upon its current status, distance from the site, and topographic gradient, this active gas station is not likely to represent a significant threat to the environmental integrity of the subject site.

Bahman Cleaners located to the west/northwest of the subject site at the southeast corner of Mercer and Bleecker Streets was identified as a "drop-shop" under NY Dry Cleaner Facility ID # 2-6205-00920. This property was also identified on the *Historic Cleaners* database, with listings from 1999 as well as a *RCRA Non-Generator* with no documented violations. This Dry Cleaner was also identified with one NY Spill record under Spill # 89-04302 issued on 7/31/1989 due to an equipment failure, causing five (5) gallons of unknown petroleum to spill upon the ground. The spill was immediately cleaned and was closed the same day. Based upon its current status and respective listing, this Dry Cleaner is not likely to represent a significant environmental concern to the subject site.

There was one (1) NPL site within a one-mile radius of the subject site, and has been identified as the Hudson River PCBs (Hudson River). The Hudson River PCBs site is located over a half-mile west of the subject site and is described as a forty-mile stretch of the Hudson River between Mechanicville and Fort Edward, New York; by which 1.1 million pounds of PCBs had been discharged into the river by General Electric and consists of contaminated sediments with greater than 50 parts per million (ppm) of PCBs. The State of New York has taken initial action to stabilize the area from erosion; however an amendment passed by Congress in September 1980 to the Clean Water Act (CWA) allowed the EPA to approve a grant in order to provide assistance to the State of New York. This site currently has a status of "Final NPL". Based upon

its agency oversight, distance from the subject site, and the topographic gradient, this NPL is not likely to represent a significant concern to the subject site.

There was one (1) CERCLIS site within a half-mile radius of the subject site, identified as New York City Anthrax Sites (31 Downing Street / 2 Prince Street) located almost a half mile northwest of the subject site. This property is classified as a "Removal Only Site", with a removal completed date of 4/13/2006. Based upon its current status, distance from the subject site, and the topographic gradient, this CERCLIS site is not likely to represent a significant concern to the subject site.

There is one (1) documented SHWS site within a mile radius of the subject site and has been identified as Hudson Dry Cleaners, located at 462 Hudson Street (0.0671 miles) west / northwest of the subject site. Details regarding this site were discovered during an investigation of a nearby property (75 Morton Street) by the NYC School Construction Authority which revealed elevated levels of VOCs (specifically PCE) along the adjacent sidewalk on the eastern side of Hudson Street with supplemental site investigations determining the cause of contamination to be Hudson Dry Cleaners. As of the issuance of this report, further review and determination regarding public health exposure concerns has not been provided by NYSDOH; however, based upon its proximity to the subject site and its lower relative gradient, it is not likely to represent an environmental concern.

There was one (1) USEPA BCP site within a half-mile radius of the subject site, identified as Vernam Barbadoes Basins, over a quarter-mile south of the subject site. There was no information provided within the third-party database report as to the status of this BCP site; however based upon a September 2001 Fact Sheet issued by the USEPA, the site was used for public waterfront access and was listed as a Brownfields site due to possible petroleum, metal waste, and illegal dumping activities; as well as unknown fill material used to create the peninsula and encroachments into the site by a neighboring lumberyard and cement plant. The planned reuse of the site under a NYSDEC Consent Order would remain as parkland with small craft waterfront access and concessions considered. As of the issuance of the fact sheet, a Phase I Site Assessment commenced on the property in May 2001, however was unfinished with no other information provided. Although the current status of this site is unknown, based upon its distance from the subject site and regulatory oversight, this BCP is not likely to present a significant environmental concern to the subject site.

The additionally identified RCRA generators, PBS sites, LTANKS sites, NY Spills sites, and Dry Cleaners within a half mile radius of the subject site are not likely to have a significant impact on the environmental quality of the subject site.

There were no RCRA TDSF Facilities, ERP sites, or VAPOR REOPENED sites located within a half-mile radius; and no VCP sites within a quarter-mile radius.

### **Conclusions and Recommendations**

This assessment has revealed no evidence of *Recognized Environmental Conditions* in connection with the Subject Site.

- As stated herein, the historical manufacturing and printing operations that occurred at the subject site from approximately 1943-1976 typically represent a *recognized environmental*



*condition*; however based upon observations made during the site visit and a review of past Certificates of Occupancy and the absence of notations within Sanborn Fire Insurance Maps, it is likely these operations did not take place in the sub-basement, basement or ground level of the current structure. The Certificates of Occupancy from 1934, 1944, and 1966 indicate that the ground level of the structure was occupied by stores, the basement was utilized for storage, the sub-basement contained the boiler room, while manufacturing operations took place on the upper levels of the building. Therefore, since these operations did not come into contact with the ground surface, it is unlikely that a historical release of chemicals or hazardous substances from these operations occurred at the subject site.

In addition, the following *non-ASTM scope* concerns should be considered:

- The subject site was identified with four (4) active DOB violations and two (2) active ECB violations. The violations should be resolved with the New York City Department of Buildings by paying the civil penalties and submitting a Certificate of Correction to the Administrative Enforcement Unit (AEU) for all violations. A violation that is not dismissed will continue to remain ACTIVE or "open" on DOB records until acceptable proof is submitted to the AEU, even if the penalty imposed has been paid.
- Based upon the most current data available, the subject site's registration with the NYCHPD expired on September 15<sup>th</sup>, 2013 and is not currently validly registered, and additionally has a total of four (4) open violations. CNS recommends that the property renew its registration with the NYCHPD in accordance with the State's Multiple Dwelling Law, and submit annual renewals by September 1<sup>st</sup> of each year. The open violations can be resolved by correcting the conditions in accordance with the NYC Housing Maintenance Code, paying penalties and submitting Certificates of Correction to the NYCHPD.
- The source of the observed water damage upon the ceiling within the basement's common hallway, directly adjacent to the front of the basement retail spaces, should be identified and repaired to avoid further damage and potential mold, with the affected materials replaced.
- Suspect asbestos-containing materials observed during the site visit *not previously sampled by CNS* consist of plaster, gypsum wallboard, joint compound, and 2' x 2' and 2' x 4' ceiling tile within in the basement, ground floor tenant spaces, and JLWQA units, respectively; and vapor barrier paper under the wood flooring in the JLWQA units and stairwell landings; and must be considered Presumed Asbestos Containing Materials (PACM) until bulk samples can be collected. If renovations are to occur within the building, the material should be sampled to confirm the presence or absence of asbestos; however the materials can be managed under an Operations and Maintenance (O&M) Program.
- CNS observed cracking and peeling paint within the JLWQA stairwells, fire escapes, vacant retail spaces and within Apartment 9A. The lead-based paint stated herein, is applicable primarily to the JLWQA units via *The Local Laws of the City of New York for the Year 2004 - Local Law #1*. It is the responsibility of an owner of a property located in New York City to be familiar with Local Law #1 and to comply with its requirements. The law imposes the following property owner responsibilities, which include:
  - Annual notifications by owners to all occupants, as well as to occupants upon lease-up, lease renewal, and agreement to lease or commencement of occupancy, inquiring if there

are children under 6 years of age residing in the unit. Owners must include a notice about owner responsibilities under the law with each lease and must provide a pamphlet informing occupants about lead. There is also a requirement that owners physically inspect units when occupants do not respond, to determine if there is a child under 6 residing in the unit;

- Owners must investigate units where children under 6 reside, as well as common areas in the property to find peeling paint, chewable surfaces, deteriorated subsurface, and friction and impact surfaces. This investigation must be conducted at least annually, or more often if the owner knows about a condition that may cause a lead hazard, or the occupant complains about such a condition;
- Remediation of lead hazards, using safe work practices and trained workers;
- Making apartments lead safe on turnover; and
- Using safe work practices for all repairs and renovations performed in a unit where a child under 6 resides and in the common areas of buildings with such units.

## **CONCLUSION**

This assessment has revealed no evidence of *Recognized Environmental Conditions* in connection with the Subject Site. The Applicant will comply with the non-ASTM scope recommendations made by CNS as described above. Therefore, there is no potential for the proposed action to result in significant adverse impacts related to hazardous materials.

## **NYC Department of Environmental Protection Review**

The New York City Department of Environmental Protection (DEP), Bureau of Environmental Planning and Analysis has reviewed the June 2015 Environmental Assessment Statement (EAS) and the April 2015 Phase I Environmental Site Assessment Report (Phase I) prepared by Compliance Solutions Services, LLC and CNS Environmental on behalf of 640 Broadway Owners LLC (Applicant) for the above referenced project. Based on their review of the submitted documents, DEP submitted the following comments to DCP by letter dated July 10, 2015.

1. ACM, LBP and fluorescent light fixture containing PCBs may be present in the on-site building. These materials should be properly managed and/or disposed of in accordance with local, state and federal regulations prior to the proposed construction work.
2. It should be noted that the project proposal is for the development of two one-story penthouse additions on the roof the building by reallocating floor area from the lower floors and mechanical spaces of the building. Soil disturbance will not be involved to facilitate the development of the proposed two one-story penthouse additions. DEP finds that the proposed project will not likely to represent a significant environmental concern to the subject site and therefore, find the proposed project acceptable based on the current proposal and have no further requirement for this 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 the heat and hot water boiler of a proposed development which could adversely affect other buildings in proximity to the proposed development.

### **Mobile Source**

Under guidelines contained in the 2014 *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.

The proposed action would result in the construction of new one-story penthouse additions on the roof of the building, totaling 1,515 gsf in floor area, by reallocating 2,382.18 gsf of floor area from the lower floors and mechanical spaces of the existing nine-story building on the property. Following the completion of the proposed development, the building would be comprised of 20 JLWQA units, a decrease of 1 unit from the existing 21 JLWQA units. As the proposed project would not create any additional JLWQA units in the subject building, no additional vehicular trips would be generated by the proposed action.

No significant adverse mobile source air quality impacts would be generated by the project.

### **Stationary Source**

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

A screening analysis was performed, using the methodology described in the *CEQR Technical Manual*, to determine if the heat and hot water system of the building could result in potential air quality impacts to any other buildings in the surrounding area. This methodology determines the threshold of development size below which the action would not have a significant impact. The results of this analysis found that there would be no significant air quality impacts from the project's heating, ventilation, and air conditioning (HVAC) systems.

Impacts from boiler emissions associated with a development are a function of fuel type, stack height, minimum distance of the stack on the source building to the closest building of similar or greater height, and the square footage size of the source building. The *CEQR Technical Manual* Appendix Figure 17-5, SO<sub>2</sub> Boiler Screen-Residential Development-Fuel Oil #2 was used for the analysis since the subject building uses No. 2 fuel oil for heat and hot water generation.

The closest building of similar or greater height to the subject property is the adjacent 12-story building at 636 Broadway (Block 522, Lot 12), which is occupied by office uses on the building's upper floors, a gym on the second floor, and retail uses on the ground floor. This building contains windows that overlook the roof and the boiler emissions stack of 640 Broadway. The

distance between the top of the boiler stack of 640 Broadway and the nearest operable window in 636 Broadway is 32'-4".

On the basis of the attached Appendix Figure 17-5, the subject proposed 62,336 gsf building at 640 Broadway would not screen out for stationary source air quality impacts. However, the boiler stack is existing and its location would not be changed as a result of the proposed project. See the attached Drawing A-204 which illustrates the location of the existing/proposed stack with red arrows. No changes to the existing boiler system in the building would be made under the proposed action and emissions would remain the same as they are currently.

The proposed action would result in the construction of new one-story penthouse additions on the roof of the building, totaling 1,515 gsf in floor area, by reallocating 2,382.18 gsf of floor area from the lower floors and mechanical spaces of the existing nine-story building on the property, of which 1,075.32 gsf would be comprised of new mechanical deductions and 1,306.86 gsf would consist of floor area reallocations. However, as the penthouses will contain only 1,139 SF of zoning floor area, this floor area could come entirely from the 1,306.86 SF of floor area reallocations- the balance of 150 SF, for the enclosed stairwells on the penthouse roof, could come from among the 1,075.32 SF of new mechanical space. The gross square foot size of the building would increase by 208.14 gsf when accounting for the 1,306.86 gsf of floor area re-allocation which is not included in the new gross floor area as it has already been counted as part of the existing building<sup>13</sup>. It should be noted, however, that the zoning floor area of the building would decrease from 45,726 zsf currently to 44,775 zsf under the proposed action. The project would in fact result in a decrease of 951 square feet of zoning floor area. In effect, in regards to potential stationary source air quality impacts, the Future with Action condition would be substantially the same as the existing and Future No-Actions conditions on the property. It should be noted that the proposed penthouse additions are considered to be new sensitive receptors which could be affected by emissions from the existing boiler stack on the building. The attached NYC Building Code analysis (Figures Z-01 and C and smoke stack photograph/rendering) has been prepared to determine the potential effect of emissions from this stack on the penthouse additions. As shown on Figure Z-01, per NYC Building Code Section 27-859, the minimum distance from the flue to the nearest window must be 31'-1/4". The proposed minimum distance is 52'-4". Therefore, the flue location complies with the minimum distance required to a sensitive receptor. No significant adverse stationary source impacts on the proposed penthouse additions would result from the boiler flue.

Therefore, the potential for significant adverse impacts due to boiler stack emissions from the proposed project is unlikely, and a detailed analysis of stationary source impacts is not required.

### Industrial Source Analysis

Table 17-1 below presents a list of all parcels identified as manufacturing uses on the Land Use map attached to this EAS. The use information on the Land Use map was obtained from the PLUTO database compiled by the NYC Department of City Planning. The following information is provided for each of the properties listed on Table 17-1:

---

<sup>13</sup> Note: The new mechanical deductions are included as part of GFA, while the new floor area re-allocations are not.

- Block and lot
- Street address
- Use shown on the most recent NYC Department of Buildings Certificate of Occupancy (C of O) and/or other records if C of O information was not available
- Current use based on ZoLa, Property Shark website records, and Google Earth photographs.

A review of Table 17-1 indicates that there are no active manufacturing facilities located within 400 feet of the site. In addition, the project site is not located near any medical, chemical, or research labs. Therefore, there are no industrial source or other emissions of concern in the surrounding area that would impact the subject property.

**Table 17-1  
Current Use of Properties Shown as Manufacturing on DCP PLUTO Database Within 400-Foot Radius of 640 Broadway**

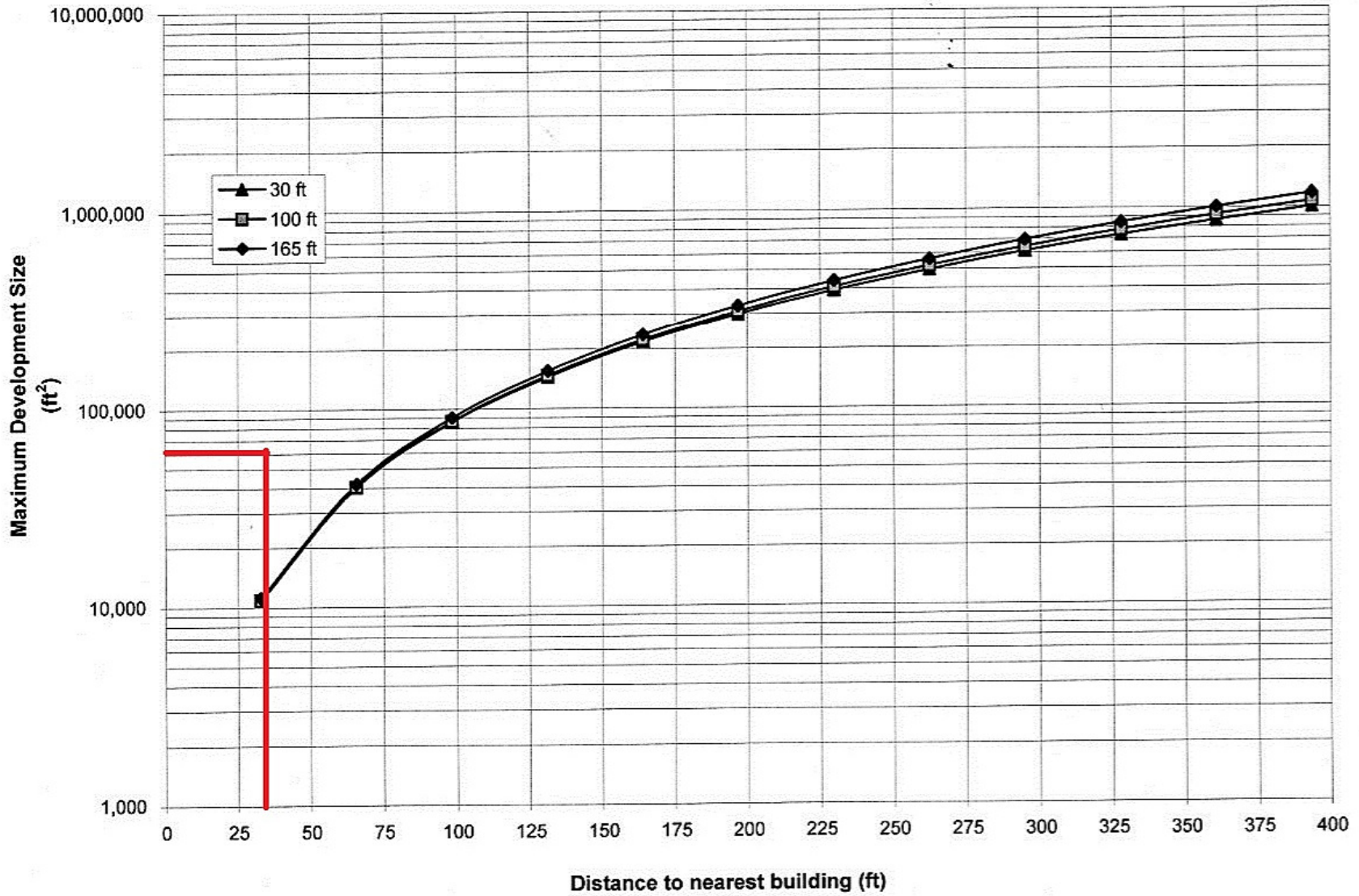
Block/Lot	Address	Most Recent CO Use/DOB Records	Current Use
532/24	645 Broadway	No CO available; 2007-Request to legalize existing residential units on floors 2-5	Ground floor retail, residential on upper floors
532/23	647 Broadway	No CO available; 2004-Request to legalize existing residential units on floors 2-5	Ground floor retail, residential on upper floors
530/66	4 Bond Street	2015-Factory and Wholesale Establishment and Accessory Offices, JLWQA	Ground floor space formerly occupied by wood and formica cabinet maker & sales, currently vacant/for rent; JLWQA on upper floors
529/62	43 Bleecker Street	2013-Ground & cellar level theater, storage, & accessory office; no info for upper floors	Ground & cellar level theater, storage, & accessory office; 8 residential units on upper floors (ZoLa)
521/11	32 Bleecker Street	1949-Storage, office, manufacturing; 2014-multiple filings for gut renovation	Vacant and in construction for conversion to residential condominiums

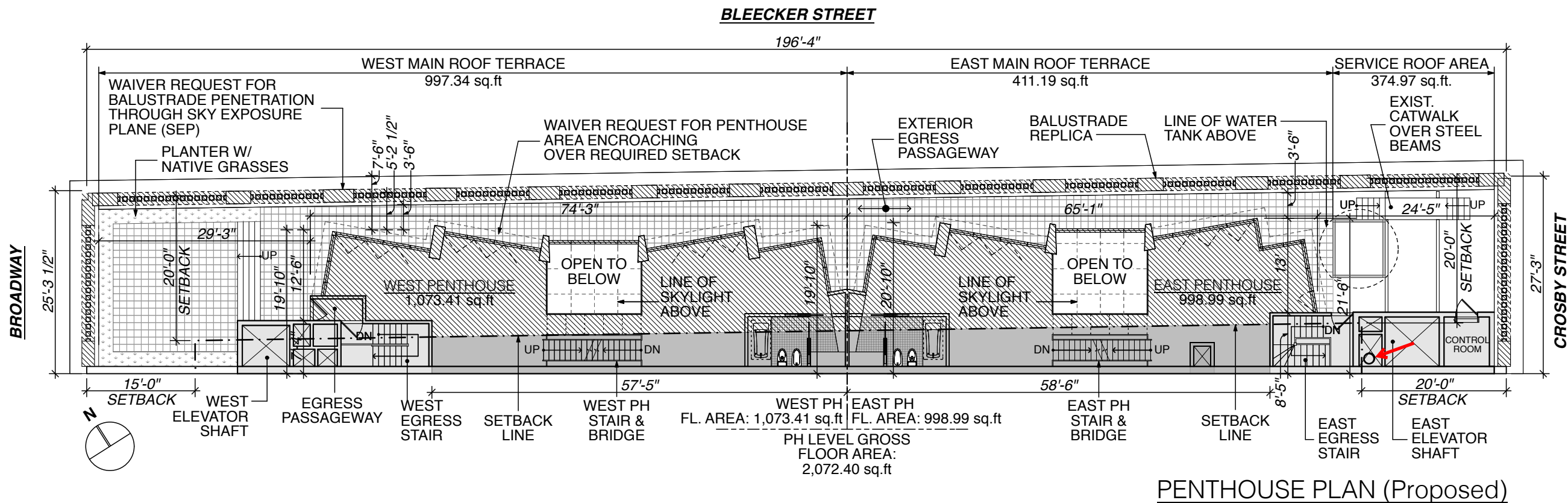
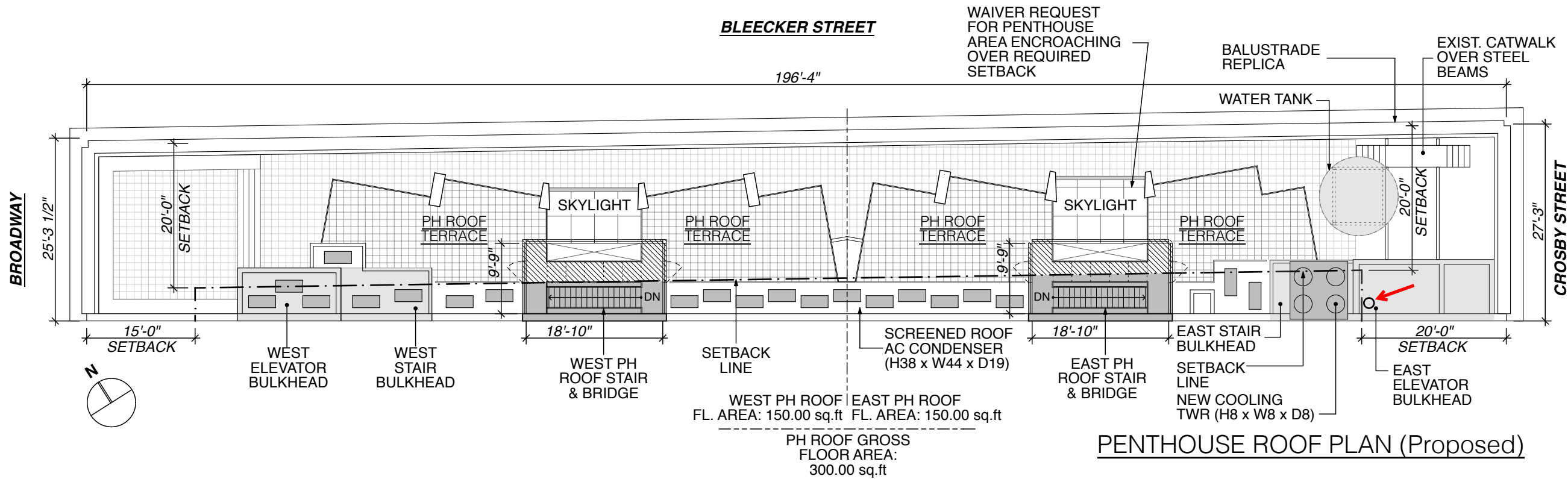
Conclusion

The proposed project would not create any significant adverse mobile or stationary source air quality impacts relative to the surrounding area. There are no industrial source emissions in the surrounding area that would impact the subject property. The sensitive receptor to be developed as the proposed project would not experience any significant adverse air quality impacts from existing development in the surrounding area.



**FIG App 17-5**  
**SO<sub>2</sub> BOILER SCREEN**  
**RESIDENTIAL DEVELOPMENT - FUEL OIL #2**





DRAWING LEGEND	
	EXISTING LEGAL NON-COMPLIANCE TO REMAIN
	NEW NON-COMPLIANCE (WAIVER NEEDED PER ZR 74-711 FOR HT. & SETBACK REGULATIONS)
	NEW CONSTRUCTION NOT REQUIRING WAIVER
	EXISTING ROOFTOP STRUCTURES TO REMAIN
	FINISHED ROOF

REVISIONS	
1	04-24-15 ISSUED FOR DCP FILING
2	
3	
4	
5	

DRAWN BY **GL/AM** DATE **03/04/15**

**640 BROADWAY**  
**ROOFTOP ADDITION**  
BLOCK: 522, LOT: 14  
PROJECT NAME

**PENTHOUSE PLANS**  
**(PROPOSED)**  
DRAWING TITLE

ARCHITECT:  
**BONE / LEVINE ARCHITECTS**  
561 BROADWAY, No. 8D NEW YORK, NY 10012  
TEL: 212-219-1038 FAX: 212-226-8056

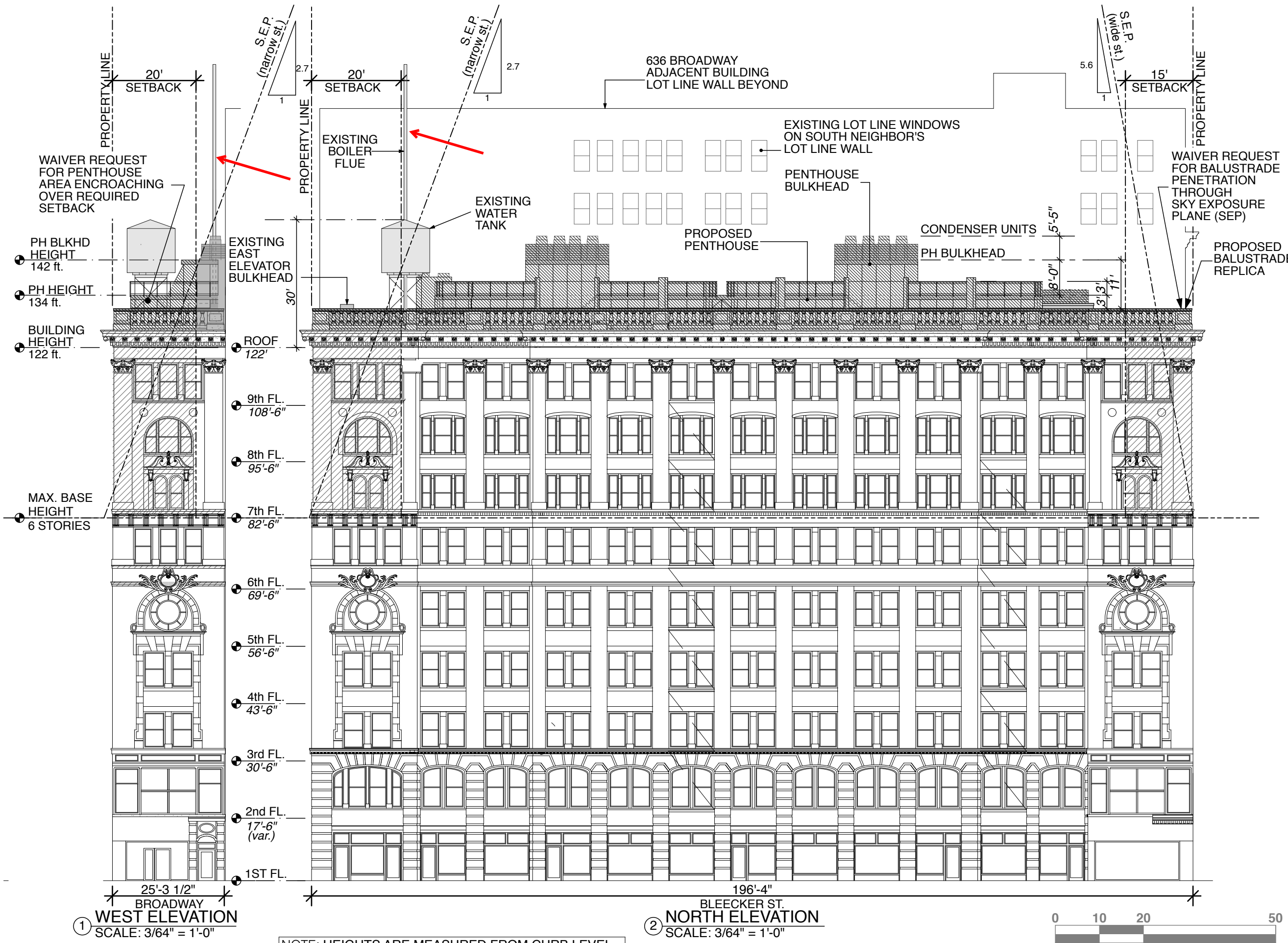
SEAL & SIGNATURE:

DRAWING SHEET NUMBER:

**A-204.00**

PAGE: 18 of 22 SCALE: AS INDICATED

The above illustrates the original plan that was certified. Given that the original plan presented a larger increment and bulk, the revised site plan would not alter the conclusions of the previous analyses conducted.



**DRAWING LEGEND**

- EXISTING LEGAL NON-COMPLIANCE TO REMAIN
- NEW NON-COMPLIANCE (WAIVER NEEDED PER ZR 74-711 FOR HEIGHT & SETBACK REGULATIONS)
- NEW CONSTRUCTION NOT REQUIRING WAIVER
- EXISTING ROOFTOP STRUCTURES TO REMAIN

REVISIONS	
1	04-24-15 ISSUED FOR DCP FILING
2	
3	
4	
5	

DRAWN BY **GL/AM** DATE **03/04/15**

**640 BROADWAY**  
**ROOFTOP ADDITION**  
 BLOCK: 522, LOT: 14

**BUILDING ELEVATIONS**  
**(PROPOSED)**

ARCHITECT:  
**BONE / LEVINE ARCHITECTS**  
 561 BROADWAY, No. 8D NEW YORK, NY 10012  
 TEL: 212-219-1038 FAX: 212-226-8056

SEAL & SIGNATURE:

DRAWING SHEET NUMBER:

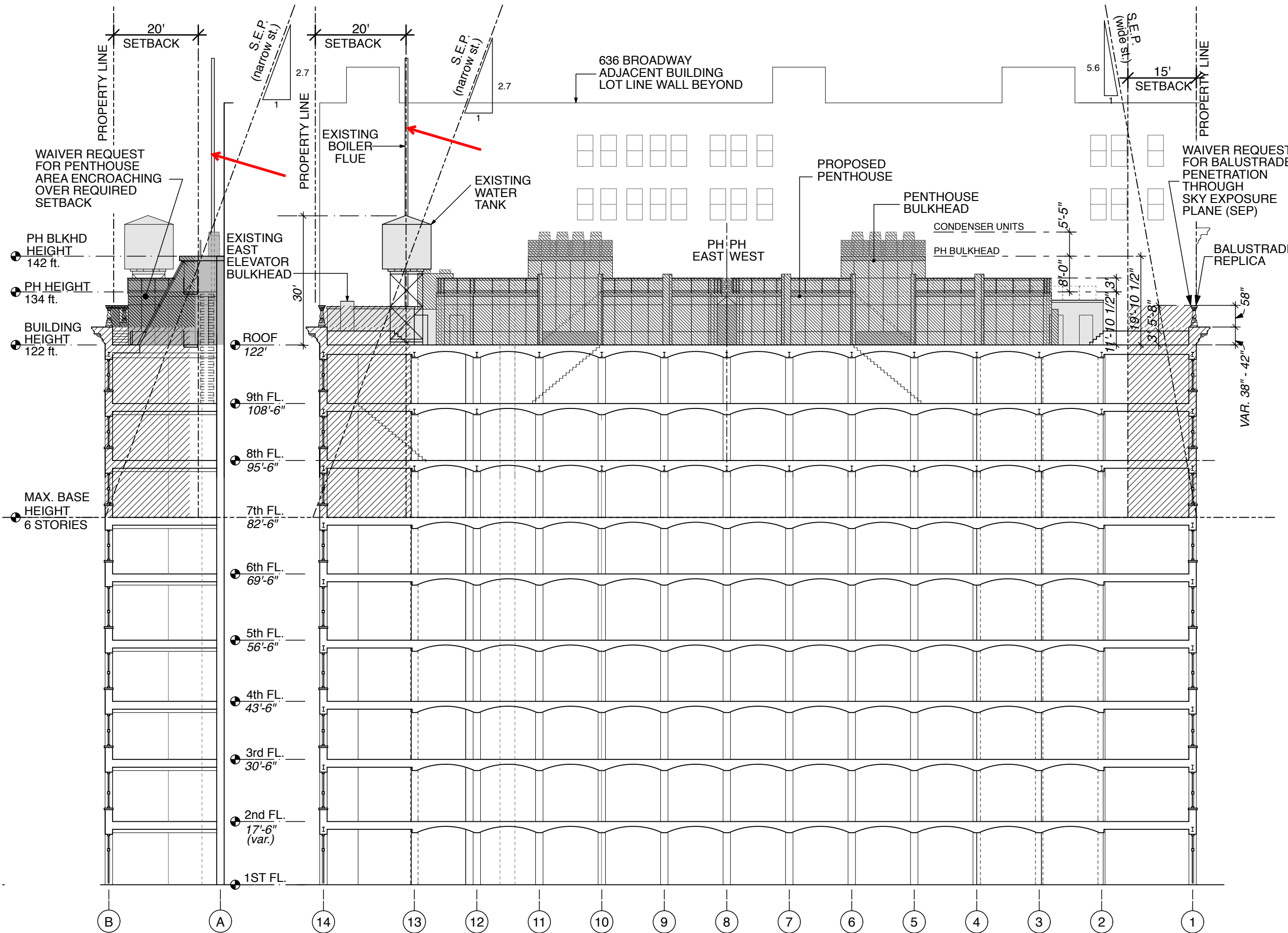
**A-301.00**

PAGE: 20 of 22 SCALE: AS INDICATED

NOTE: HEIGHTS ARE MEASURED FROM CURB LEVEL.

The above illustrates the original plan that was certified. Given that the original plan presented a larger increment and bulk, the revised site plan would not alter the conclusions of the previous analyses conducted.





DRAWING LEGEND	
	EXISTING LEGAL NON-COMPLIANCE TO REMAIN
	NEW NON-COMPLIANCE (WAIVER NEEDED PER ZR 74-711 FOR HEIGHT & SETBACK REGULATIONS)
	NEW CONSTRUCTION NOT REQUIRING WAIVER
	EXISTING ROOFTOP STRUCTURES TO REMAIN

REVISIONS	
1	04-24-15 ISSUED FOR DCP FILING
2	
3	
4	
5	

DRAWN BY **GL/AM** DATE **03/04/15**

**640 BROADWAY**  
**ROOFTOP ADDITION**  
 BLOCK: 522, LOT: 14

**BUILDING SECTIONS (PROPOSED)**

ARCHITECT:  
**BONE / LEVINE ARCHITECTS**  
 561 BROADWAY, No. 8D NEW YORK, NY 10012  
 TEL: 212-219-1038 FAX: 212-226-8056

SEAL & SIGNATURE:

NOTE: INTERIOR PARTITIONS ARE FOR ILLUSTRATIVE PURPOSES ONLY.

DRAWING SHEET NUMBER:  
**A-401.00**

PAGE: 22 of 22 SCALE: AS INDICATED

© COPYRIGHT BONE/LEVINE ARCHITECTS 2015

① CROSS SECTION SCALE: 3/64" = 1'-0"

NOTE: HEIGHTS ARE MEASURED FROM CURB LEVEL.

② LONGITUDINAL SECTION SCALE: 3/64" = 1'-0"



The above illustrates the original plan that was certified. Given that the original plan presented a larger increment and bulk, the revised site plan would not alter the conclusions of the previous analyses conducted.

**CHIMNEY FLUE MINIMUM DISTANCE REQUIREMENT FORMULA  
PER NYC BUILDING CODE SECTION 27-859**

**D = F x SQUARE ROOT OF A**

D = MINIMUM DISTANCE FROM WINDOWS  
 F = VALUE DETERMINED FROM TABLE 15 - 1, CODE SECTION  
 27-859 OF THE NYC BUILDING CODE  
 A = TOTAL FREE AREA OF CHIMNEY FLUE

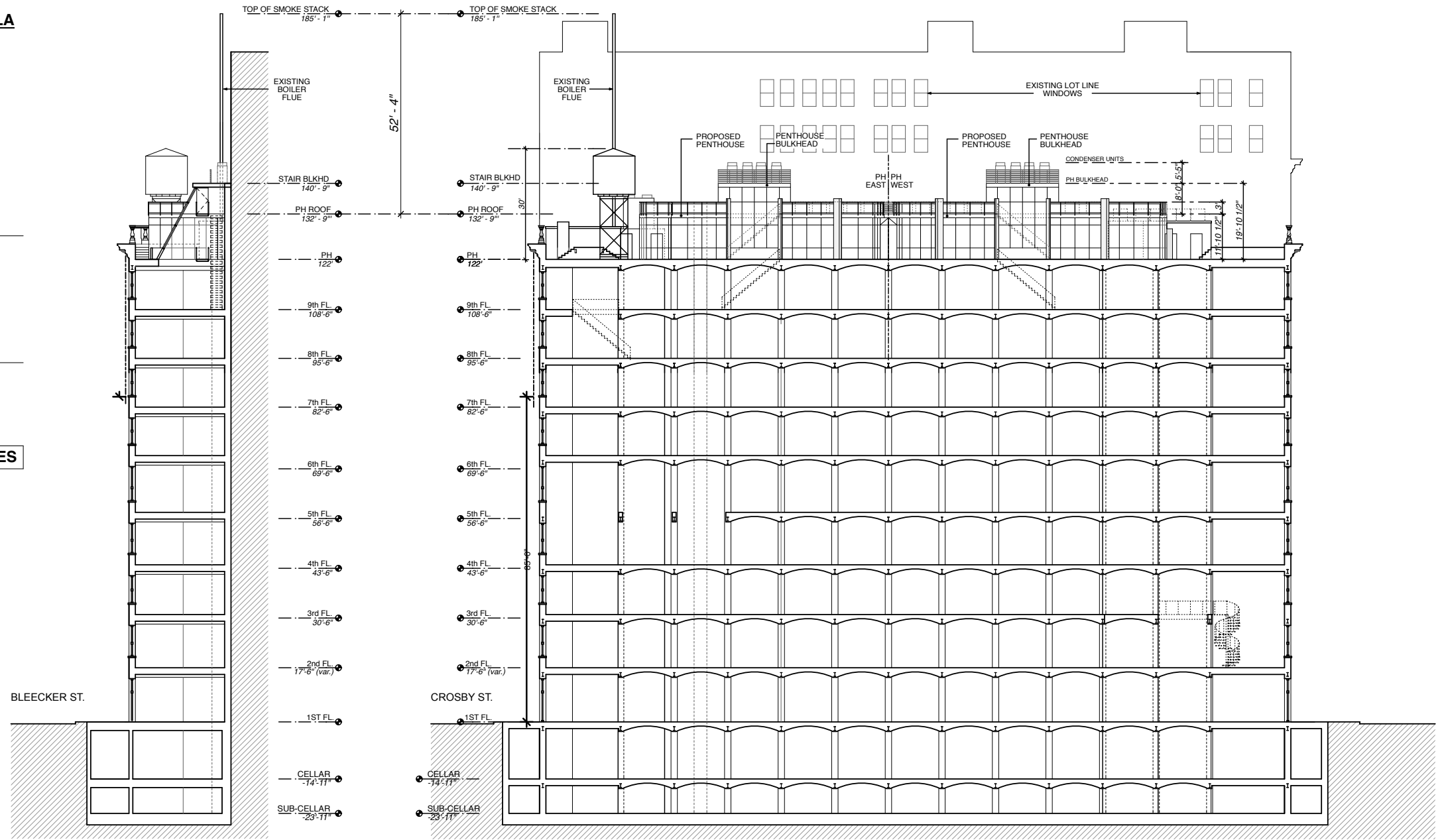
**31.02 = 2.5 x 12.41**

LOW TEMP. CHIMNEY / NO.2 FUEL OILS → 14" ROUND FLUE

MINIMUM REQUIRED DISTANCE = 31'- 1/4"

PROPOSED DISTANCE = 52'- 4"

**52'- 4" (PROPOSED) > 31'- 1/4" (REQUIRED MIN.) : COMPLIES**



**1** CROSS SECTION  
SCALE: 1/32" = 1'-0"

**2** LONGITUDINAL SECTION  
SCALE: 1/32" = 1'-0"

The above illustrates the original plan that was certified. Given that the original plan presented a larger increment and bulk, the revised site plan would not alter the conclusions of the previous analyses conducted.

<b>BONE / LEVINE ARCHITECTS</b> 561 BROADWAY No. 8D NEW YORK, NY 10012 TEL: 212 - 219 - 1038 FAX: 212 - 226 - 8056	<b>640 BROADWAY</b> PROJECT NAME	<b>SMOKE STACK LOCATION CALCULATION</b> DRAWING TITLE	REVISIONS 1            3 2            4	AS INDICATED SCALE DATE 11/17/15 DRAWN BY: JAL	<b>Z 01</b>
			© COPYRIGHT BONE/LEVINE ARCHITECTS 2015		



**PROPOSED FLOOR AREA CALCULATIONS**

PROPOSED EAST PENTHOUSE: 998.99 sq ft  
 PROPOSED WEST PENTHOUSE: 1,073.41 sq ft  
**TOTAL PROP. FLOOR AREA: 2,072.40 sq ft**

**AVAILABLE FLOOR AREA TRANSFER**

From mechanical deductions= 1,275.00 sq.ft  
 From 9th floor area transfer= 221.92 sq.ft  
 From lower floor area transfer= 575.48 sq.ft

**ROOF STRUCTURES CALCULATIONS**

WATER TANK: 93.60 sq ft  
 EAST ELEVATOR BULKHEAD: 166.01 sq ft  
 EAST STAIR BULKHEAD: 96.79 sq ft  
 PROPOSED TWIN PHs: 2,072.40 sq ft  
 WEST ELEVATOR BULKHEAD: 104.93 sq ft  
 WEST STAIR BULKHEAD: 118.44 sq ft  
 PARAPET: 407.90 sq ft  
**TOTAL ROOF STRUCTURES: 3,060.07 sq ft**

**ROOF AREA = 5,073.01 sq ft**

**MAX. AREA OF ROOF STRUCTURES MUST BE**

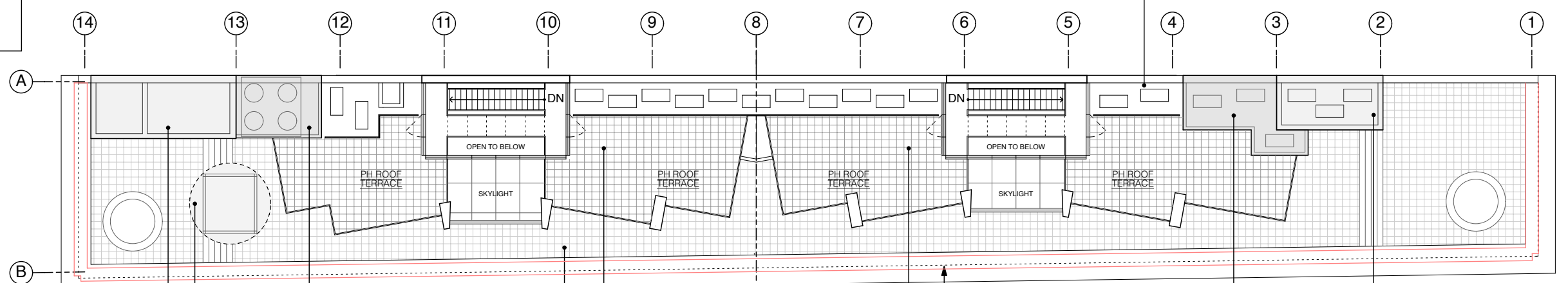
**< 33 1/3% OF ROOF AREA (1,689.31 sq ft)**

**3,060.07 sq ft is > 1,689.31 sq ft**

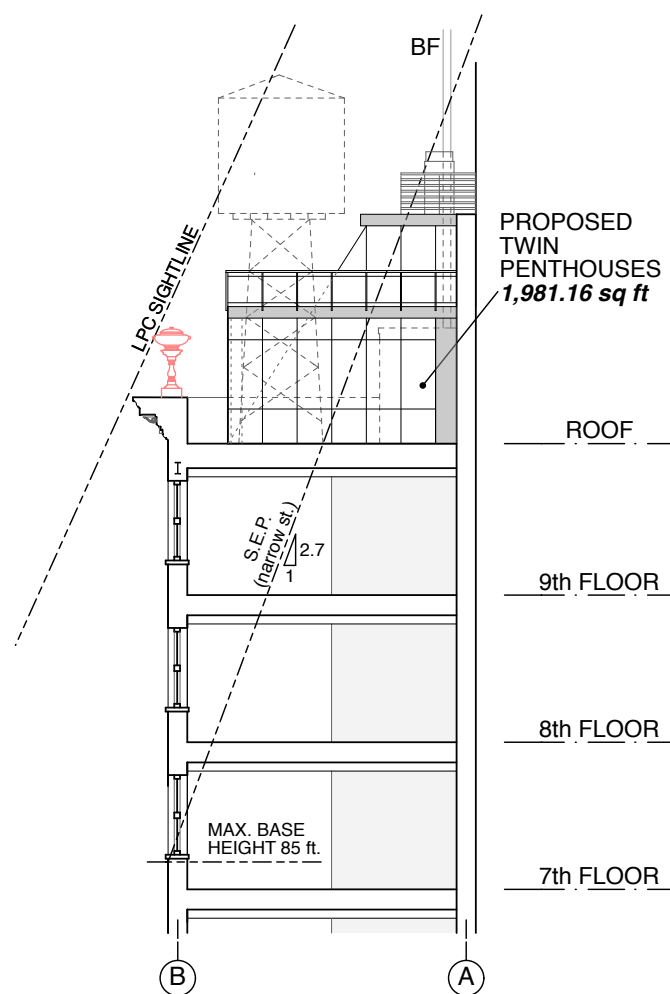
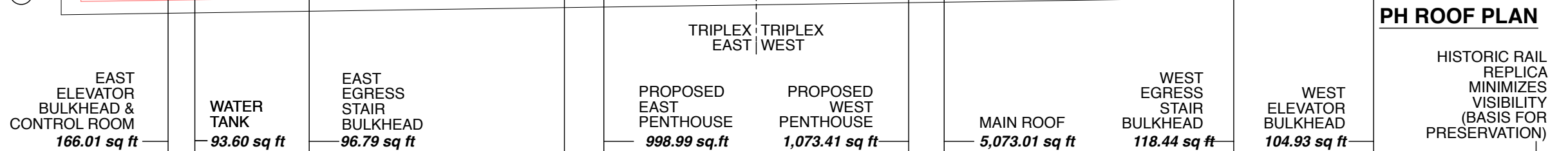
**(roof level constitutes floor level)**

**REQUIRED OPEN SPACE EQUIVALENT**  
**NO RECREATIONAL ROOF AREA PROVIDED**

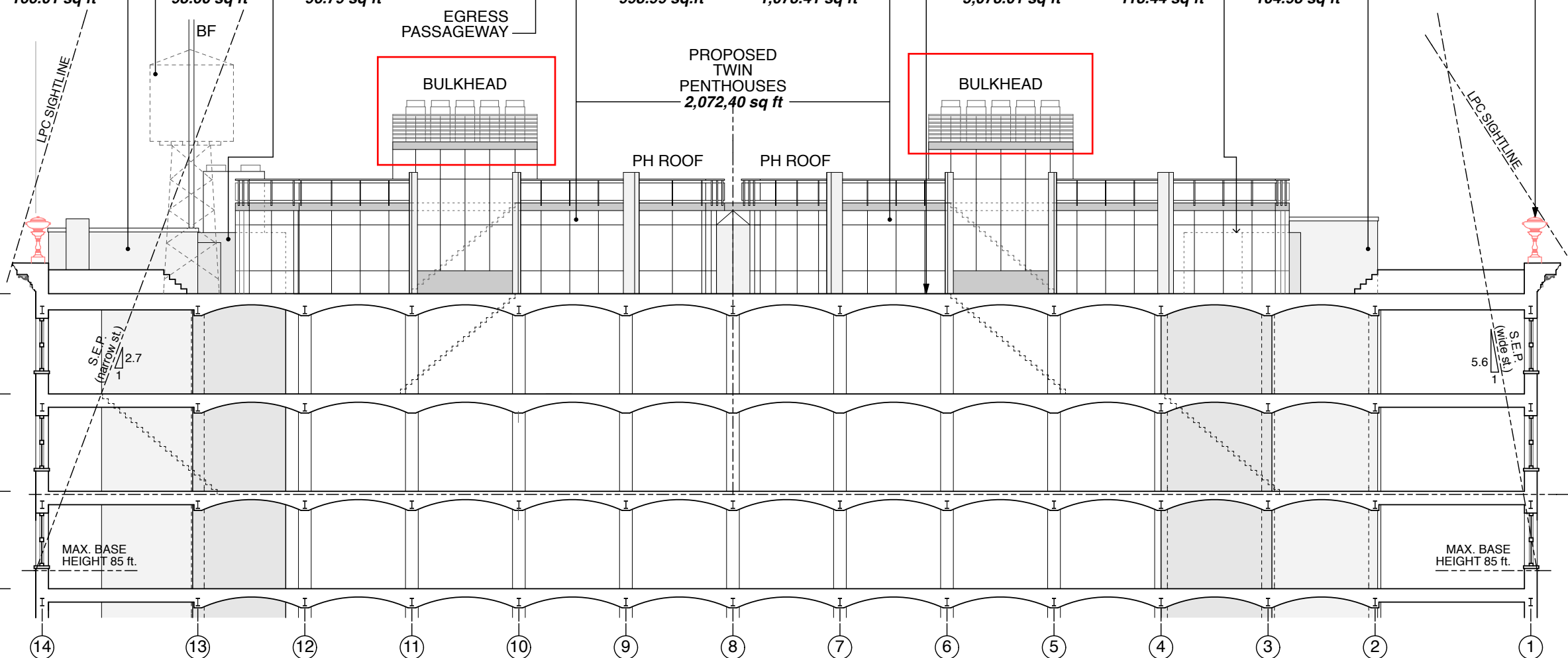
ROOF AC  
 CONDENSERS  
 BEHIND SCREEN



**PH ROOF PLAN**



**PARTIAL CROSS SECTION**



**PARTIAL LONGITUDINAL SECTION**

**BONE / LEVINE ARCHITECTS**  
 561 BROADWAY No. 8D NEW YORK, NY 10012  
 TEL: 212 - 219 - 1038 FAX: 212 - 226 - 8056

**640 BROADWAY**  
**ROOFTOP ADDITION**  
 PROJECT NAME

**FEASIBILITY DIAGRAM**  
**PROPOSED DEVELOPMENT: OPTION-C**  
 DRAWING TITLE

REVISIONS		SCALE 1/16" = 1'-0"		C
1 08-26-14	3 11-20-14	DATE 06-30-14	DRAWN BY: GL	
2 09-24-14	4			

© COPYRIGHT BONE/LEVINE ARCHITECTS 2014

The above illustrates the original plan that was certified. Given that the original plan presented a larger increment and bulk, the revised site plan would not alter the conclusions of the previous analyses conducted.



This rendering illustrates the original plan that was certified. Given that the original plan presented a larger increment and bulk, the revised site plan would not alter the conclusions of the previous analyses conducted.

© 2015 Google

## **19. NOISE**

### **Introduction**

Two types of potential noise impacts are considered under CEQR. These are potential mobile source and stationary source noise impacts. 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 to be operating within 1,500 feet of a receptor, with a direct line of sight to that receptor, if the project would include unenclosed mechanical equipment for building ventilation purposes, or if the project would introduce receptors into an area with high ambient noise levels. The 2014 *CEQR Technical Manual* requires an assessment of a proposed project's potential effects on sensitive noise receptors, including in this instance, the effects on the interior noise levels of residential/JLWQA uses in the subject building.

### **Mobile Source**

Relative to mobile source impacts, 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. Residential and JLWQA uses are located along streets providing vehicular access to the project site including Broadway, Bleecker Street, and Crosby Street. These streets would therefore be of concern relative to mobile source noise impacts. In addition, the proposed new JLWQA penthouse space would be a sensitive use relative to noise impacts.

A detailed mobile source analysis is typically conducted when PCE values are at least doubled between the no-build and the action conditions during the worst case expected hour at receptors most likely to be affected by the proposed action. The proposed action would result in the construction of new one-story penthouse additions on the roof of the building, totaling 1,515 gsf in floor area, by reallocating 2,382.18 gsf of floor area from the lower floors and mechanical spaces of the existing nine-story building on the property. Following the completion of the proposed development, the building would be comprised of 20 JLWQA units, a decrease of 1 unit from the existing 21 JLWQA units. As the proposed project would not create any additional JLWQA units in the subject building, no additional vehicular trips would be generated by the proposed action. Therefore, PCE values on the streets surrounding the subject property or other area roadways would not be doubled under the proposed action, and a detailed mobile source analysis is therefore not warranted.

No significant adverse mobile source noise impacts would be generated by the project.

### **Stationary Source**

#### **Potential Impacts of Proposed Project on Surrounding Development**

The proposed rooftop modifications include moving the 16 existing condenser units on the building's main roof to the new penthouse roof. Another 12 new condenser units would be installed over the existing west elevator and egress stair bulkheads as well as on the roofs of the two new private stair bulkheads. The units would be arranged grouped in line side by side along the south lot line wall sheltered behind noise screens.



A new cooling tower would be installed over the existing east egress stair bulkhead. It is assumed that the building mechanical systems (i.e., HVAC systems) would be designed to meet all applicable noise regulations (i.e., Subchapter 5, §24-227 of the New York City Noise Control Code, the New York City Department of Buildings Code) and would avoid producing noise that would result in any significant increase in ambient noise levels.

In addition, the proposed project would not include any active outdoor recreational space that could result in stationary source noise impacts to the surrounding area.

Therefore, due to the use of noise screens for the new rooftop equipment, the proposed project would not result in potential stationary source noise impacts to any other buildings in the vicinity of the project site.

#### Potential Impacts of Surrounding Development on the Proposed Project

The project's new penthouse space which would be occupied by a JLWQA use would be considered to be a noise sensitive use which could potentially be adversely affected by existing ambient noise in the surrounding area. Existing noise level readings were taken on April 1, 2015 and a noise analysis was conducted and is presented below.

#### Subject Site

The proposed action would facilitate reallocation of floor area to a new rooftop penthouse level to be constructed on top of an existing loft building at 640 Broadway, at the southeast corner of Broadway and Bleecker Street within the NoHo neighborhood of Manhattan Community District 2.

Vehicular traffic and other urban activities are potential noise sources that could affect the occupants of the proposed penthouse additions at the subject site. Therefore, City reviewers have directed that a noise analysis for the site be performed on the rooftop of the building. The evening peak travel period was identified as the worst-case condition for noise. Therefore noise monitoring was conducted on the roof at the northern (Bleecker Street) and western (Broadway) sides of the lot. The proposed development of a penthouse level on the building 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 is identified as Tax Block 522, Lot 14. Broadway to the west of the site is a one-way, southbound street with two moving lanes and two curbside parking/loading lanes. Bleecker Street to the north of the site is a one-way eastbound street with one moving lane, and curbside parking/loading. The predominant land uses in the area are high-density commercial and residential/JLWQA loft buildings, as well as the New York University (NYU) campus located to the west of the site. The subject property is currently a nine-story JLWQA loft building with ground floor commercial uses.

#### 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
<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>	
<i>Source: 2014 CEQR Technical Manual</i>	

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.

- Leq 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 Leq than low noise levels. Leq has an advantage over other descriptors because Leq values from various noise sources can be added and subtracted to determine cumulative noise levels.
- Leq(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 (LX). Examples include L10, L50, and L90. L10 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

Noise monitoring was conducted during the peak vehicular travel period of 5:00-6:00 pm. Because the project site is a corner lot, noise monitoring was conducted on both the Broadway (western) and Bleecker Street (northern) frontages. Noise monitoring was conducted using a Type 2 Larson-Davis LxT2 sound meter, with wind screen. The monitor was placed on the roof with zero ft set back from the edge of the building, with the microphone having a direct line of sight to the traffic on the streets below. The monitor was calibrated prior to and following the monitoring session. The monitoring locations are identified on the following photographs. (Note that the date stamps on the photos are incorrect and should be shown as 04/01/15)

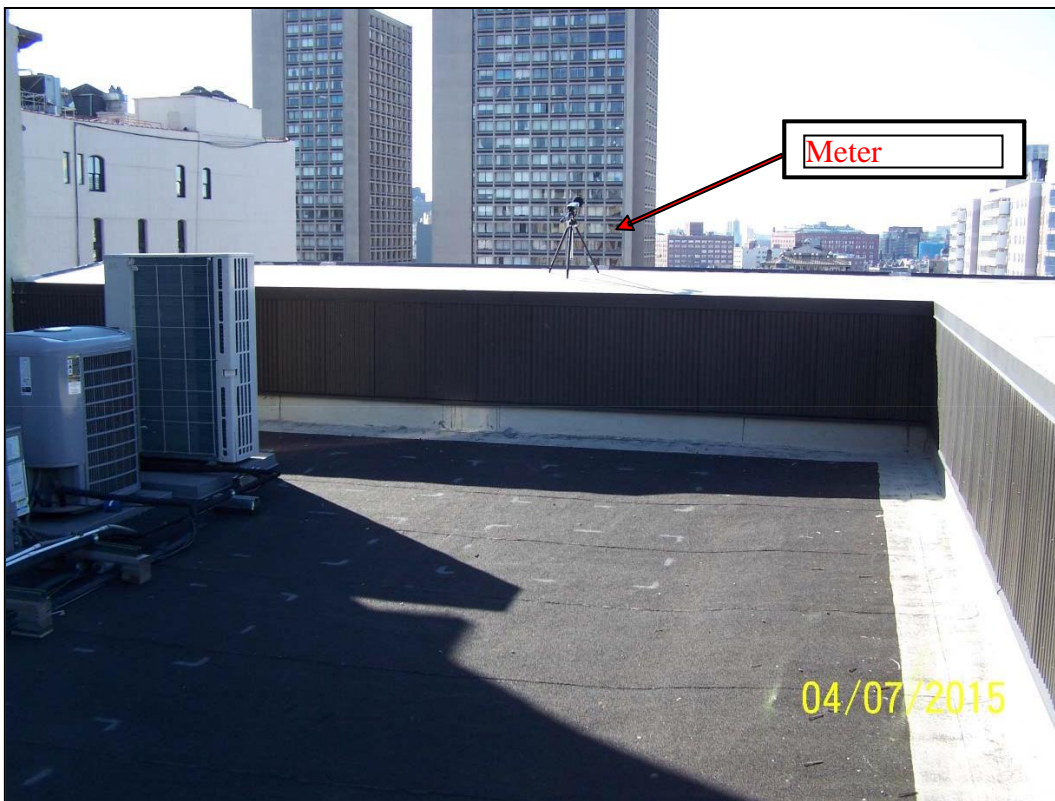


Photo 1: Broadway monitoring location; direction looking: West



Photo 2: Placement of meter at edge of roof at Broadway frontage; direction looking: Southwest



Photo 3: Bleecker St. monitoring location; direction looking: West



Photo 4: Placement of meter at edge of roof at Bleecker St. frontage; direction looking: North

### Measurement Conditions

Monitoring was conducted during typical midweek conditions, on Wednesday, April 1, 2015. The weather was dry and wind speeds were moderate throughout the day. Traffic volumes and vehicle classification were not documented during the noise monitoring as there was not a safe line of sight to vehicle traffic. The sound meter was calibrated before and after each monitoring session.

### Existing Conditions

Table Noise-2 below contains the results for the measurements taken at the two frontages of the subject site.

Table Noise-2: Noise Levels at 640 Broadway

	Wednesday, April 1, 2015	
	Broadway	Bleecker St.
	4:56 - 5:29 pm	5:29 - 5:55 pm
Lmax	76.9	72.4
L5	69.9	66.3
<b>L10</b>	<b>68.5</b>	<b>65.3</b>
Leq	66.6	63.4
L50	65.6	62.6
L90	63.7	61.1
Lmin	58.6	59.4

### Conclusions

The 2014 *CEQR Technical Manual* Table 19-2 contains noise exposure guidelines. For a residential or JLWQA use, such as would occur under the proposed action, an L10 of between 65 and 70 dB(A) is identified as marginally acceptable general external exposure. The highest recorded L10 at the subject property during the evening period was 68.5 at the Broadway frontage.

Therefore, no window-wall noise attenuation is required, and the proposed project does not have the potential for adverse impacts related to noise.

### Conclusion

The proposed action would not result in any potentially significant adverse stationary or mobile 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 six months. However, a preliminary screening of construction impacts resulting from the project is potentially required because construction activities on the site would be occurring within 400 feet of historic and cultural resources, as identified in the Historic and Cultural Resources section above.

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. The project would not involve any in-ground disturbance and minimal if any vibrations are anticipated to occur as part of project construction.

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 (TPPN # 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. TPPN # 10/88 pertains to any structure which is a designated NYC Landmark or located within a historic district, or listed on the National Register of Historic Places and is contiguous to or within a lateral distance of 90 feet from a lot under development or alteration. 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

**HISTORIC AND CULTURAL  
RESOURCES APPENDIX**

L P C



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> 03/13/15	<b>EXPIRATION DATE:</b> 1/20/2021	<b>DOCKET #:</b> 168419	<b>COFA #:</b> COFA 16-8911
<b>ADDRESS:</b> 640 BROADWAY <u>HISTORIC DISTRICT</u> NOHO		<b>BOROUGH:</b> MANHATTAN	<b>BLOCK/LOT:</b> 522 / 14

Display This Permit While Work Is In Progress

ISSUED TO:

**Jason Blacksberg**  
**640 Broadway Owners LLC**  
**1311 Mamaroneck Ave**  
**White Plains, NY 10605**

Pursuant to Section 25-307 of the Administrative Code of the City of New York, the Landmarks Preservation Commission, at the Public Meeting of January 20, 2015, following the Public Hearing of the same date, voted to approve a proposal to construct a rooftop addition. The approval will expire January 20, 2021.

The proposed work, as approved, consists of constructing a one-story penthouse addition featuring glass railings; installing a cooling tower and screened mechanical equipment, and installing a fiberglass decorative balustrade at all three rooftop elevations; as shown historic and existing condition photographs, a roof-top mock-up and drawings labeled 1 through 46, dated received January 16, 2015 and prepared by Joe Levine, R.A.

In reviewing this proposal, the Commission noted that the Noho Historic District designation report describes 640 Broadway as a Classical Revival style store, loft, and office building designed by DeLemos and Cordes, and built in 1896-97; and that that the building's scale, materials and details are among the features that contribute to the special architectural and historic character of the NoHo Historic District. The Commission also noted that Certificate of Appropriateness 10-1518 was issued July 30, 2009 establishing a Master Plan governing the future installation of storefront infill and that Certificate of Appropriateness 13-4053 was issued July 13, 2012 amending the storefront Master Plan. The Commission finally noted that this building is also seeking a request to issue a report to the City Planning Commission pursuant to Section 74-711 of the Zoning Resolution for a Modification of bulk, and that this permit is being issued in conjunction



with Certificate of No Effect 16-8910 issued on March 13, 2015, for the restorative work in support of the request.

With regard to the proposal, the Commission found that the presence of one-story rooftop addition will not significantly alter the overall scale of the building; that the building historically featured rooftop accretions, including bulkheads and water towers, visible from public thoroughfares, therefore the presence of rooftop structures will be in keeping with the character of the building; that the simple design and details and dark colored finish of the proposed additions and bulkheads will be in keeping with the utilitarian character of the existing rooftop structures, thereby helping to integrate these structures into the existing roof-scape and not drawing attention away from the significant features of the building and streetscapes; that the enclosed penthouse and bulkheads will not be visible from any public thoroughfares; that the glass railing at the roof of the penthouse addition will be minimally visible for a limited vantage point looking south on Broadway and looking west on Lafayette Street and will be seen through the proposed replicated rooftop balustrade and therefore obscured; and that the proposed balustrade is nine stories above the street and therefore a change in material from the historic metal to fiberglass will not be perceptible from the street nor will the change in material detract from the significant features of the building. Based on these findings, the Commission determined the work to be appropriate to the building and to the Noho Historic District and voted to approve it.

PLEASE NOTE: 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 when 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 Gabriela Gutowski.



Meenakshi Srinivasan  
Chair

**PLEASE NOTE: PERFORATED DRAWINGS AND A COPY OF THIS PERMIT HAVE BEEN SENT TO:**  
Joseph Levine, Bone & Levine Architects

cc: Jared Knowles, Director of Preservation/LPC; John Weiss, Esq.





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



March 13, 2015

ISSUED TO:

**Carl Weisbrod, Chair**  
**City Planning Commission**  
**22 Reade Street**  
**New York, NY 10007**

Re: LPC - 168540  
 MOU 16-8913  
 640 BROADWAY  
HISTORIC DISTRICT  
 NOHO  
 Borough of Manhattan  
 Block/Lot: 522 / 14

At the Public Meeting of January 20, 2015, following the Public Hearing of the same date, the Landmarks Preservation Commission ("LPC") voted to issue a report to the City of Planning Commission ("CPC") in support of an application for the issuance of a Special Permit pursuant to Section 74-711 of the Zoning Resolution for modifying height and setback regulations among other modifications, at the building located at 640 Broadway, Manhattan, Block 522, Lot 14, ("the Designated Building") as put forward in your application completed on January 16, 2015. The Designated Building is a Classical Revival style store, loft and office building designed by DeLemos and Cordes and built in 1896-97 and the building's style, scale, materials and details are among the features that contribute to the special architectural and historic character of the Noho Historic District.

In voting to issue the report, the LPC found that the applicant has agreed to undertake work on the Broadway, Bleecker Street and Crosby Street facades, 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 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 Hearing and Public Meeting of January 20, 2015, the Commission approved a proposal for the installation of a replica of the historic balustrade in fiberglass at the roof; restoring the decorative stone entablature at the ground floor Broadway entrance; masonry and terra-cotta repairs at all facades; replacing in kind the copper cornice; removing non-historic windows and installing new one-over-



one, double wood windows; repairing "special" circular shaped windows at the Crosby Street and Broadway elevations; and cleaning the facades.

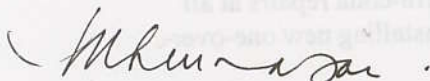
In reaching to grant a Certificate of Appropriateness, the Commission reviewed the proposed work and found that the that the restorative work that will be approved pursuant to LPC 16-6484 (CNE 16-8910) will return the building closer to its original appearance, and will reinforce the architectural and historic character of the building, the streetscape, and the Noho Historic District.

In reaching a decision to issue a favorable report to the CPC, the LPC found that the proposed restorative work pursuant to LPC 16-6484 will help return the building closer to its original appearance, and will reinforce the architectural and historic character of the building, streetscape, and Noho Historic District; that the restorative work, including installation of a replicated balustrade at the roof and stone entablature at the Broadway elevation, building wide window replacement; masonry and terra cotta repairs, replacing the copper cornice in kind, and cleaning the facades will bring the building up to a sound first class condition and aid in its long term preservation; that installing a replica of the historic balustrade at the roof and recreating the decorative stone entablature at Broadway entrance will restore missing historic architectural elements at the building and will reinforce the architectural and historic character of the building and will bring the building up to a sound first class condition and aid 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 building have committed themselves to establishing a perpetual cyclical maintenance plan which will bind all heirs, successors and assigns and subsequently owner of the building and which will be legally enforceable by the Landmarks Preservation Commission under provisions of a Restrictive Declaration, and will be recorded against the property.

The Declaration requires the Declarant to hire a qualified preservation professional, whose credentials are to be approved by LPC, to undertake comprehensive 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 sound, first-class condition within stated time periods.

Please note that this report is issued in conjunction with LPC 16-8419 (Certificate of Appropriateness 16-8911) issued on March 13, 2015.

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



Meenakshi Srinivasan  
Chair

cc: Jared Knowles, Director of Preservation/LPC; John Weiss, Esq.; Jason Blacksbery, 640 Broadway  
Owners 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 NO EFFECT

<b>ISSUE DATE:</b> 03/13/15	<b>EXPIRATION DATE:</b> 3/13/2019	<b>DOCKET #:</b> 166484	<b>CNE #:</b> CNE 16-8910
<b>ADDRESS:</b> 640 BROADWAY <u>HISTORIC DISTRICT</u> NOHO		<b>BOROUGH:</b> MANHATTAN	<b>BLOCK/LOT:</b> 522 / 14

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

ISSUED TO:

**Jason Blacksberg**  
**Acadia Realty Trust**  
**640 Broadway Owners LLC**  
**1311 Mararoneck Ave**  
**White Plains, NY 10605**

Pursuant to Section 25-306 of the Administrative Code of the City of New York, the Landmarks Preservation Commission hereby approves certain alterations to the subject premises as proposed in your application completed on March 13, 2015.

The approved work consists of restorative work at the Broadway, Bleecker Street and Crosby Street facades including installing a replicated balustrade at the roof constructed of fiberglass; restoring the decorative stone entablature above the Broadway Street entrance; removing non-historic one-over-one double hung windows and installing square-headed double-hung wood windows at the third, fourth, fifth, sixth, seventh, and ninth floors, and segmented-arched one-over-one double hung wood windows at the second and eighth floors; repairing existing wood circular windows at the Crosby and Bleecker Street elevations; replacing in kind the copper cornice; replacing and repointing select areas of brick; replacing in kind terra cotta, stone and metal decorative elements; cleaning all three facades; as shown in existing and historic photographs and drawings labeled a through 21, prepared by Joe Levine, R.A. and submitted as components of the application.

In reviewing this proposal, the Commission notes that the Noho Historic District designation report describes 640 Broadway a Classical Revival style store, loft and office building designed by DeLemos and Cordes and built in 1896-97, and the building's style, scale, materials and details are among the features that contribute to the special architectural and historic character of the Noho Historic District. The Commission further notes that this permit is being issued pursuant to an application requesting a report to the City Planning Commission pursuant to an application requesting that the Landmarks Preservation Commission



issue a report to the City Planning Commission relating to a Modification of Bulk pursuant to section 74-711 of the Zoning Resolution.

With regard to this proposal, the Commission finds that the proposed work is restorative in nature and will return the building closer to its original appearance; that the balustrade at the roof will restore a missing historic architectural feature to the building and will accurately replicate the historic balustrade in terms of location, dimensions and details; that the restored stone entablature will accurately replicate the historic entablature as documented in historic photographs; that the proposed replacement windows will be installed within existing masonry openings and will match the historic windows in terms of configuration, operation, material, and finish; that the circular windows will be repaired in kind; that the metal cornice will be replaced in kind; that replacement brick and terra cotta will match the color, size, texture and bonding pattern of the historic brick; that the pointing mortar will be compatible with the historic masonry in terms of composition, and that it will match the historic masonry in terms of color, texture, and tooling; and that the facades will be cleaned with the gentlest means possible to ensure the underlying masonry and terra cotta is not damaged.

PLEASE NOTE: This permit is contingent upon the Commission's review and approval of samples of replacement brick, stone and terra cotta, and pointing mortar prior to the commencement of work. Samples should be installed adjacent to clean, original surfaces being repaired; allowed to cure; and cleaned of residue. Please contact Gabriela Gutowski to schedule a site visit and submit digital photographs of all samples to [ggutowski@lpc.nyc.gov](mailto:ggutowski@lpc.nyc.gov) for review. This permit is also contingent on the understanding that the work will be performed by hand and when the temperature remains a constant 45 degrees Fahrenheit or above for a 72 hour period from the commencement of the work.

The Commission has reviewed the application and these drawings and finds that the work will have no effect on significant protected features of the building.

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 Gabriela Gutowski.

*M. Srinivasan (gs)*

Meenakshi Srinivasan  
Chair

**PLEASE NOTE: PERFORATED DRAWINGS AND A COPY OF THIS PERMIT HAVE BEEN SENT TO:**

Page 2

Issued: 03/13/15

Joe Levine, Bone & Levine

cc: Jared Knowles, Director of Preservation/LPC; John Weiss, Esq.



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



March 29, 2017

ISSUED TO:

Tom Julius  
Acadia Realty Trust  
411 Theodore Fremd Avenue  
Suite 300  
Rye, NY 10580

Re: MISCELLANEOUS/AMENDMENTS

LPC-19-08942  
MISC-19-08942  
640 BROADWAY  
NoHo Historic District  
Manhattan  
Block/Lot: 522 / 7502

Pursuant to Section 25-307 of the Administrative Code of the City of New York, the Landmarks Preservation Commission issued Certificate of Appropriateness 16-8911 (LPC 16-8419) on March 13, 2015, approving a proposal for work at the roof, including constructing a one-story penthouse addition featuring glass railings; installing a cooling tower and screened mechanical equipment, and installing a fiberglass decorative balustrade at all three rooftop elevations, at the subject premises.

Subsequently, on March 8, 2017, the Commission received a proposal for an amendment to the work approved under that permit. The proposed amendment consists of modifying the scope of work to include reducing the footprint of the one-story penthouse addition, as shown in drawings 2, and 23 through 27, dated revised March 24, 2017 and prepared by Joe Levine.

Accordingly, the Commission reviewed the request and drawings and finds that the revised scope of work is in keeping with the intent of the original approval. Based on these findings, Certificate of Appropriateness 16-8911 (LPC 16-8419) is hereby amended.

The Commission notes that the applicant is applying to the City Planning Department for a Special Permit pursuant to Section 74-711 of the Zoning Resolution for a Modification of Use. Any changes to the design required by the City Planning Department must be submitted to the Landmarks Preservation Commission for review and approval prior to the issuance of the final approval letter.

Page 1

Issued: 03/29/17

DOCKET #: LPC-19-08942

No work may proceed until the final filing drawings are reviewed, approved by the Landmarks Preservation Commission staff.



PLEASE NOTE: 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 when they become available.

PLEASE FURTHER NOTE: Notice of Violation 16-0317 issued on December 10, 2015 for the "installation of west corner storefront in noncompliance with CofA 13-4055 (J.P.C. 13-2855) issued 7/13/12 and ATP 14-1517 (LPC 14-0730) issued 3/7/13" remains in effect and is not addressed by this permit. Failure to resolve this matter may result in the issuance of a Notice of Violation (NOV) originating from the Environmental Control Board in accordance with Title 63 of the Rules of the City of New York, Section 7-02 (c). Second NOV's require a court appearance and a civil fine may be imposed.

This amendment is issued on the basis of the building and the site conditions described in the application and disclosed during the review process. By accepting this permit, the applicant agrees to notify the Commission if actual building or site conditions vary or if original of 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 during the review process.

All approved drawings are marked approved by the Commission with a perforated seal indicating the date of the approval. The approved work is limited to what is contained in the perforated documents. Other work 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 fines. This letter constitutes the permit amendment; a copy must be prominently displayed at the site while work is in progress. Any additional work or further amendments must be reviewed and approved separately. Please direct inquiries regarding this property to Derek Dandurand Landmarks Preservationist.

*Derek Dandurand*

Derek Dandurand

cc: Cory Herrala, Director of Technical Affairs, Sustainability, and Resiliency; Joseph Levine, ; John Weiss/Deputy Counsel/LPC





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



March 29, 2017

ISSUED TO:

**Carl Weisbrod, Chair  
 City Planning Commission  
 22 Reade Street  
 New York, NY 10007**

**Re: MISCELLANEOUS/AMENDMENTS  
 LPC-19-09903  
 MISC-19-09903  
 640 BROADWAY  
 NoHo Historic District  
 Manhattan  
 Block/Lot: 522 / 7502**

Pursuant to Section 25 307 of the Administrative Code of the City of New York, the Landmarks Preservation Commission issued Modification of Use 16-8913 (LPC 16-8540) on March 13, 2015, approving a proposal to issue a report to the City of Planning Commission ("CPC") in support of an application for the issuance of a Special Permit pursuant to Section 74-711 of the Zoning Resolution for modifying height and setback and rooftop recreation space requirements at the building located at 640 Broadway, Manhattan, Block 522, Lot 14, ("the Designated Building") as put forward in your application completed on January 16, 2015.

Subsequently, on March 8, 2017, the Commission received a proposal for an amendment to the work approved under that permit. The proposed amendment consists of modifying the scope of work to include reducing the footprint of the one-story penthouse addition, and eliminating the waiver for rooftop recreation space; as shown in drawings 2, and 23 through 27, dated revised March 24, 2017 and prepared by Joe Levine.

Accordingly, the Commission reviewed the request and drawings and finds that the applicant has agreed to undertake work on the Broadway, Bleecker Street and Crosby Street facades, 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 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. Based on these findings, Modification of Use 16-8913 (LPC 16-8540) is hereby

amended.

PLEASE NOTE: this report is issued in conjunction with Miscellaneous/Amendment 19-08942 (LPC 19-08942) issued on March 30, 2017.

PLEASE FURTHER NOTE: that Notice of Violation 16-0317 issued on December 10, 2015 for the "installation of west corner storefront in noncompliance with CofA 13-4053 (LPC 13-2853) issued 7/13/12 and ATP 14-1517 (LPC 14-0730) issued 3/7/13" remains in effect and is not addressed by this permit. Failure to resolve this matter may result in the issuance of a Notice of Violation (NOV) originating from the Environmental Control Board in accordance with Title 63 of the Rules of the City of New York, Section 7-02 ©. Second NOV's require a court appearance and a civil fine may be imposed.

This amendment is issued on the basis of the building and the site conditions described in the application and disclosed during the review process. By accepting this permit, the applicant agrees to notify the Commission if actual building or site conditions vary or if original of 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 during the review process.

*Derek Dandurand*

Derek Dandurand

cc: Cory Herrala, Director of Technical Affairs, Sustainability, and Resiliency; Joseph Levine, Bone/Levine Architects; John Weiss/Deputy Counsel/LPC

## ENVIRONMENTAL REVIEW

**Project number:** DEPARTMENT OF CITY PLANNING / 77DCP240M

**Project:**

**Address:** 640 BROADWAY, **BBL:** 1005220014

**Date Received:** 6/16/2015

---

**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 and/or New York City Landmark Designation**

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

**Comments:**

The project site is within the LPC and S/NR listed Noho HD. The LPC is in receipt of the EAS of 6/15/15. The text is acceptable for historic and cultural resources.



6/22/2015

---

SIGNATURE

Gina Santucci, Environmental Review Coordinator

DATE

**File Name:** 30567\_FSO\_GS\_06222015.doc

# **URBAN DESIGN APPENDIX\***

\* Original LPC presentation materials; note that this reflects earlier versions of the plans of the proposed rooftop addition which are more conservative as they show the originally proposed larger rooftop addition.



# 640 BROADWAY



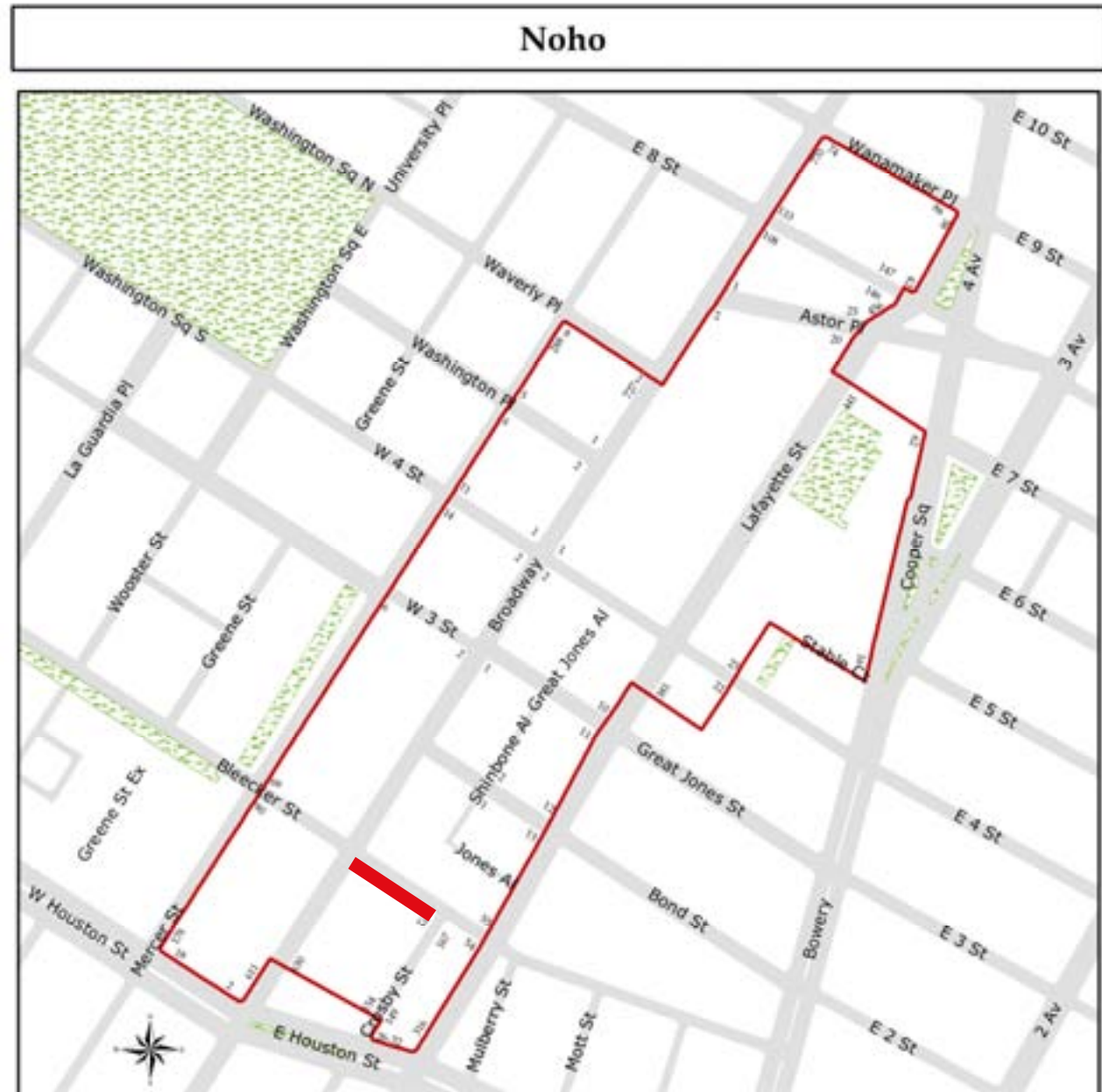
**ADDRESS:** 640 BROADWAY., NEW YORK, NY 10012

**MANHATTAN COMMUNITY BOARD:** 2


**BLOCK:** 522

**LOT:** 14

**ZONING:** M1-5B



Noho  
Historic District  
Manhattan  
Designated: June 29, 1999

 Historic District Boundaries





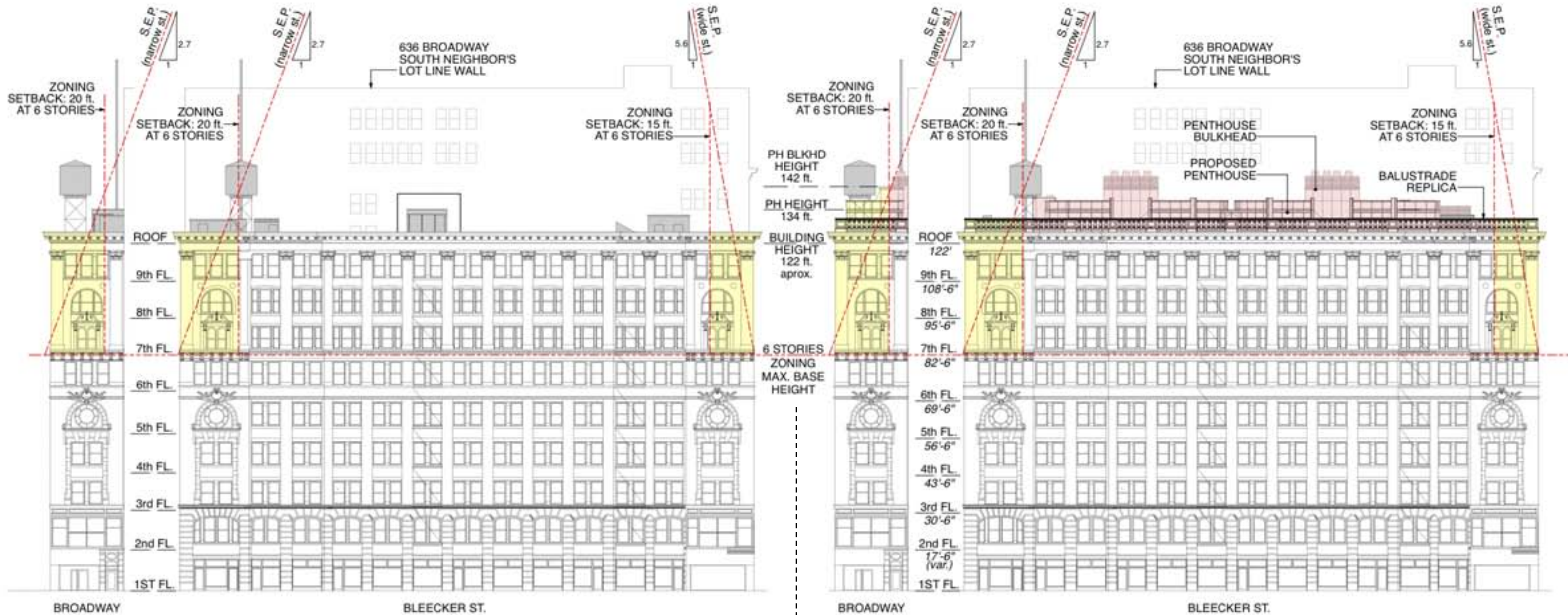
**640 BROADWAY**  
**ZR 74-711**

EXISTING ROOF STRUCTURES

(SEP)  
ZONING HIGHT, SETBACK, AND SKY EXPOSURE PLANE (SEP)

HIGHT AND SETBACK ENCROACHMENT ZONE

PROPOSED ROOFTOP ADDITIONS



**EXISTING ELEVATIONS**

**PROPOSED ELEVATIONS**



**640 BROADWAY**  
**HISTORIC BACKGROUND**



Ca. 1899 - Broadway Street Views, New York Public Library



Ca. 1910 - Both Sides of Broadway



**640 BROADWAY**  
**HISTORIC BACKGROUND**



Ca. 1940 - Tax Photo, Municipal Archives of the City of New York



Ca. 1980 - Municipal Archives of the City of New York



**640 BROADWAY  
PROPOSED RESTORATION WORK**

- BALUSTRADE REPLICA
- EXISTING WINDOW TO BE REPLACED WITH NEW INSULATED WOOD UNIT
- EXISTING WINDOW TO BE RESTORED
- EXTERIOR RESTORATION AND ENTRY REPAIRS AND RECONSTRUCTION





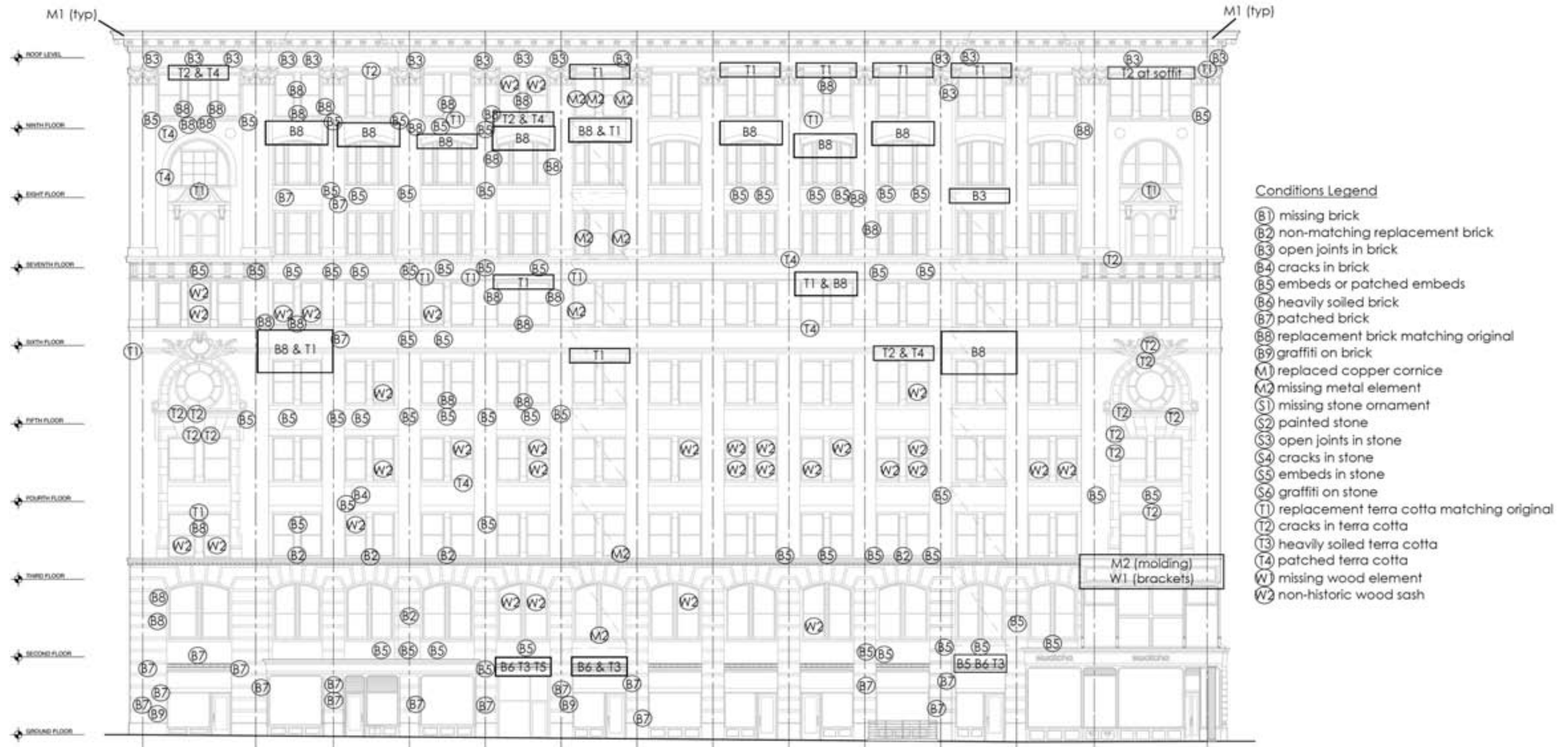
**640 BROADWAY**  
**EXISTING CONDITIONS**



Present Condition, View Southeast

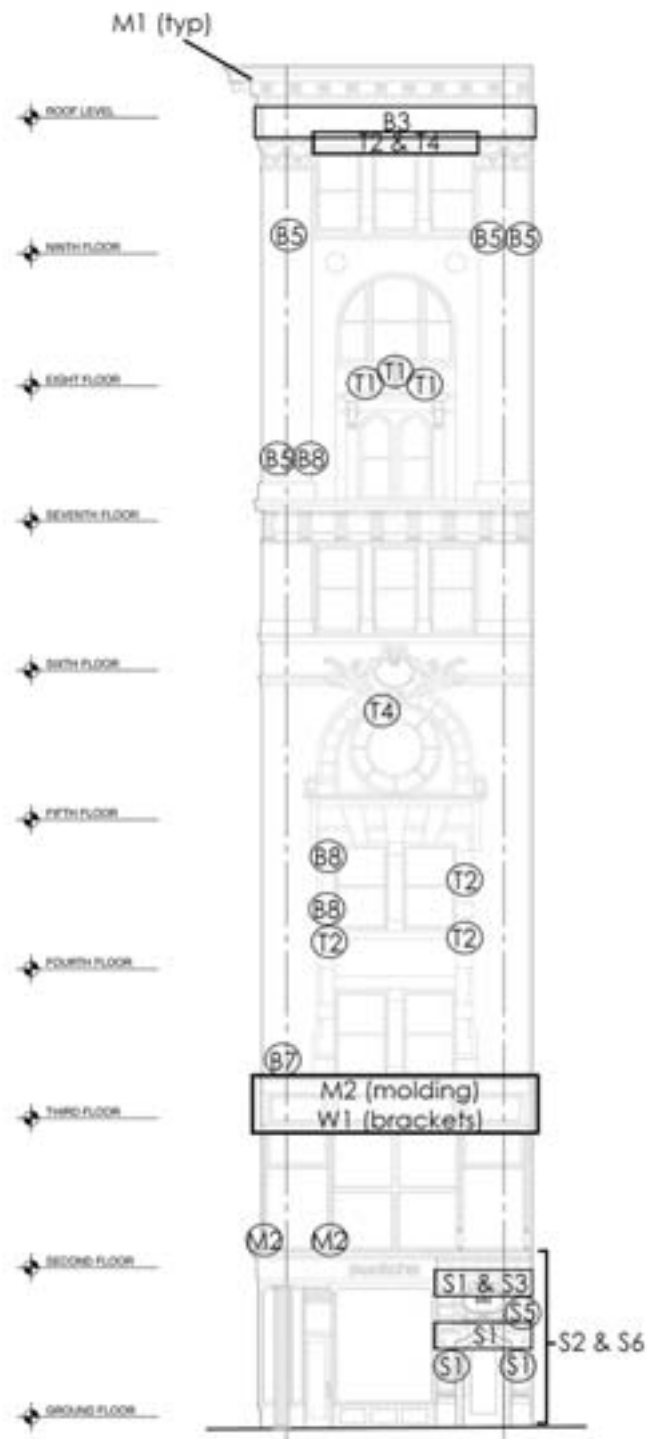


**640 BROADWAY  
EXISTING CONDITIONS**

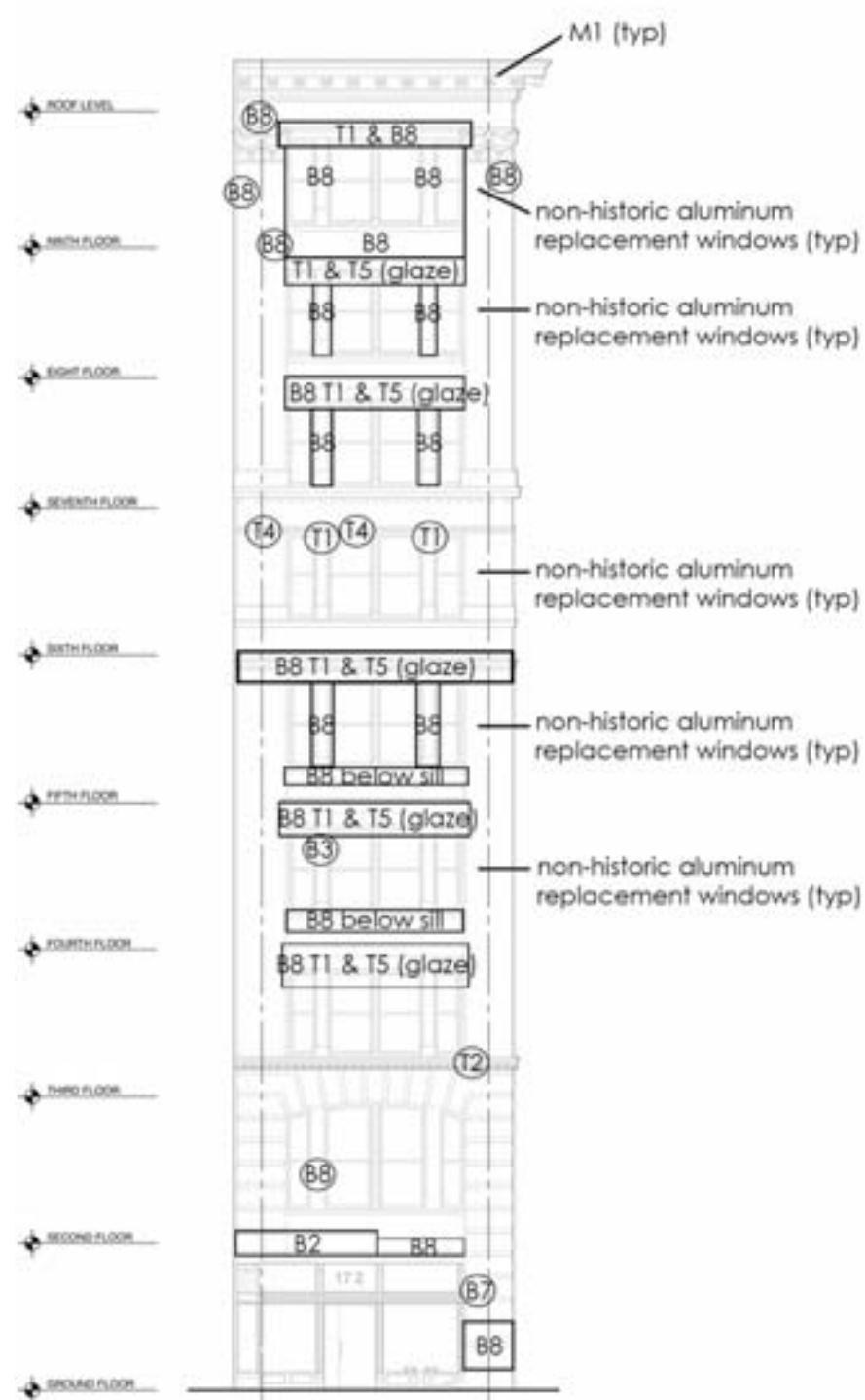


**BLEECKER STREET ELEVATION**

**640 BROADWAY  
EXISTING CONDITIONS**



**BROADWAY ELEVATION**



**CROSBY STREET ELEVATION**

**Conditions Legend**

- (B1) missing brick
- (B2) non-matching replacement brick
- (B3) open joints in brick
- (B4) cracks in brick
- (B5) embeds or patched embeds
- (B6) heavily soiled brick
- (B7) patched brick
- (B8) replacement brick matching original
- (B9) graffiti on brick
- (M1) replaced copper cornice
- (M2) missing metal element
- (S1) missing stone ornament
- (S2) painted stone
- (S3) open joints in stone
- (S4) cracks in stone
- (S5) embeds in stone
- (S6) graffiti on stone
- (T1) replacement terra cotta matching original
- (T2) cracks in terra cotta
- (T3) heavily soiled terra cotta
- (T4) patched terra cotta
- (W1) missing wood element
- (W2) non-historic wood sash



**640 BROADWAY**  
**EXISTING CONDITIONS**



Cleaned and Repointed Masonry at Broadway and Bleecker Street



Masonry Repairs and New Copper Cornice on Bleecker Street

**640 BROADWAY**  
**EXISTING CONDITIONS**



Deteriorated Wood Windows and Restored Fire Escape on Bleeker Street



Deterioration Beneath Fire Escape and Above Storefront on Bleeker Street



**640 BROADWAY**  
**EXISTING CONDITIONS - ENTRY AND STOREFRONTS**



Repaired two-story Corner Storefront at Broadway and Bleecker Street



Painted Limestone and Missing Ornament at Entry on Broadway



640 BROADWAY  
EXISTING CONDITIONS - ENTRY AND STOREFRONTS



New Restorative Storefront on East Side of Blecker St.



Non-historic Storefront Infill at Photo Store on Blecker Street



**640 BROADWAY**  
**EXISTING CONDITIONS - ENTRY AND STOREFRONTS**



New Restorative Storefront on West Side of Bleecker St.



Storefront Repairs in Progress on Crosby St.

**640 BROADWAY**  
**EXISTING CONDITIONS - ROOF**



View of Roof Looking East



Private Deck and Garden at Center of Roof, Looking East



Bulkheads, Mech. Equipment, and Water Tank at East end of roof

**640 BROADWAY**  
**EXISTING CONDITIONS - ROOF**



View of Roof Looking West



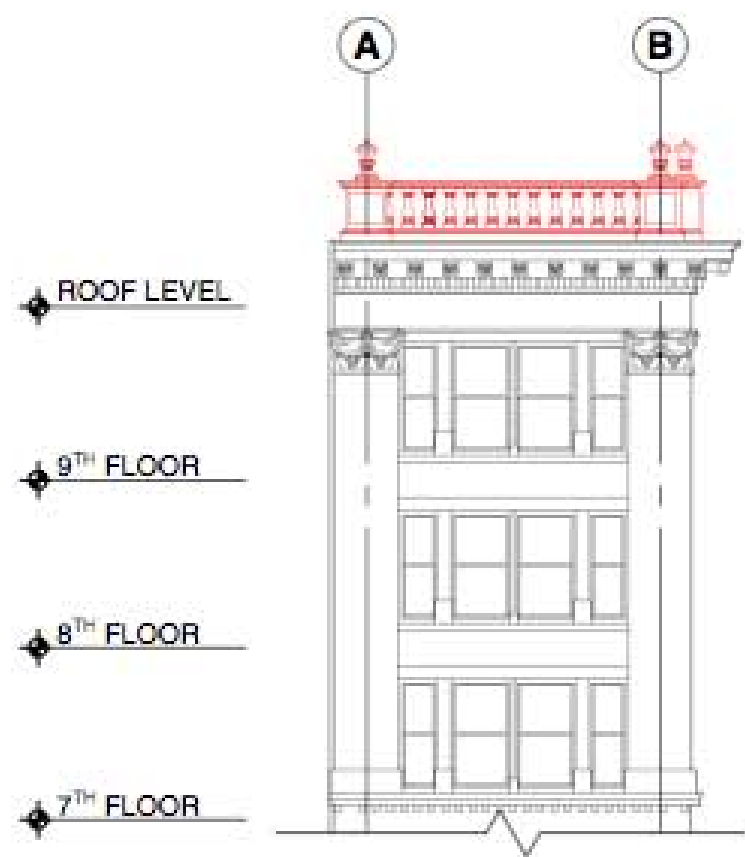
Private Deck and Stair Bulkhead



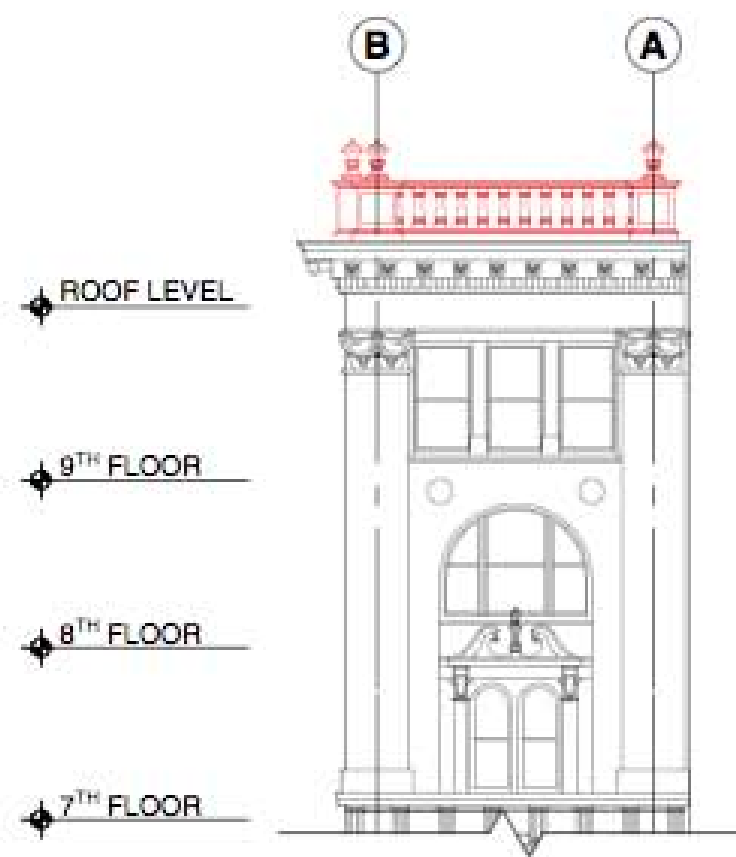
Bulkheads, and Pipes on west end of roof



**640 BROADWAY  
PROPOSED BALUSTRADE REPLICA**



**CROSBY ST. - PARTIAL ELEVATION**



**BROADWAY - PARTIAL ELEVATION**



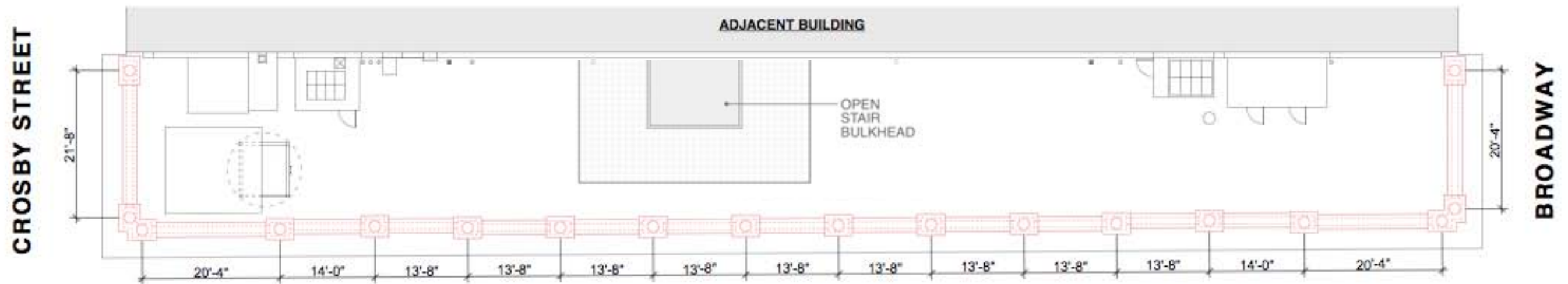
Ca. 1940 - Tax Photo, Municipal Archives of the City of New York



**640 BROADWAY**  
**PROPOSED BALUSTRADE REPLICA**

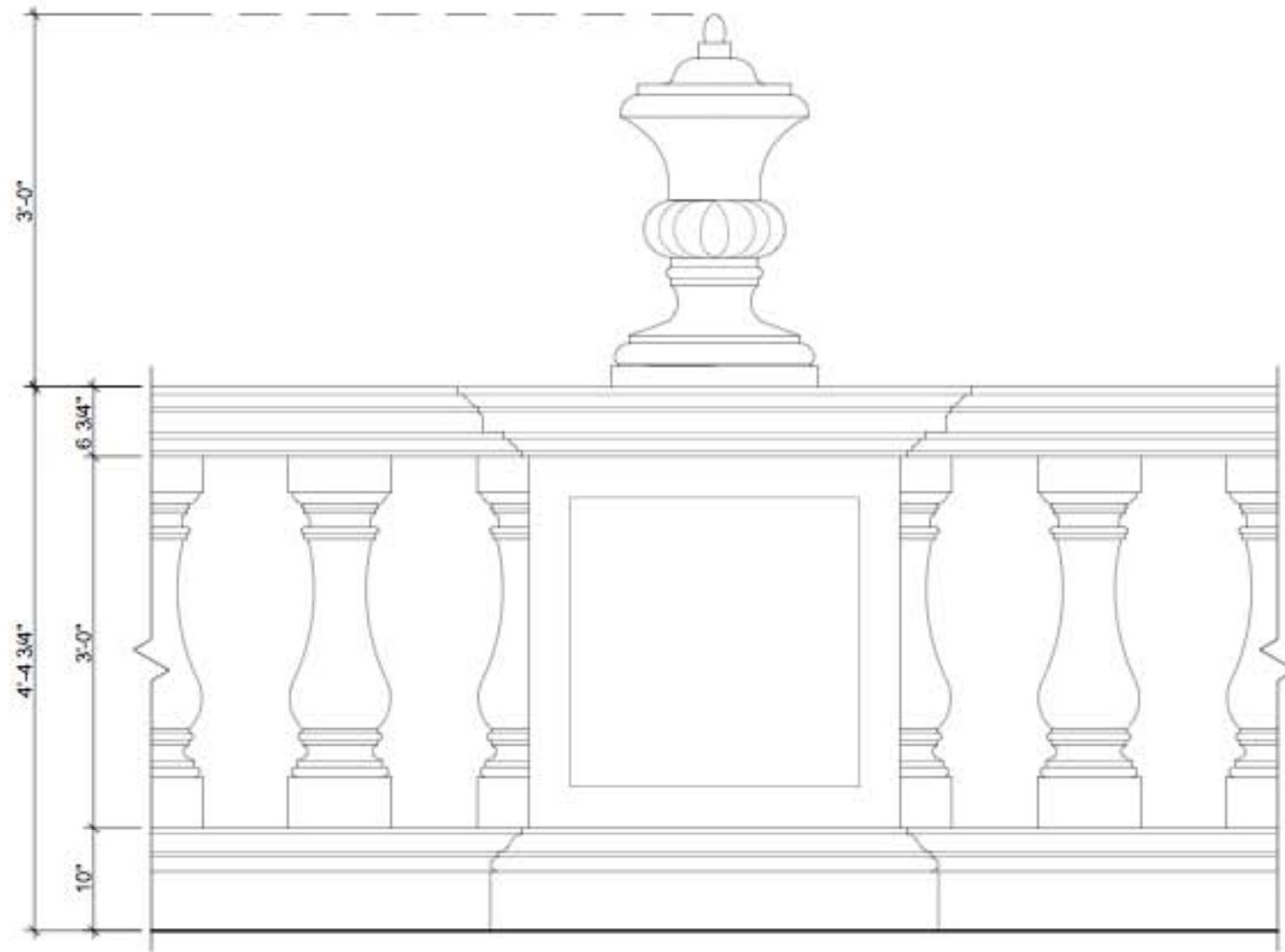


**BLEECKER STREET - PARTIAL ELEVATION**

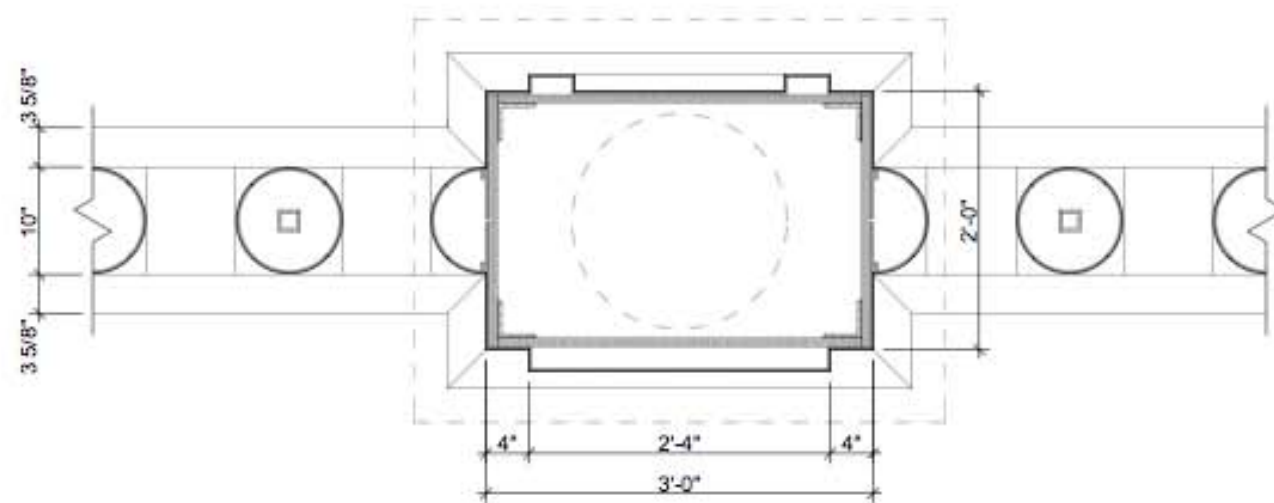


**ROOF PLAN**

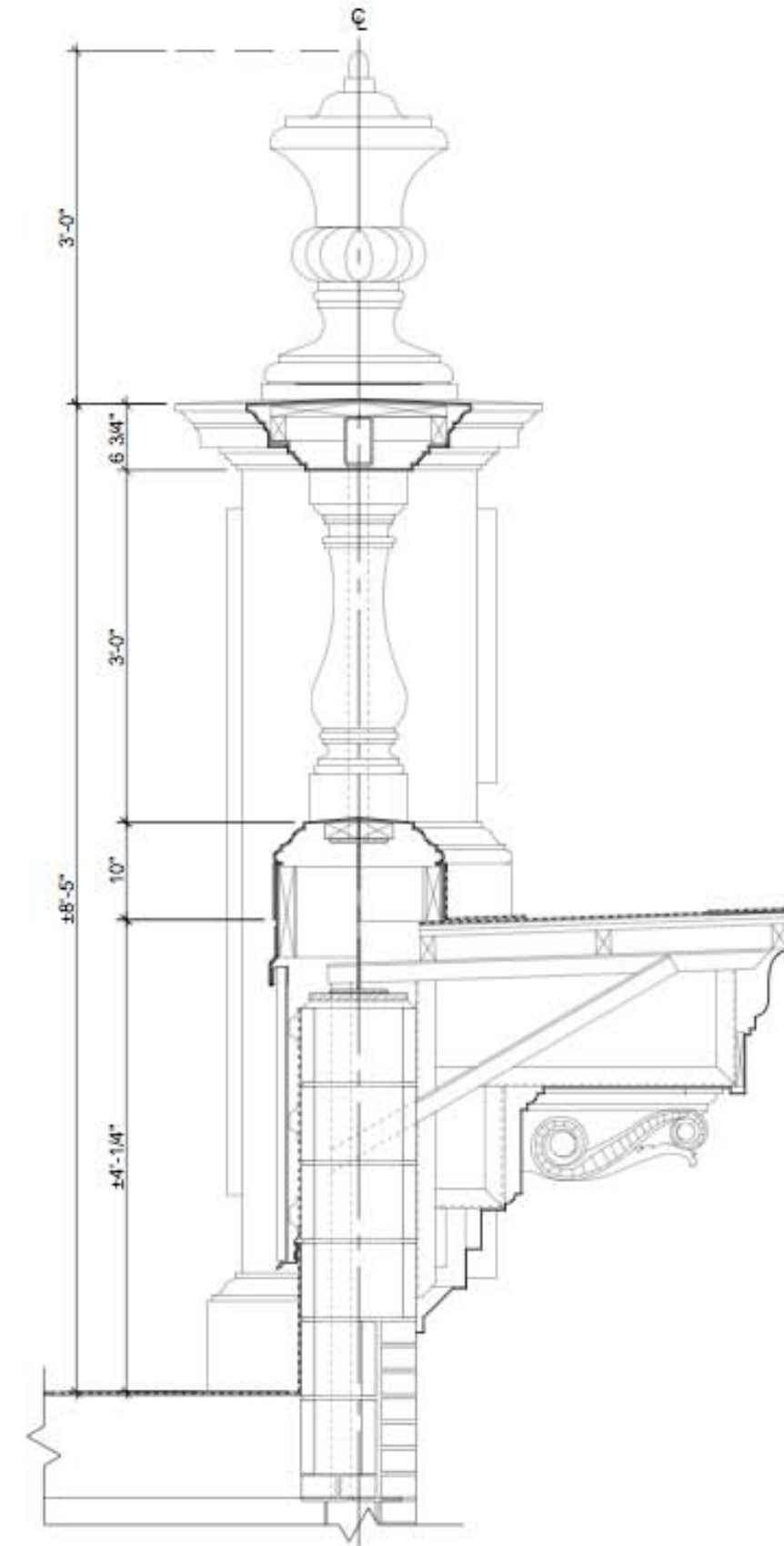
640 BROADWAY  
PROPOSED BALUSTRADE REPLICA



PARTIAL ELEVATION



PARTIAL PLAN

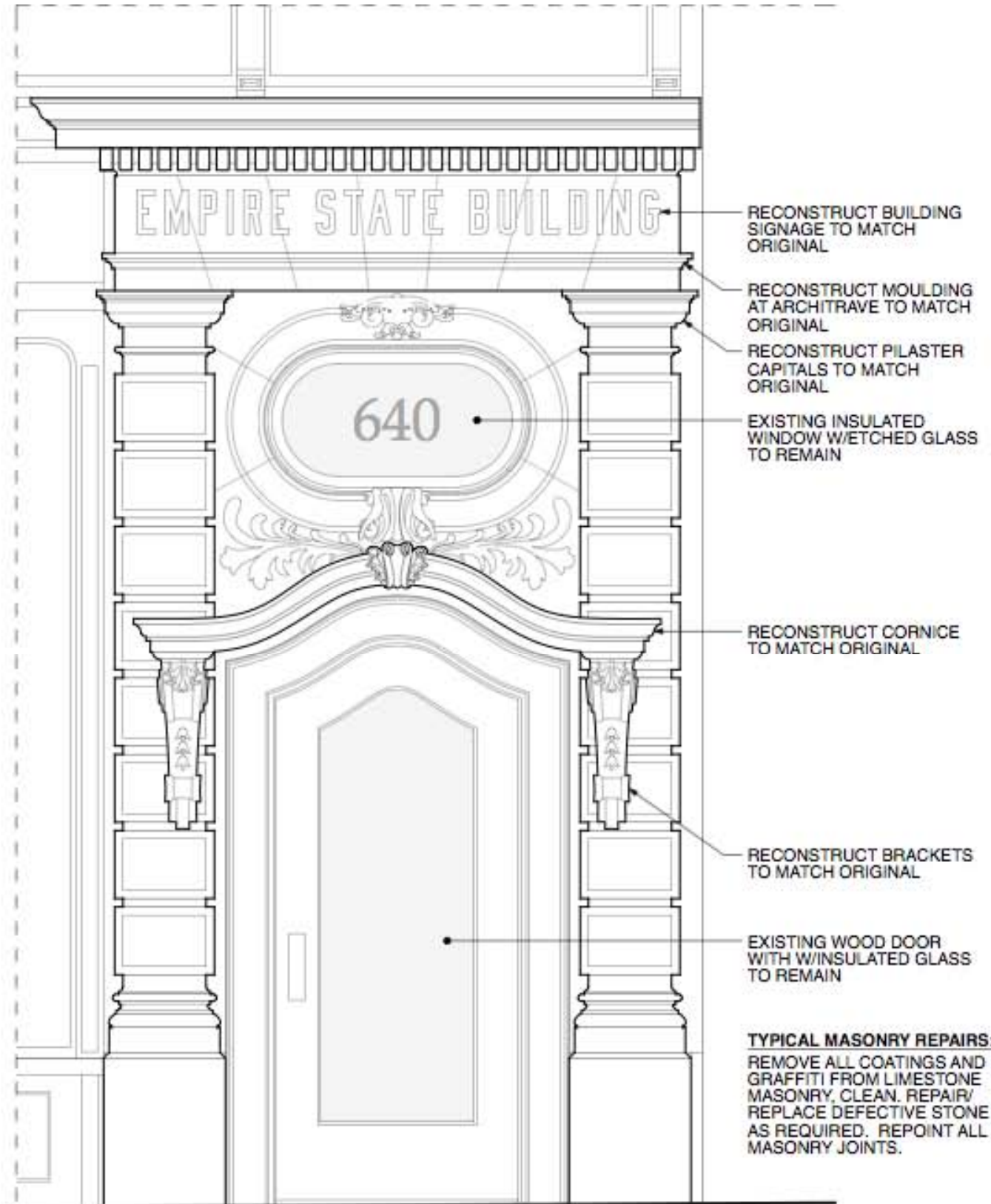


SECTION AT PARAPET





Ca. 1913



PARTIAL ELEVATION AT BROADWAY ENTRY



Present Condition



**640 BROADWAY**  
**PROPOSED WINDOW REPLACEMENT**

 EXISTING WINDOW TO BE REPLACED WITH NEW INSULATED WOOD UNIT

 EXISTING WINDOW TO BE RESTORED



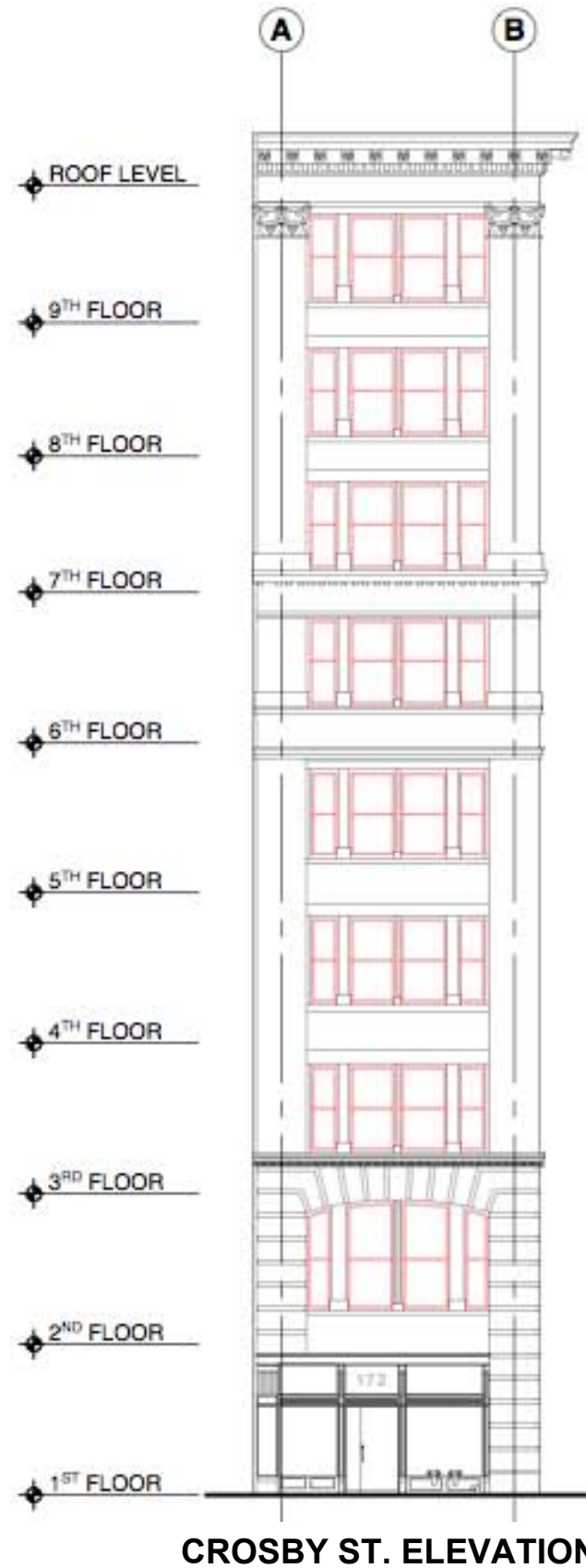
**BLEECKER STREET ELEVATION**



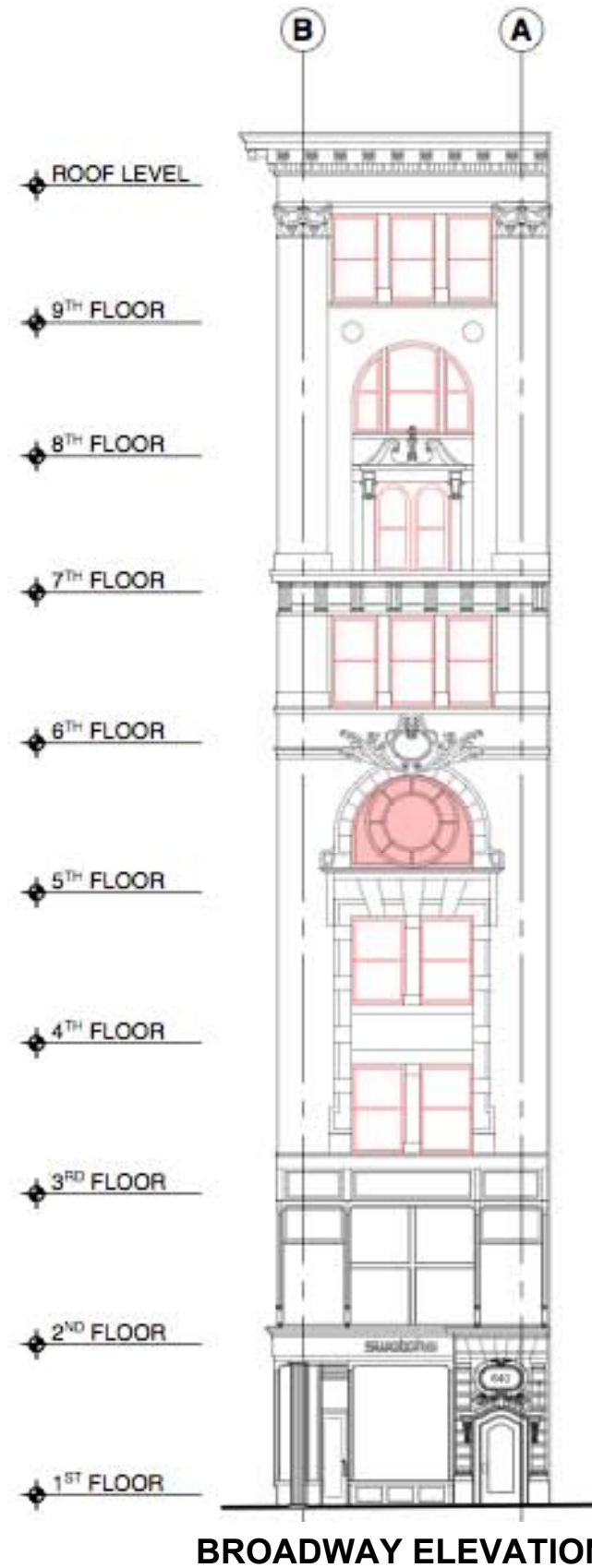
**640 BROADWAY**  
**PROPOSED WINDOW REPLACEMENT**

 EXISTING WINDOW TO BE REPLACED WITH NEW INSULATED WOOD UNIT

 EXISTING WINDOW TO BE RESTORED



**CROSBY ST. ELEVATION**



**BROADWAY ELEVATION**

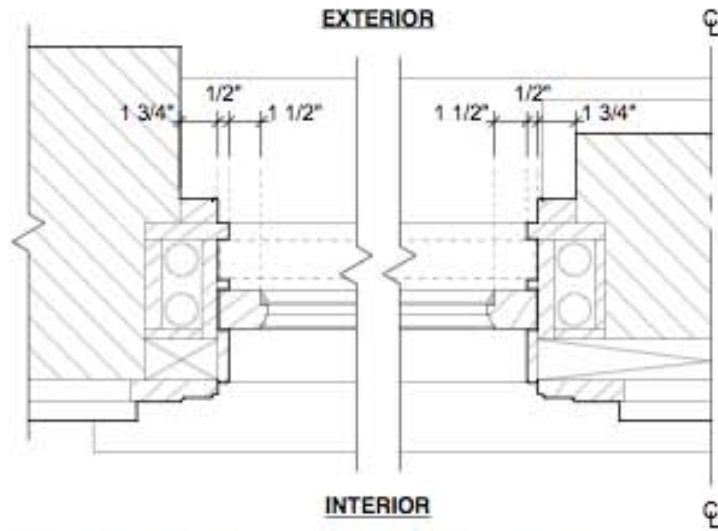


TYPICAL WINDOW - EXISTING CONIDITIONS

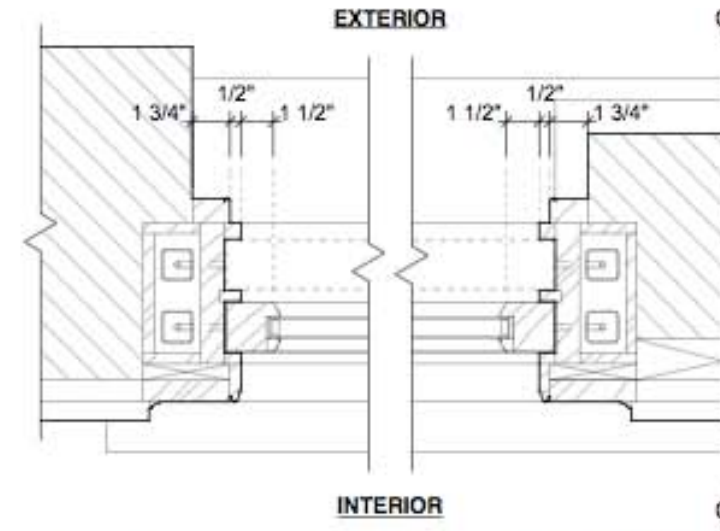


TYPICAL WINDOW - EXISTING CONIDITIONS

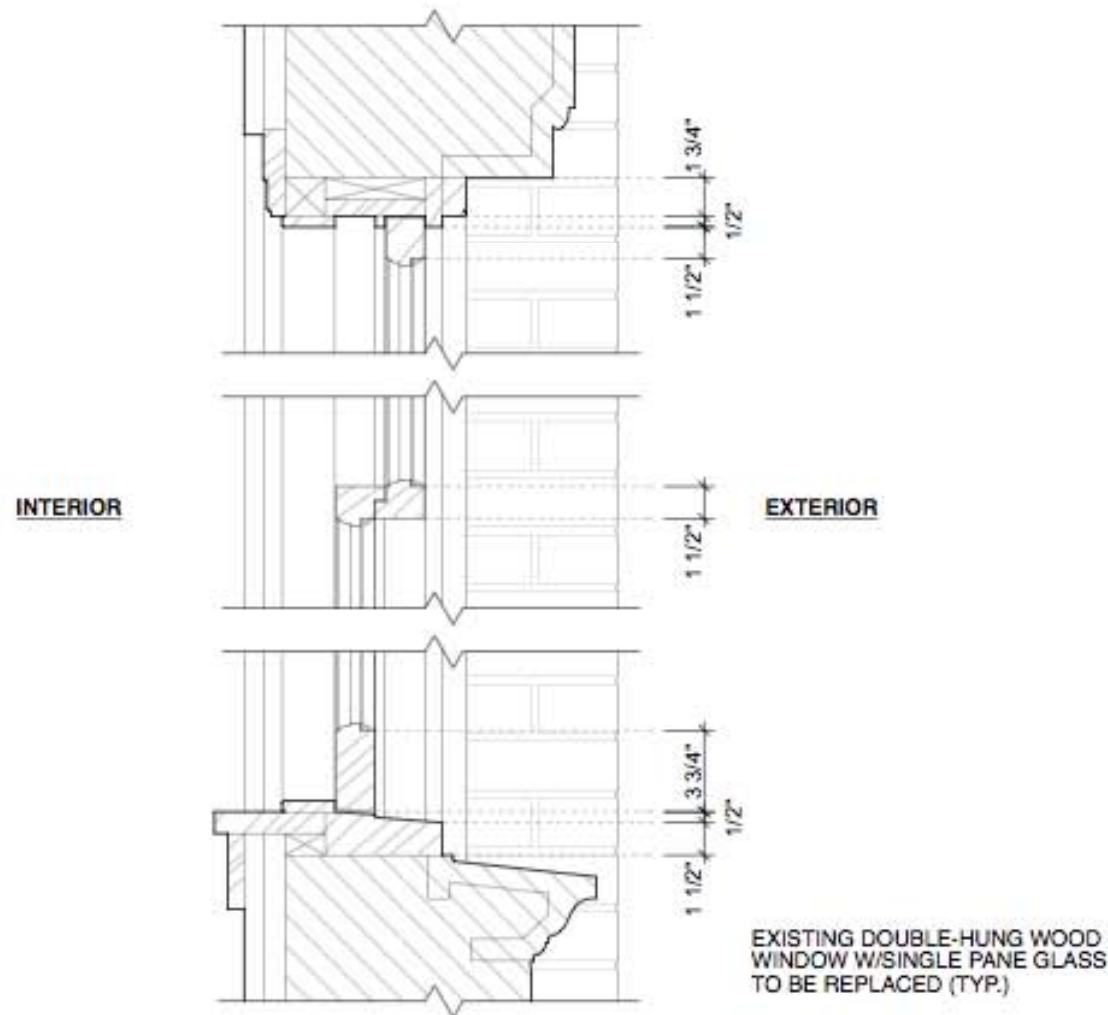
**640 BROADWAY  
PROPOSED WINDOW REPLACEMENT**



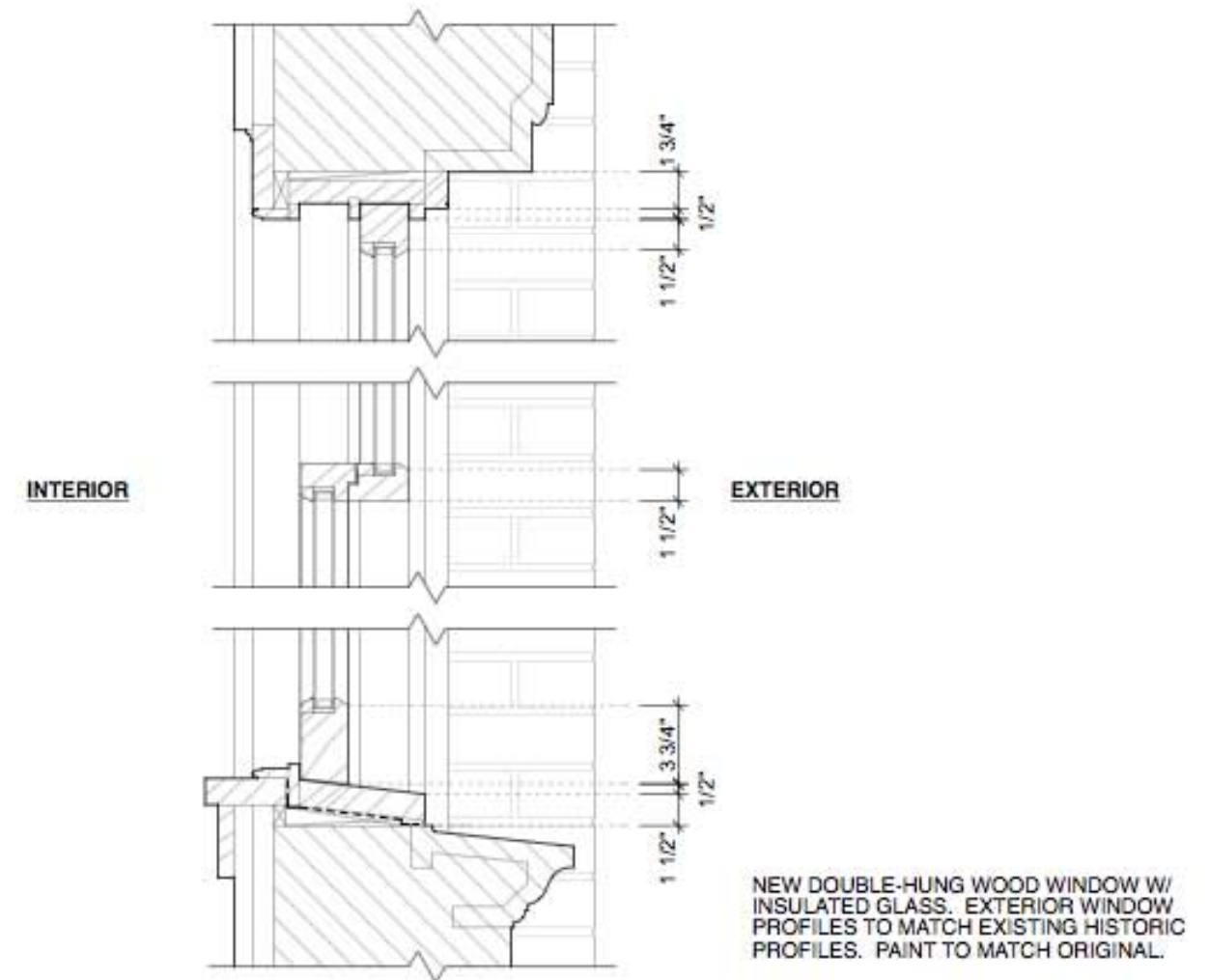
**1 TYPICAL EXISTING WINDOW - HORIZONTAL SECTION**  
SCALE: 1 1/2" = 1'-0"



**3 TYPICAL PROPOSED WINDOW - HORIZONTAL SECTION**  
SCALE: 1 1/2" = 1'-0"



**2 TYPICAL EXISTING WINDOW - VERTICAL SECTION**  
SCALE: 1 1/2" = 1'-0"



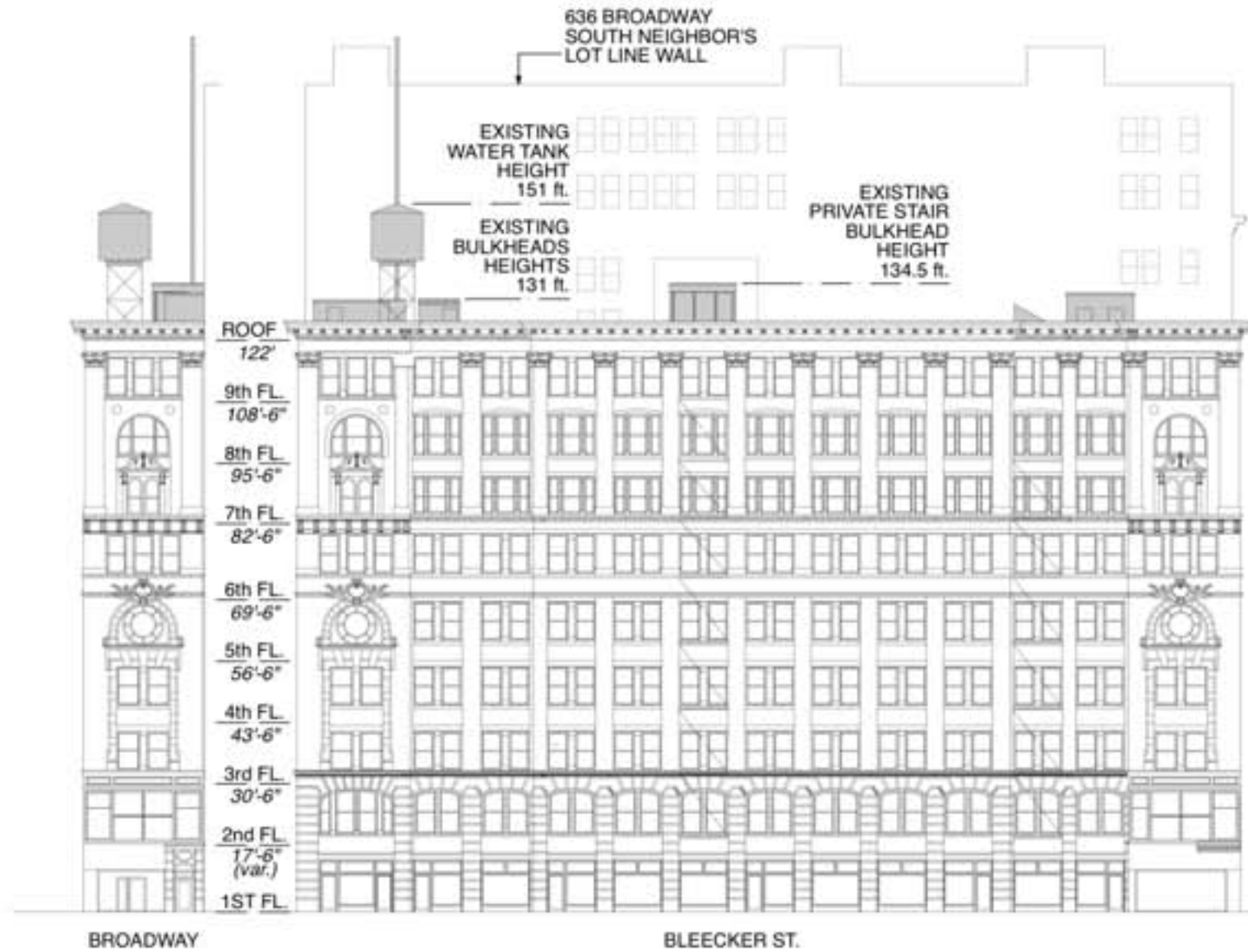
**4 TYPICAL PROPOSED WINDOW - VERTICAL SECTION**  
SCALE: 1 1/2" = 1'-0"



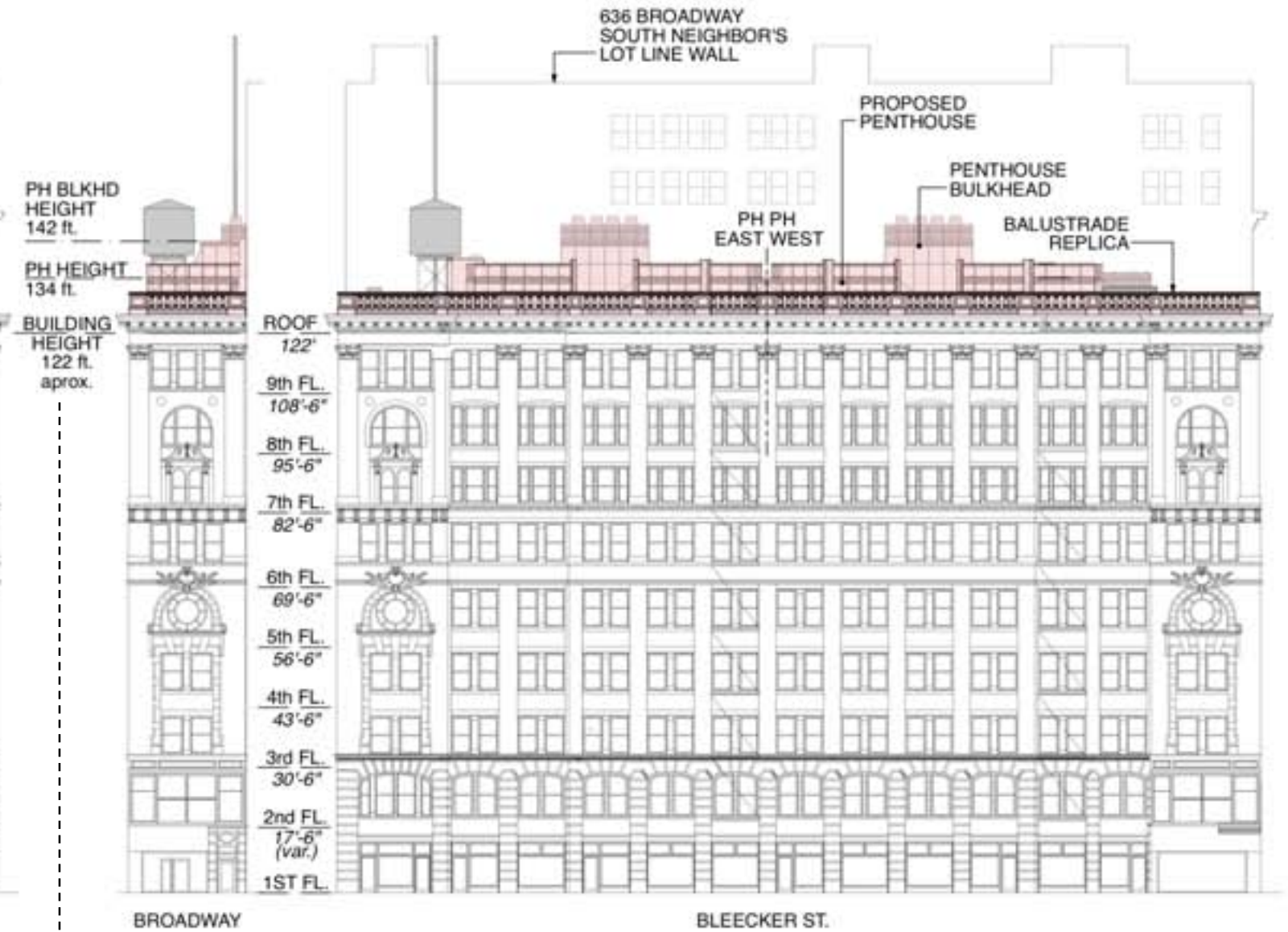
**640 BROADWAY  
PROPOSED ROOFTOP ADDITIONS**

EXISTING ROOF STRUCTURES

PROPOSED ROOFTOP ADDITIONS



**EXISTING ELEVATIONS**

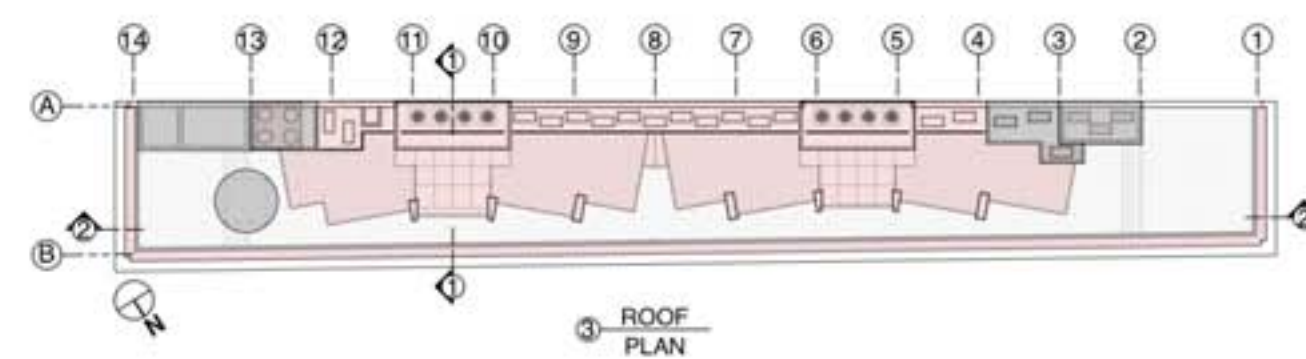
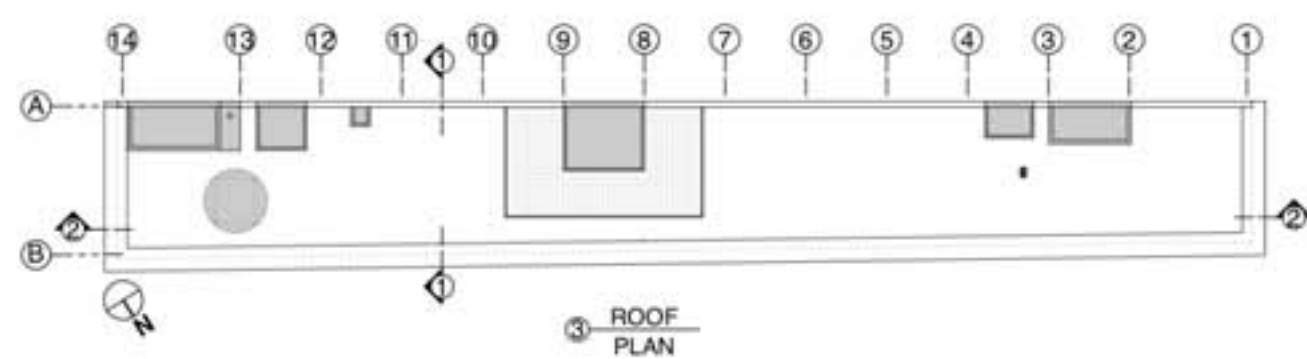
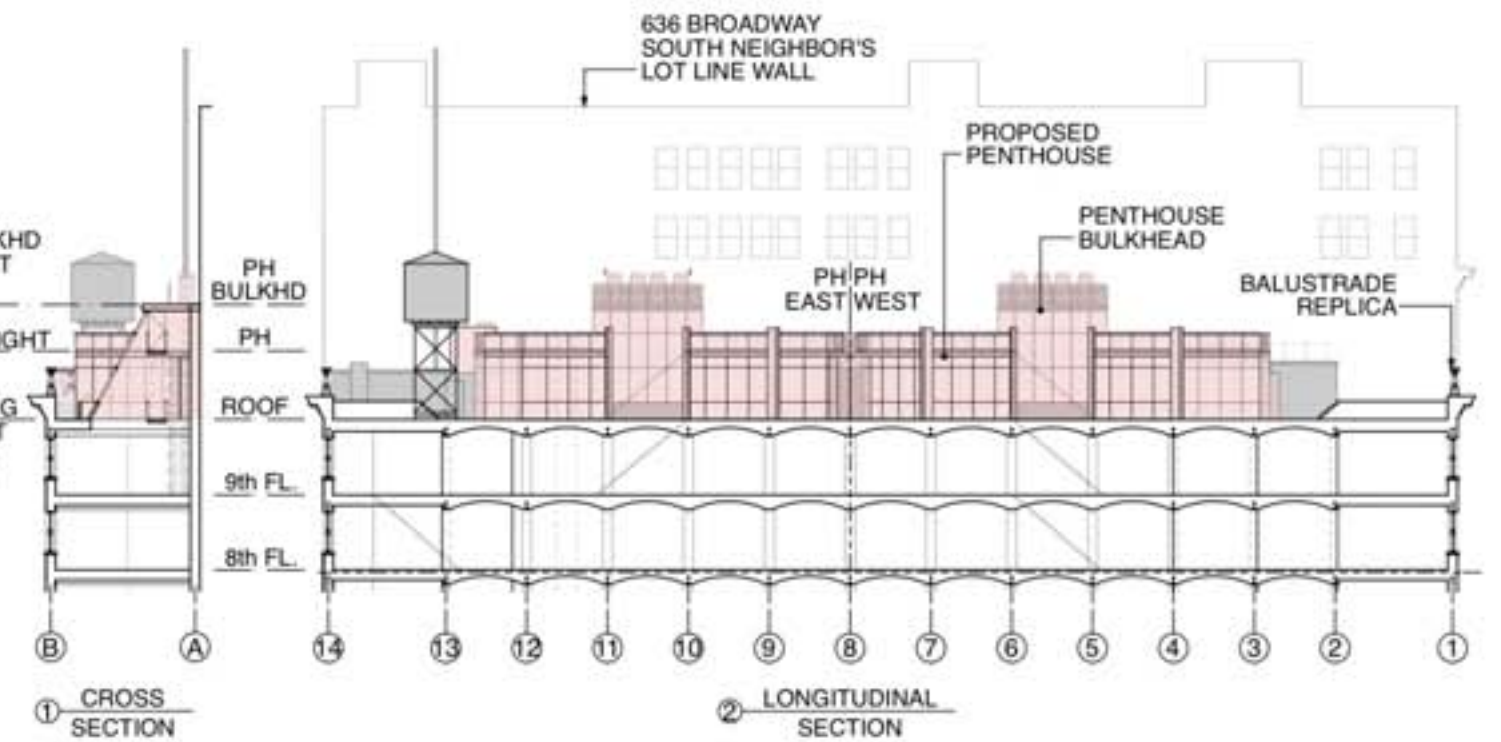
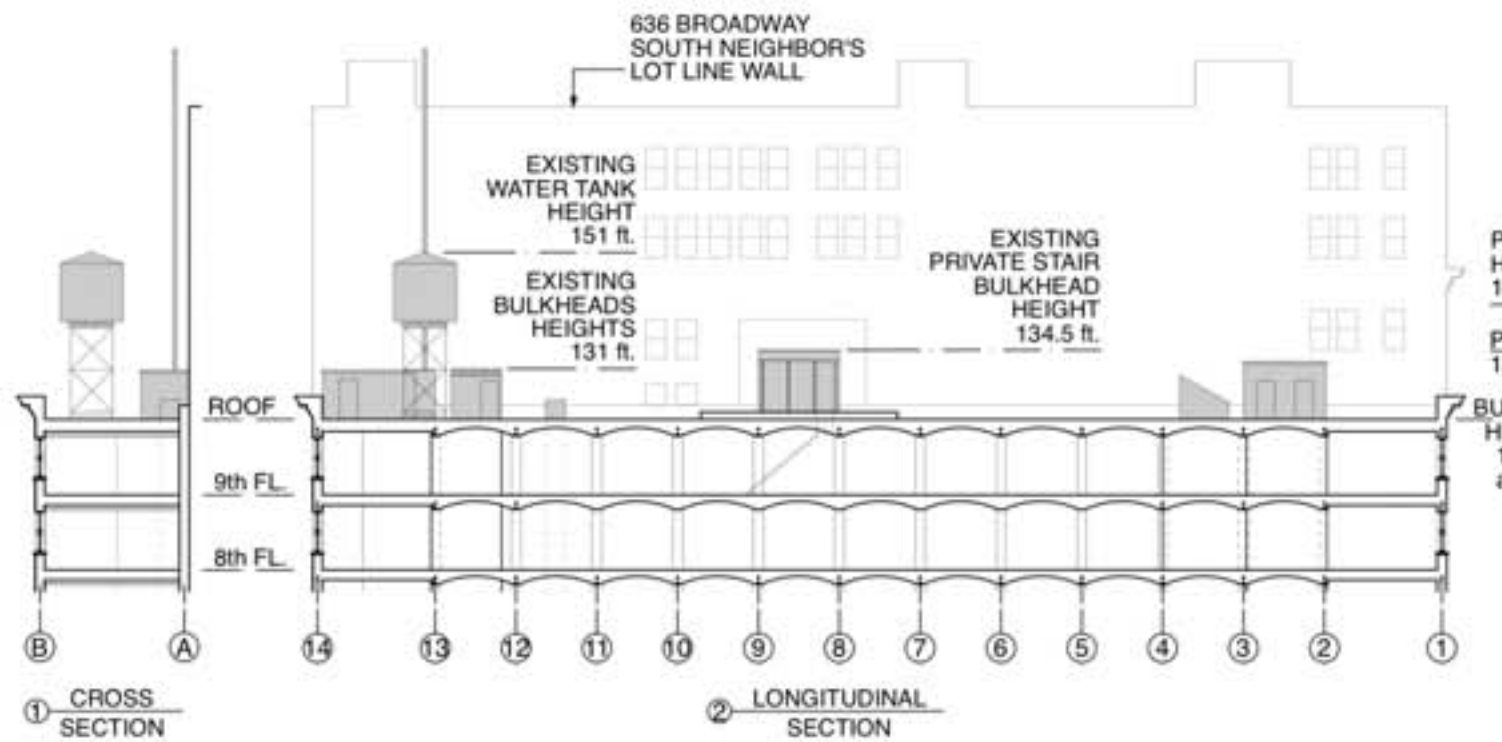


**PROPOSED ELEVATIONS**

**640 BROADWAY  
PROPOSED ROOFTOP ADDITIONS**

EXISTING ROOF STRUCTURES

PROPOSED ROOFTOP ADDITIONS



**EXISTING**

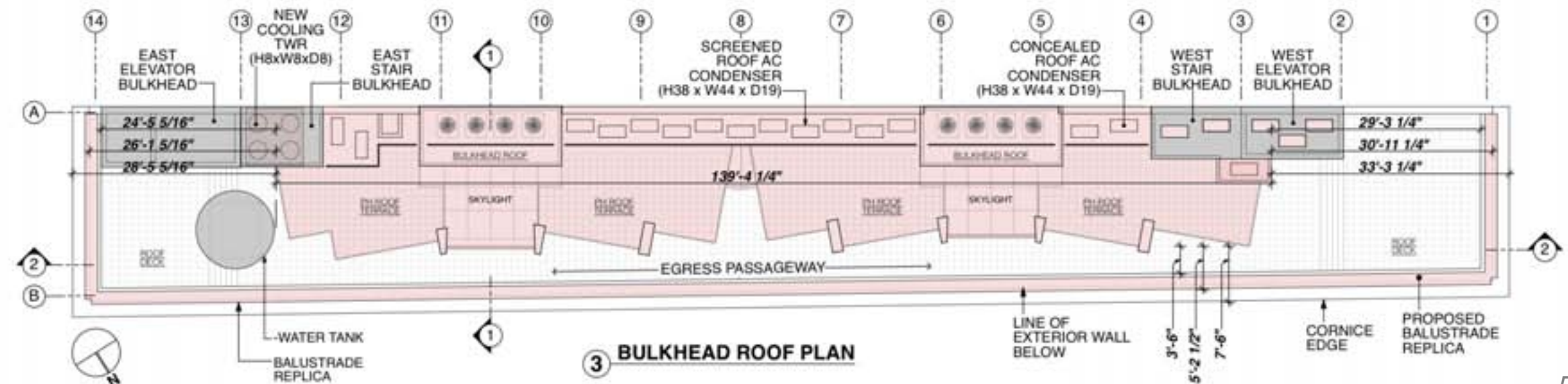
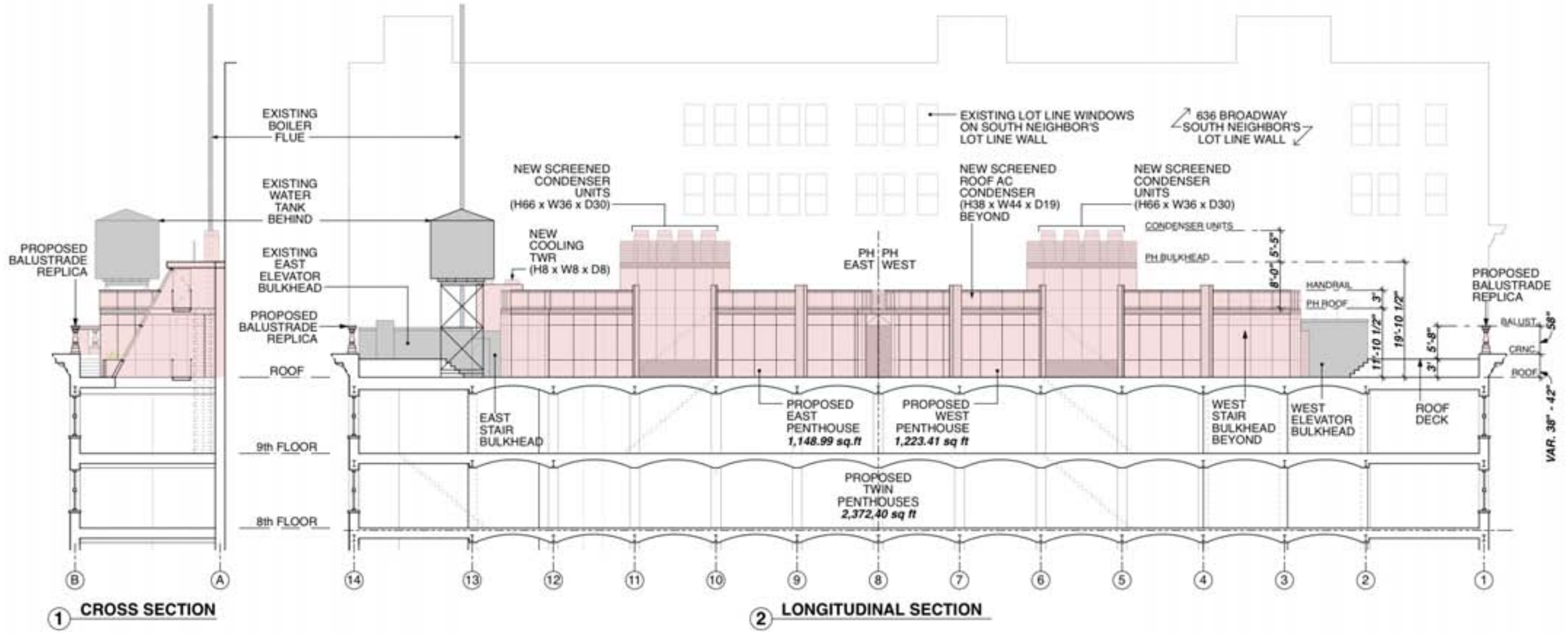
**PROPOSED**



**640 BROADWAY**  
**PROPOSED ROOFTOP ADDITIONS**

EXISTING ROOF STRUCTURES

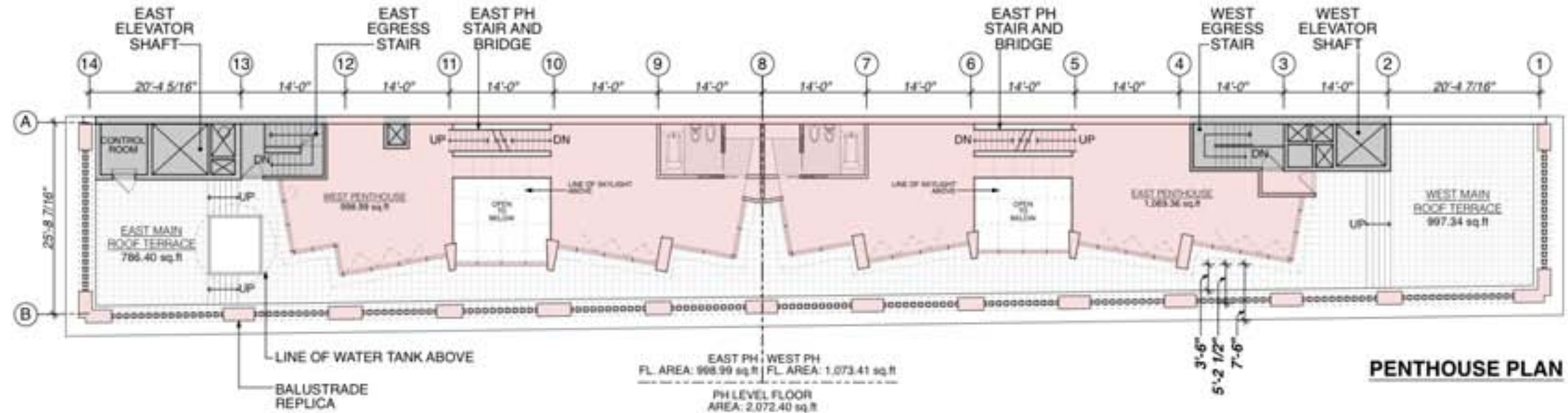
PROPOSED ROOFTOP ADDITIONS



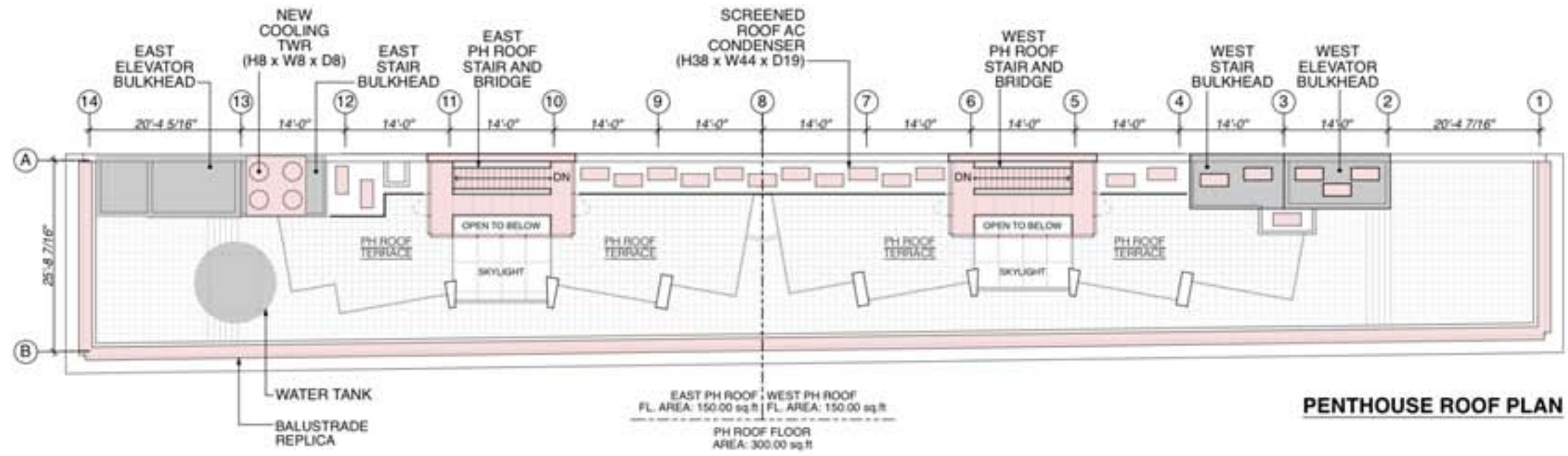
**640 BROADWAY  
PROPOSED ROOFTOP ADDITIONS**

EXISTING ROOF STRUCTURES

PROPOSED ROOFTOP ADDITIONS



**PENTHOUSE PLAN**



**PENTHOUSE ROOF PLAN**



**640 BROADWAY  
PROPOSED ROOFTOP ADDITIONS**



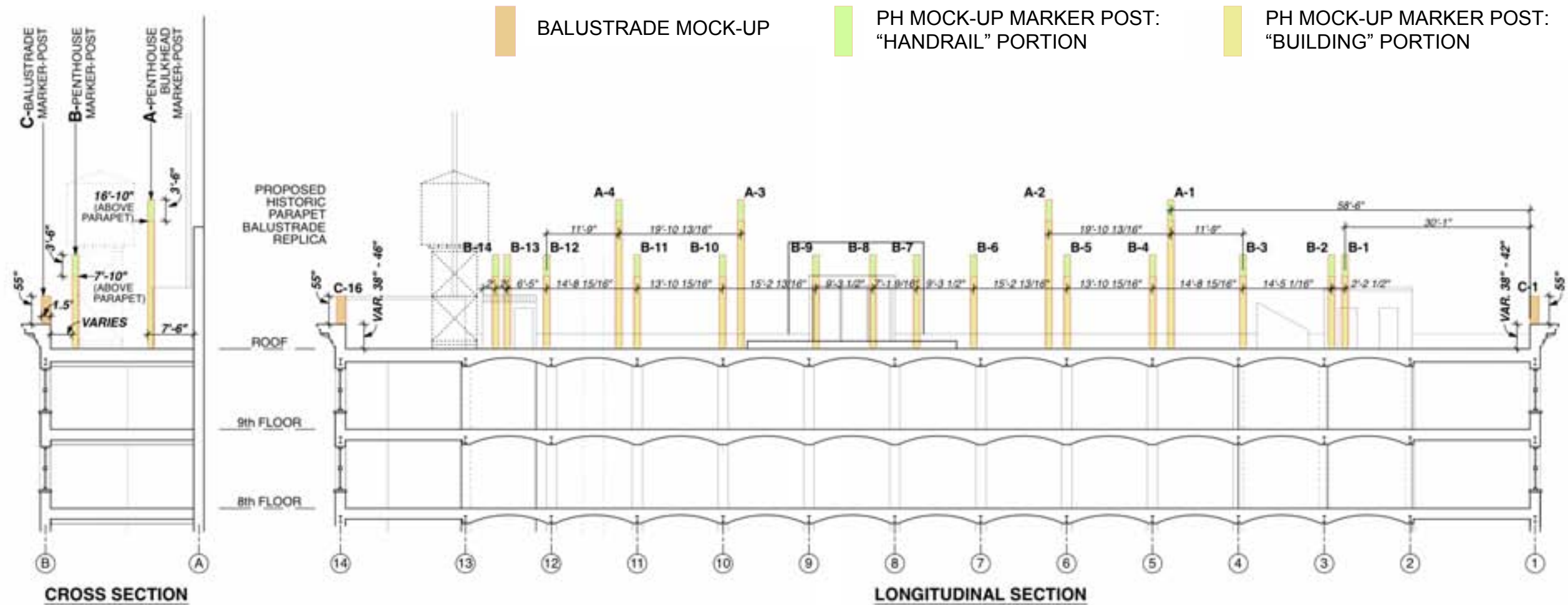
EXISTING ROOF STRUCTURES



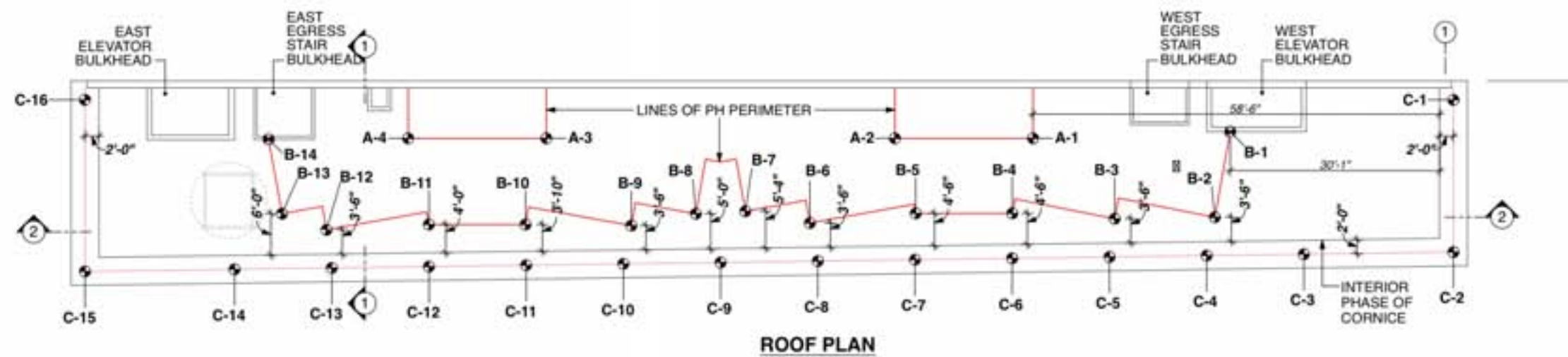
PROPOSED ROOFTOP ADDITIONS



VISIBILITY STUDIES OF PROPOSED ROOFTOP ADDITIONS AND BALUSTRADE REPLICA



ALL HEIGHTS ARE TO BE MEASURED ABOVE PARAPET (UNLESS OTHERWISE NOTED)





**640 BROADWAY**  
**VISIBILITY STUDIES OF PROPOSED ROOFTOP ADDITIONS AND BALUSTRADE REPLICA**



Mock-up Marker Posts installed on East Side of Main Roof



Mock-up Marker Posts installed on West Side of Main Roof



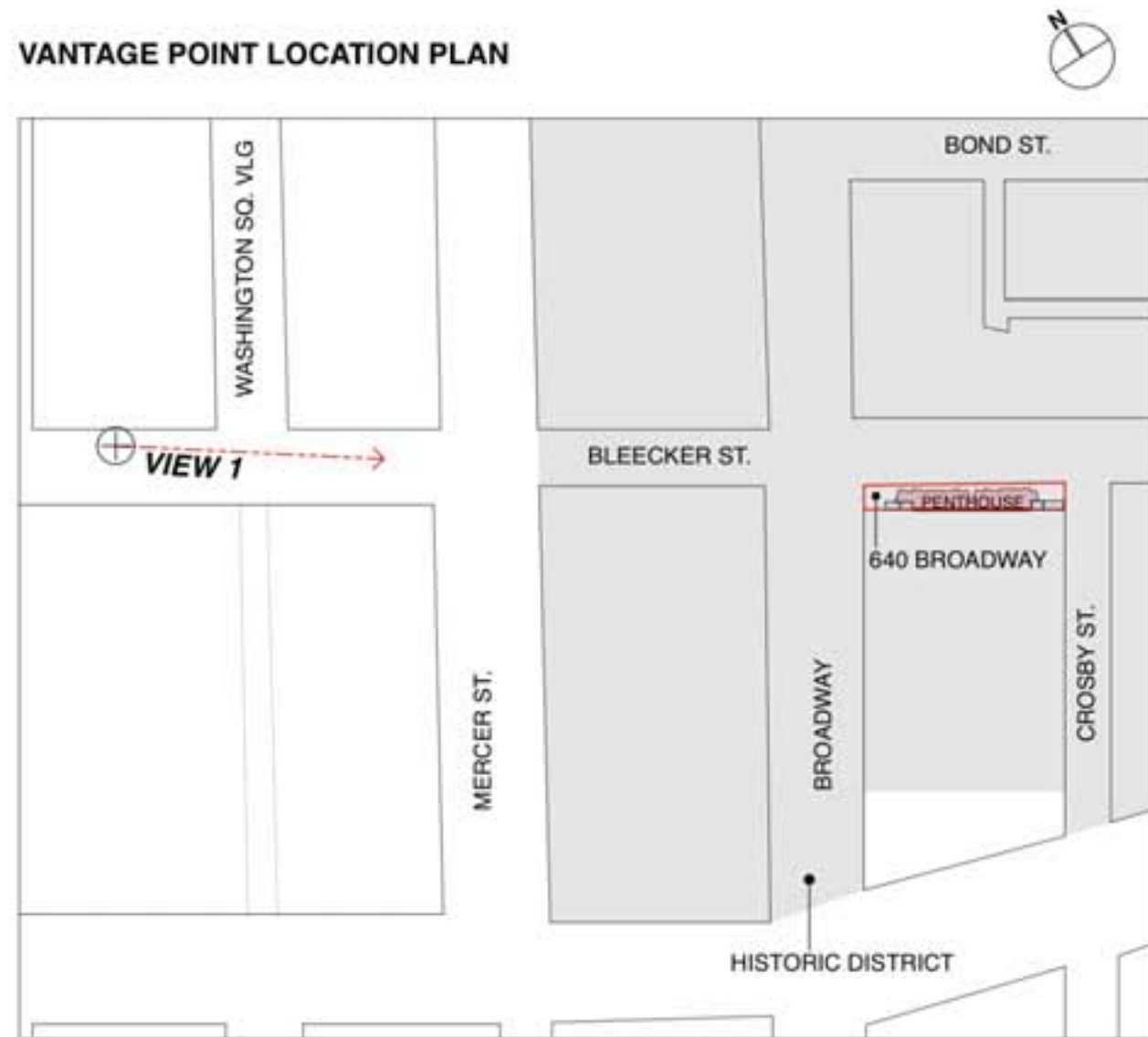
Mock-up of Balustrade installed on North and East Roof Parapet



Mock-up of Balustrade installed on North and West Roof Parapet



**640 BROADWAY**  
**VISIBILITY STUDIES OF PROPOSED ROOFTOP ADDITIONS AND BALUSTRADE REPLICA**



**VIEW 1**

**640 BROADWAY**  
**VISIBILITY STUDIES OF PROPOSED ROOFTOP ADDITIONS AND BALUSTRADE REPLICA**

**VANTAGE POINT LOCATION PLAN**

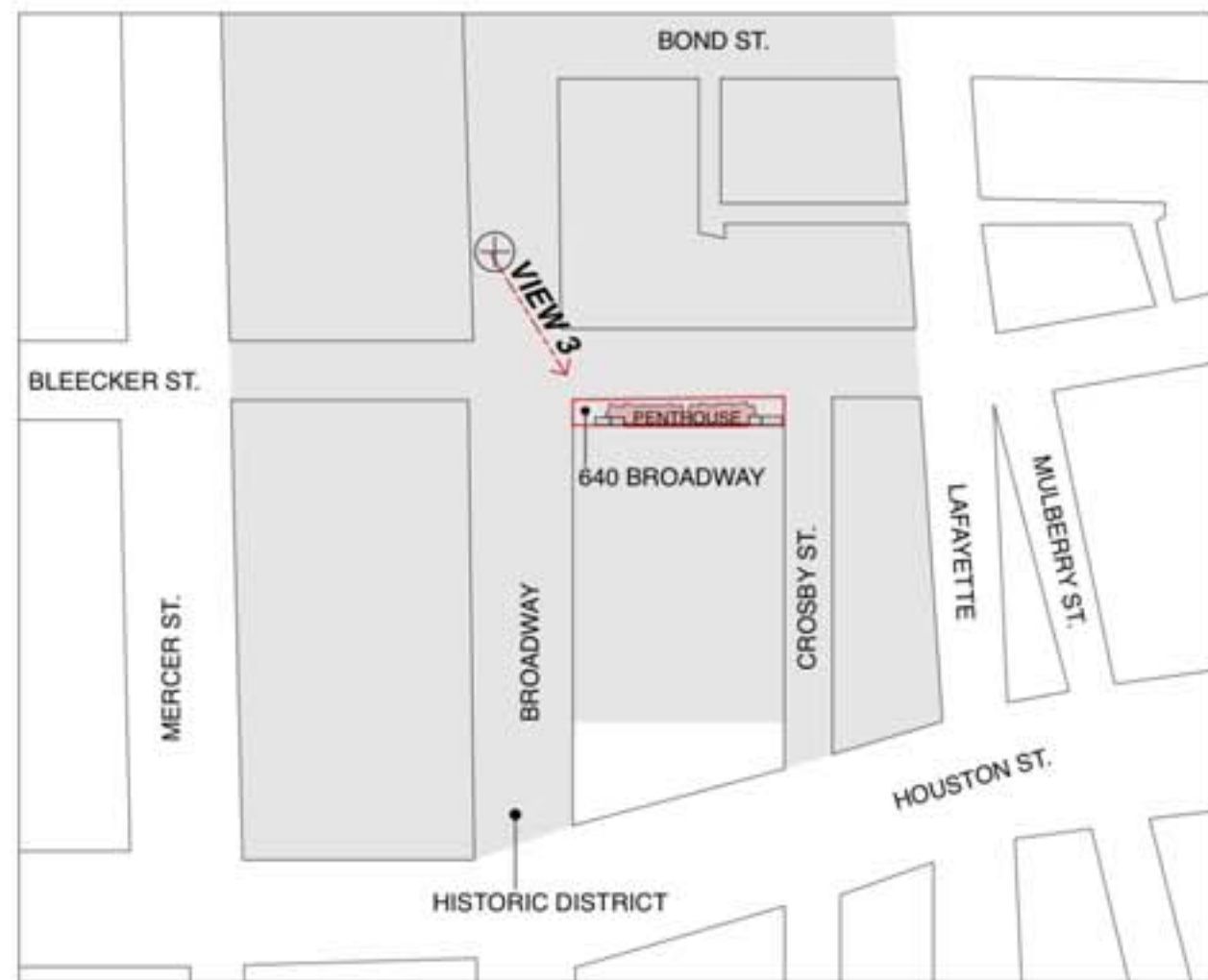


**VIEW 2**



**640 BROADWAY**  
**VISIBILITY STUDIES OF PROPOSED ROOFTOP ADDITIONS AND BALUSTRADE REPLICA**

**VANTAGE POINT LOCATION PLAN**

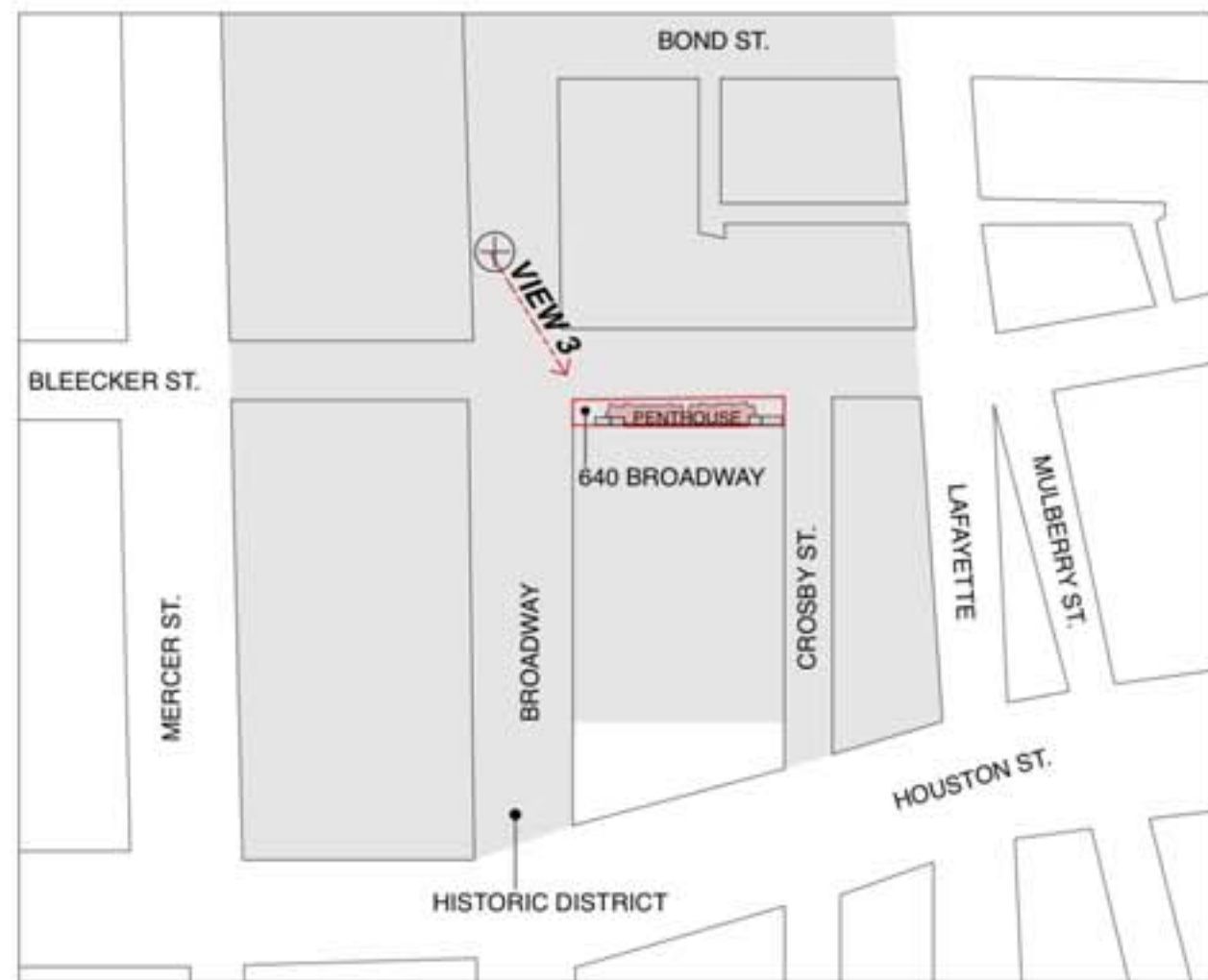


**VIEW 3**



**640 BROADWAY**  
**VISIBILITY STUDIES OF PROPOSED ROOFTOP ADDITIONS AND BALUSTRADE REPLICA**

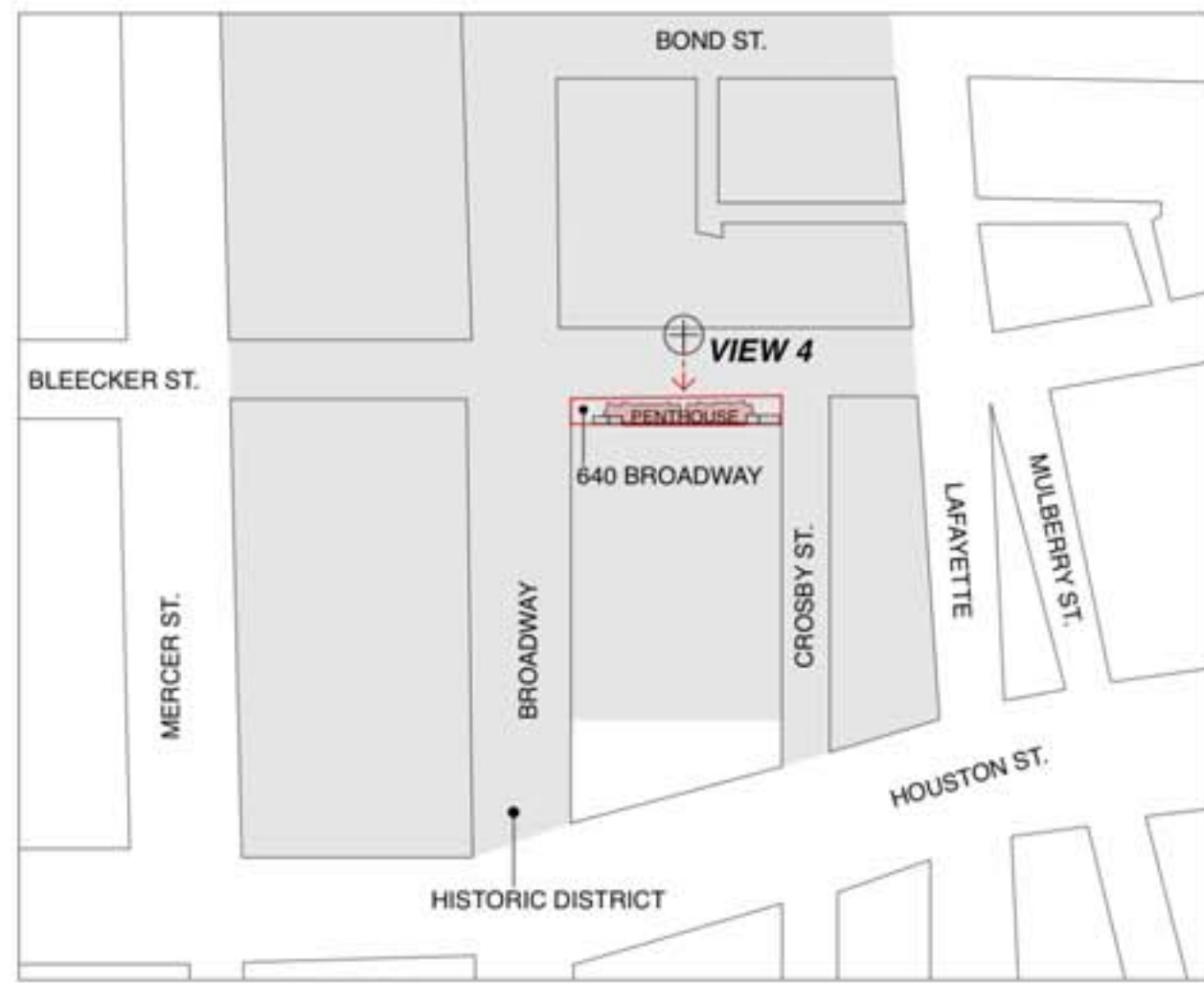
**VANTAGE POINT LOCATION PLAN**



**VIEW 3**

**640 BROADWAY**  
**VISIBILITY STUDIES OF PROPOSED ROOFTOP ADDITIONS AND BALUSTRADE REPLICA**

**VANTAGE POINT LOCATION PLAN**



**VIEW 4**



**640 BROADWAY**  
**VISIBILITY STUDIES OF PROPOSED ROOFTOP ADDITIONS AND BALUSTRADE REPLICA**

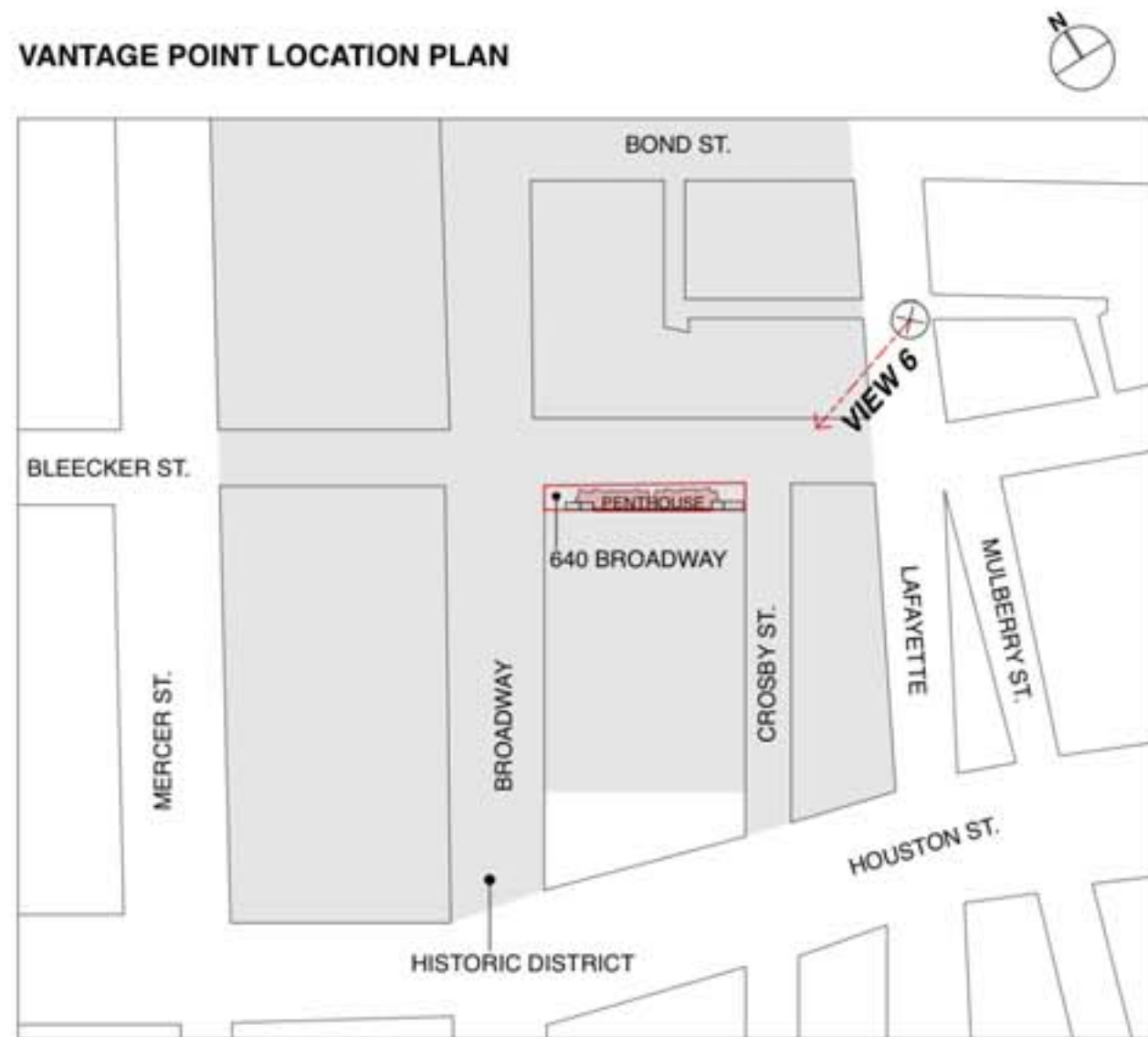
**VANTAGE POINT LOCATION PLAN**



**VIEW 5**

**640 BROADWAY**  
**VISIBILITY STUDIES OF PROPOSED ROOFTOP ADDITIONS AND BALUSTRADE REPLICA**

**VANTAGE POINT LOCATION PLAN**

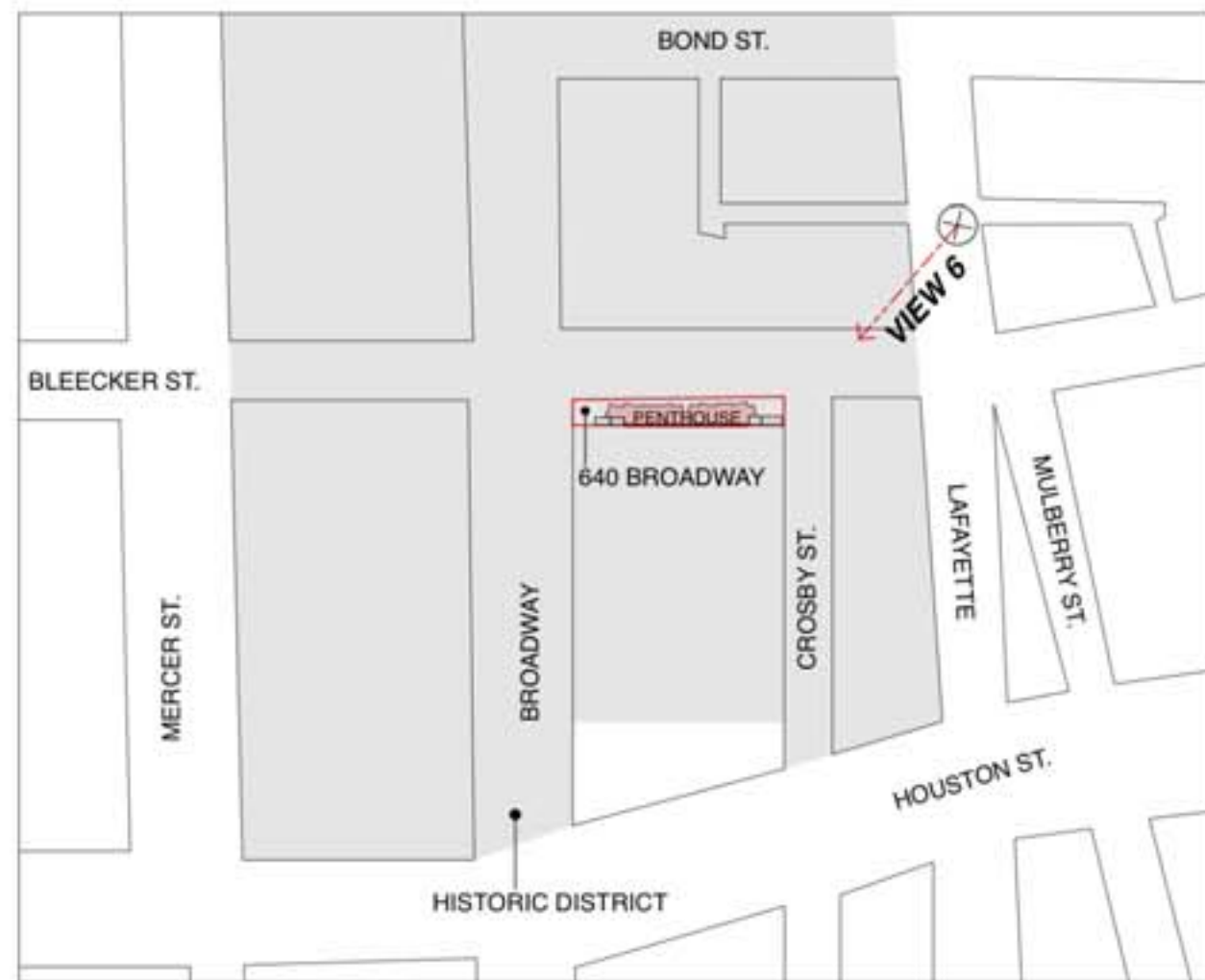


**VIEW 6**



**640 BROADWAY**  
**VISIBILITY STUDIES OF PROPOSED ROOFTOP ADDITIONS AND BALUSTRADE REPLICA**

**VANTAGE POINT LOCATION PLAN**

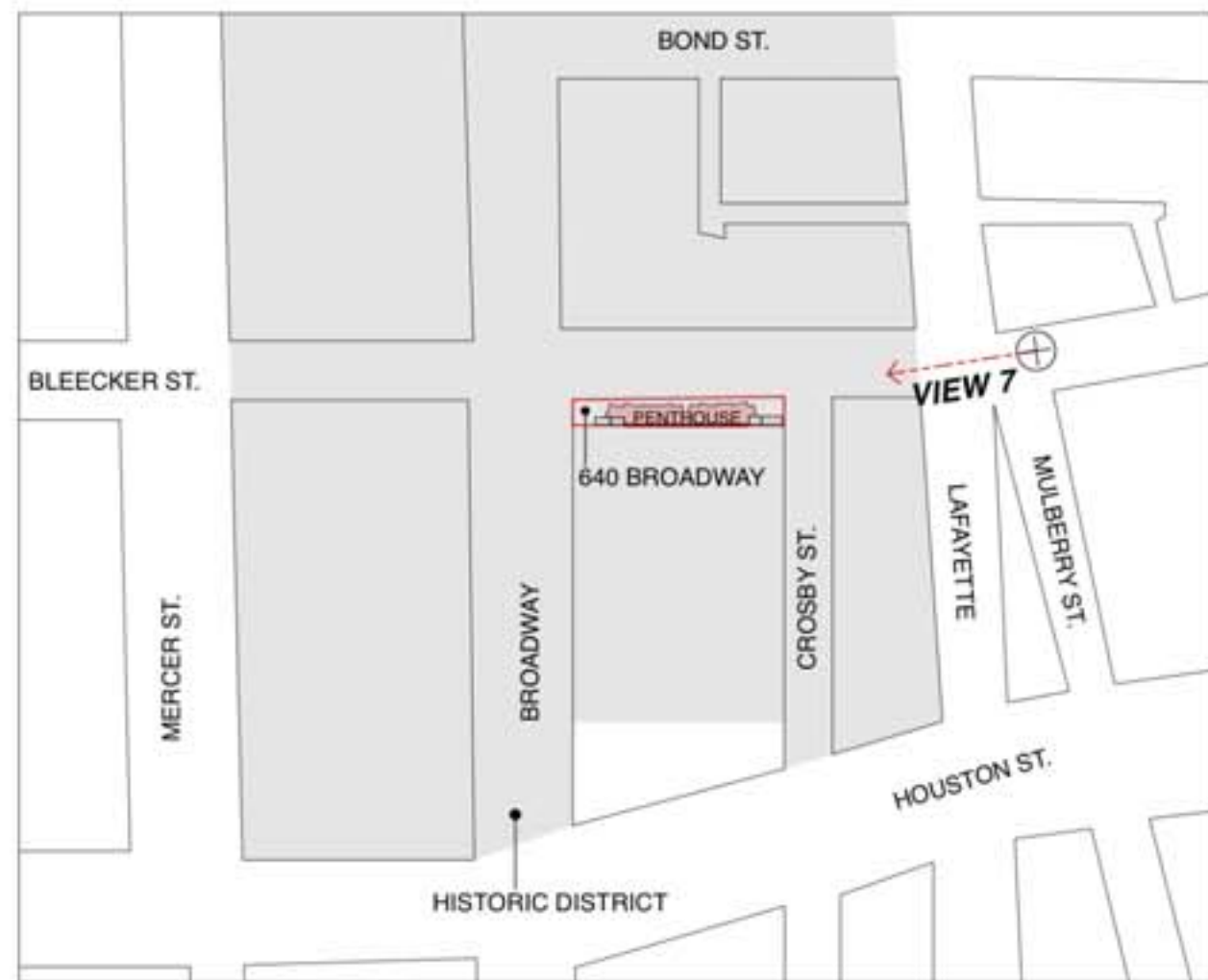


**VIEW 6**



**640 BROADWAY**  
**VISIBILITY STUDIES OF PROPOSED ROOFTOP ADDITIONS AND BALUSTRADE REPLICA**

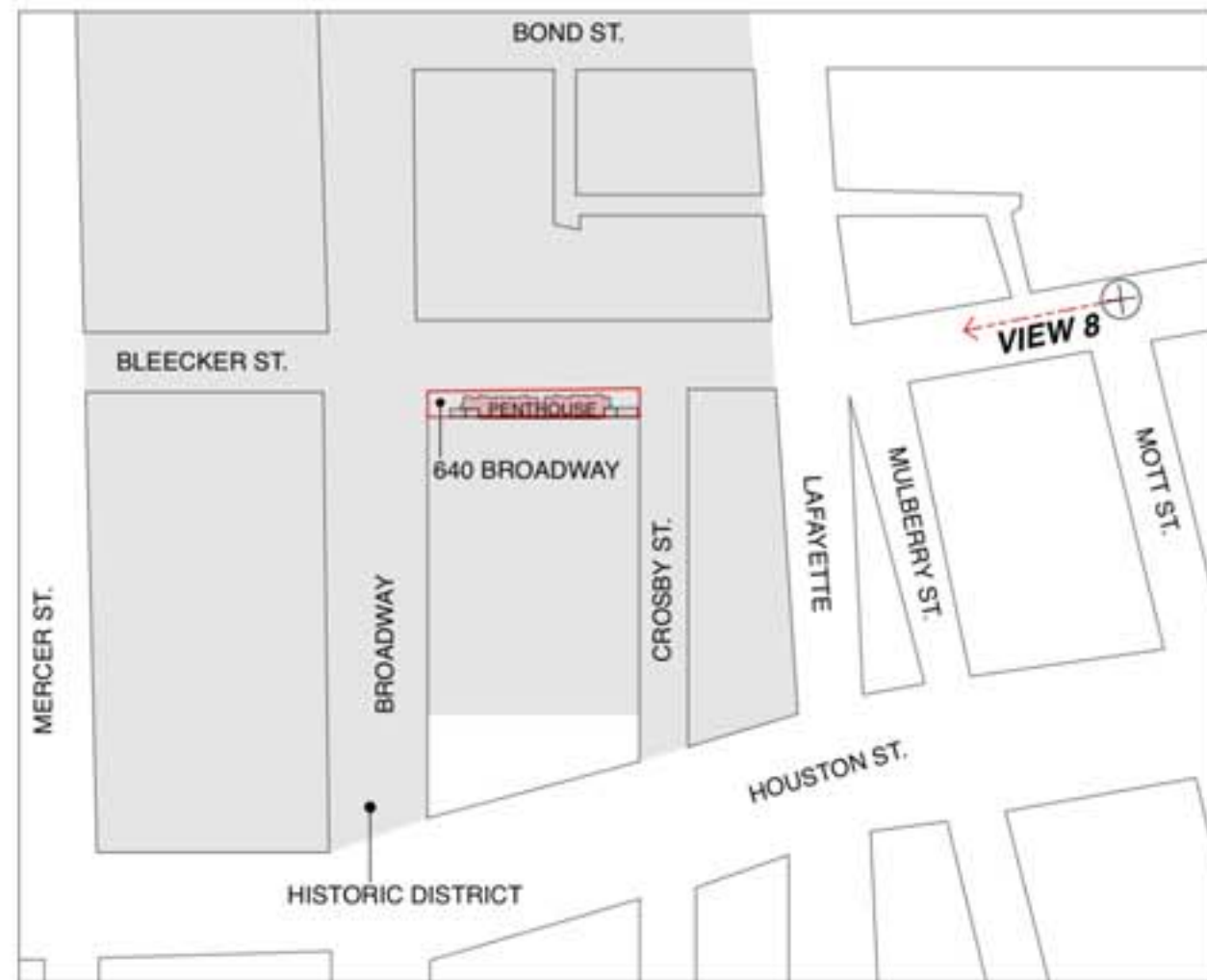
**VANTAGE POINT LOCATION PLAN**



**VIEW 7**

**640 BROADWAY**  
**VISIBILITY STUDIES OF PROPOSED ROOFTOP ADDITIONS AND BALUSTRADE REPLICA**

**VANTAGE POINT LOCATION PLAN**



**VIEW 8**





Ca. 1899 - Broadway Street Views, New York Public Library



Ca. 1910 - Both Sides of Broadway





200 Broadway location of Hegeman & Co. - Ca. 1910



200 Broadway canopy detail



**640 BROADWAY**  
**ORIGINAL CORNICE ASSEMBLY**



Original cornice assembly condition exposed during cornice replacement work performed on April 2006



**640 BROADWAY**  
**EXISTING ROOF STRUCTURES**

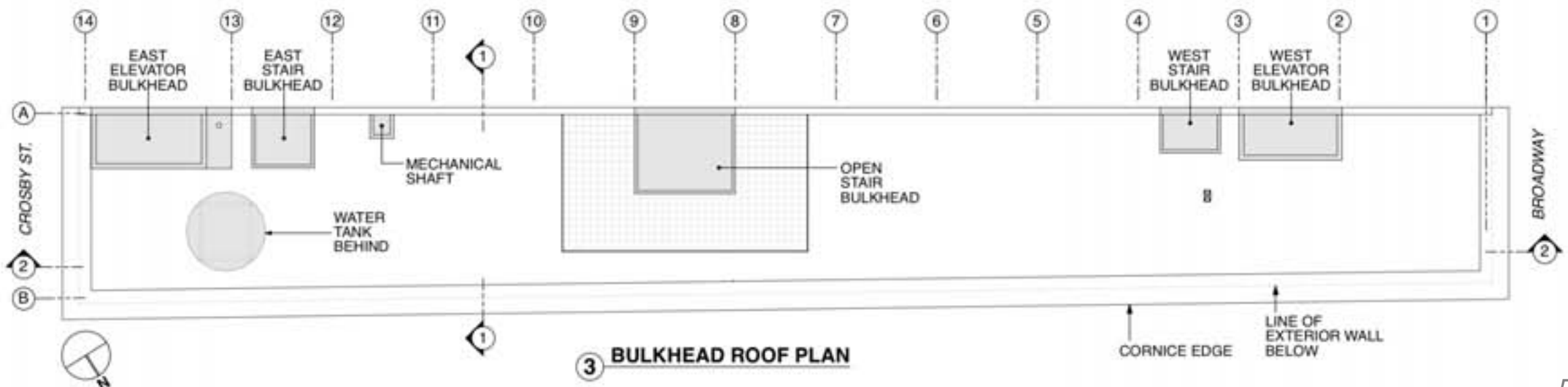
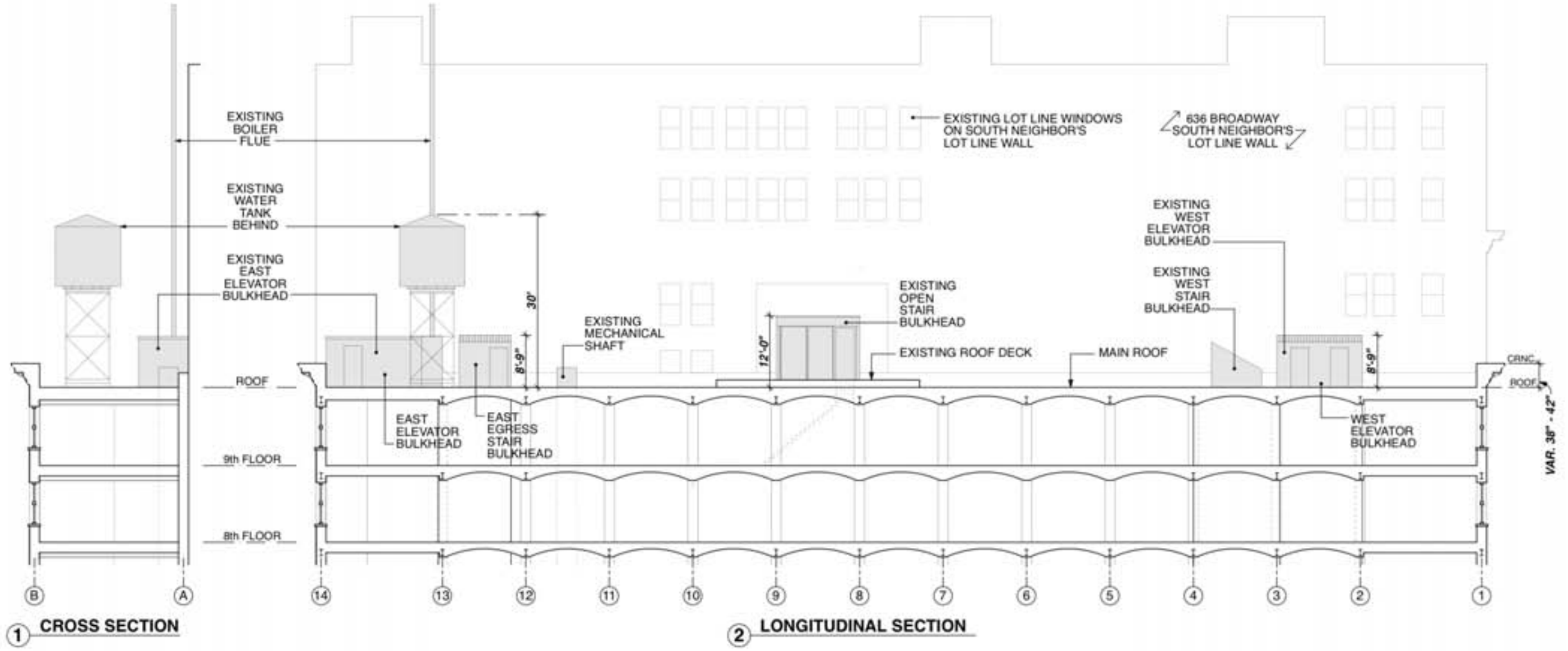
EXISTING ROOF STRUCTURES





**640 BROADWAY**  
**EXISTING ROOF STRUCTURES**

 EXISTING ROOF STRUCTURES





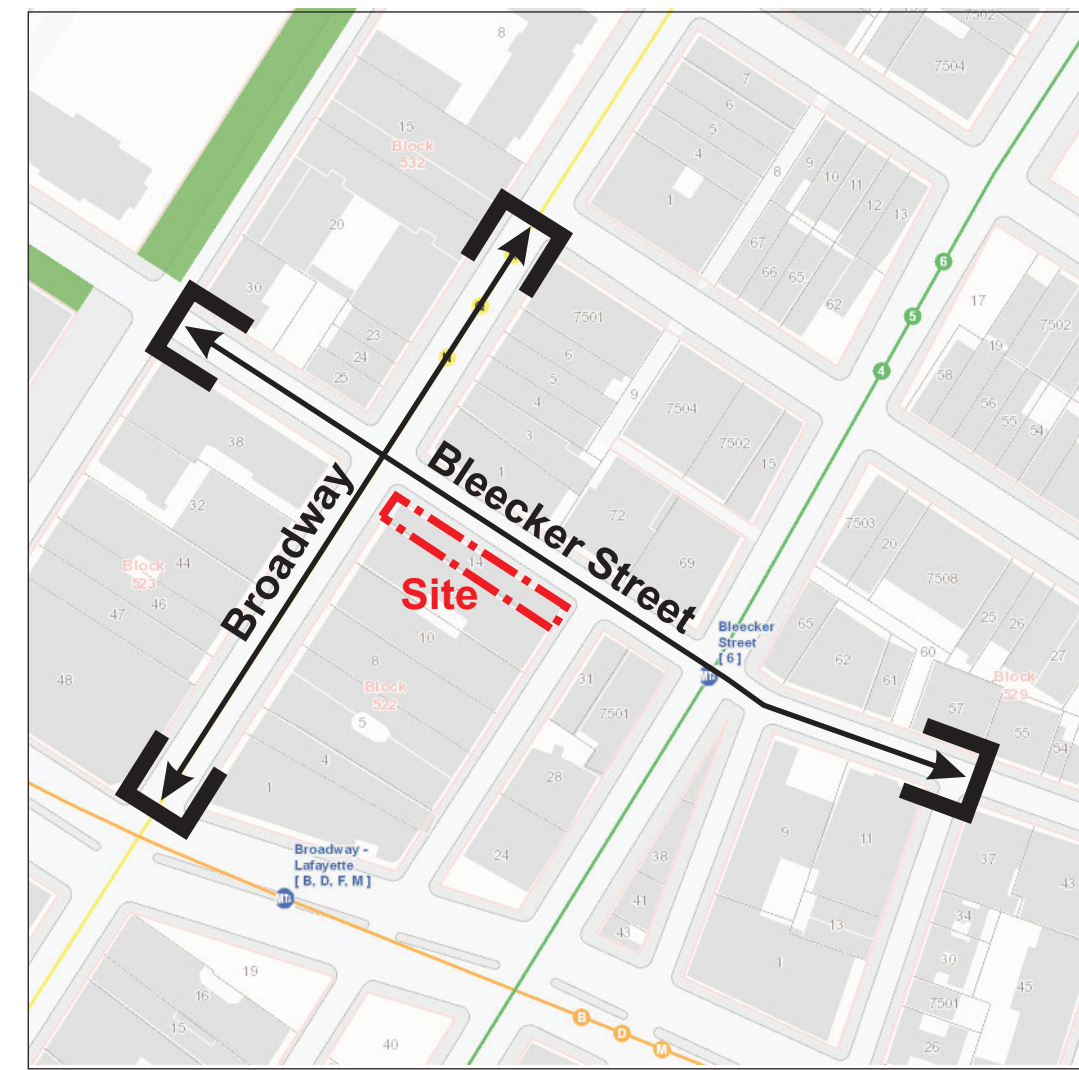
# 640 Broadway, Manhattan

## Neighborhood Character Diagram / Streetscape Drawing

**Legend**

- Development Site
- 450 Building Address
- 150' Building Height
- ☐ Main Facade
- ☐ Set-back Facade Visible from Street
- ☐ Proposed Addition

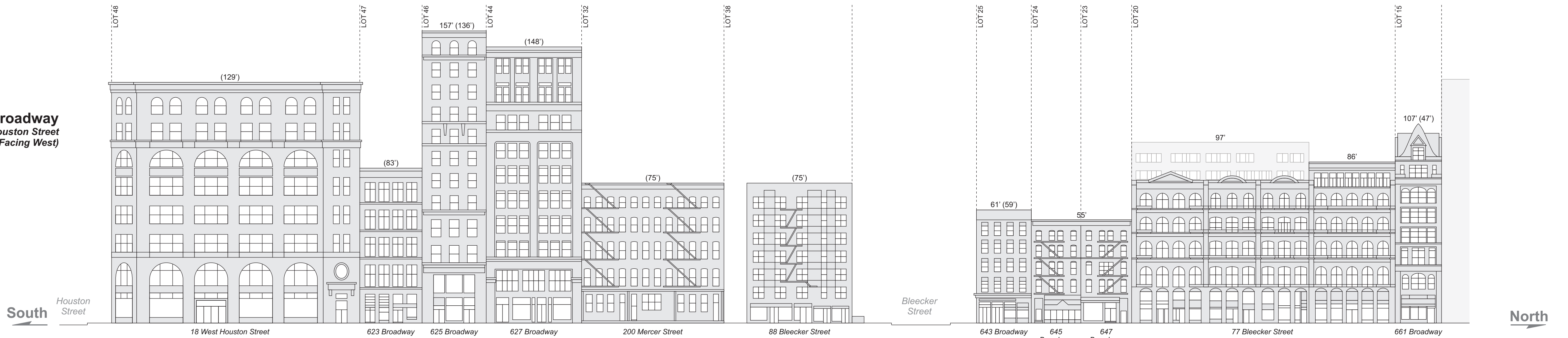
Notes: Building heights, when shown in parentheses, are taken from the most recent Certificate of Occupancy for the subject buildings. Heights shown without parentheses are the drawn heights. When there is no difference between the drawn height and the C of O height, only the latter is shown.



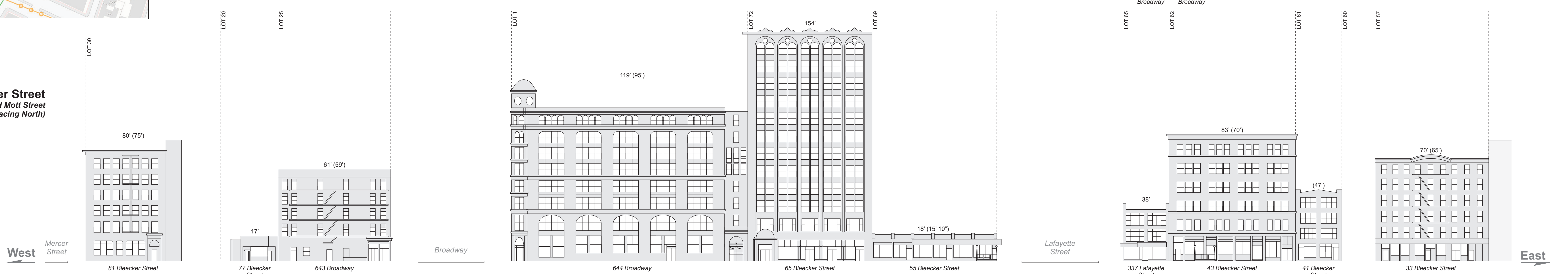
### East Side of Broadway Between Bond Street and Houston Street (Facing East)



### West Side of Broadway Between Bond Street and Houston Street (Facing West)



### North Side of Bleecker Street Between Mercer Street and Mott Street (Facing North)



### South Side of Bleecker Street Between Mercer Street and Mott Street (Facing South)



Scale: 1" = 32'



# **HAZARDOUS MATERIALS APPENDIX**





July 10, 2015

Mr. Robert Dobruskin  
Director, Environmental Assessment and Review Division  
New York City Department of City Planning  
22 Reade Street  
New York, New York 10007

**Re: 640 Broadway  
Block 522, Lot 14  
CEQR# 77DCP240M  
New York, New York**

**Emily Lloyd**  
*Commissioner*

**Angela Licata**  
*Deputy Commissioner of  
Sustainability*

59-17 Junction Blvd.  
Flushing, NY 11373

Tel. (718) 595-4398  
Fax (718) 595-4479  
alicata@dep.nyc.gov

Dear Mr. Dobruskin:

The New York City Department of Environmental Protection, Bureau of Environmental Planning and Analysis (DEP) has reviewed the June 2015 Environmental Assessment Statement (EAS) and the April 2015 Phase I Environmental Site Assessment Report (Phase I) prepared by Compliance Solutions Services, LLC and CNS Environmental on behalf of 640 Broadway Owners LLC (applicant) for the above referenced project. It is our understanding that the applicant is seeking a special Permit from the City Planning Commission (pursuant to Zoning Resolution Sections 74-711, 43-43 and 15-12) to facilitate the development of two one-story penthouse additions on the roof of an existing building by reallocating floor area from the lower floors and mechanical spaces of the building. The site is located in an M1-5B special zoning district, on Bleeker Street between Broadway and Crosby Streets in the Historic NOHO Section of Manhattan Community District 2. As currently proposed, soil disturbance will not be involved to facilitate the development of two one-story penthouse additions on the roof of the existing building.

The April 2015 Phase I revealed that the historical on-site and surrounding area land uses consisted of residential and commercial uses that includes towel manufacturing, window cleaners, millinery, gloves, confection packing, barber shop, shoemaker, dress, button and badge makers, cloth cutter, offset press, a food and vitamin distributor, import/export companies, interior design firm, watch repair, shoe shine, joint living and work quarters, Auto service station, gas station, dry cleaners, offices, retail stores etc. The New York State Department of Environmental Conservation database revealed 12 leaking underground storage tanks, 50 Spills and 13 underground storage tanks (the subject site is identified as petroleum bulk storage site) and 50 aboveground storage tanks within one eighth mile and two dry cleaner sites within a quarter mile from the subject site. It should be noted that based on the age of the on-site building, asbestos containing materials (ACM), lead based paint (LBP) and

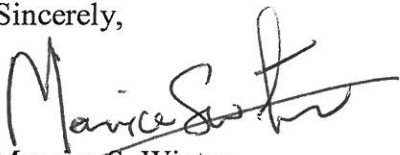
fluorescent light fixture containing polychlorinated biphenyls (PCBs) may be present in the building.

Based on our review of the submitted documents, we have the following comments/recommendations to DCP:

- DCP should inform the applicant that ACM, LBP and fluorescent light fixture containing PCBs may be present in the on-site building. These materials should be properly manage and or disposed of in accordance with local, state and federal regulations prior to the proposed construction work.
- It should be noted that the project proposal is for the development of two one-story penthouse additions on the roof the building by reallocating floor area from the lower floors and mechanical spaces of the building. Soil disturbance will not be involved to facilitate the development of the proposed two one-story penthouse additions. DEP finds that the proposed project will not likely to represent a significant environmental concern to the subject site and therefore, find the proposed project acceptable based on the current proposal and have no further requirement for this project.

Future correspondence and submittal related to this project should include the following CEQR number **77DCP240M**. If you have any questions, you may contact Mohammad Khaja-Moinuddin at (718) 595-4445.

Sincerely,



Maurice S. Winter  
Deputy Director, Site Assessment

c: E. Mahoney  
M. Winter  
W. Yu  
T. Estes  
M. Wimbish  
O. Abinader - DCP  
Y. Robinson- DCP  
L Hamid-Shaprio- DCP  
File

# **Architectural Plans**

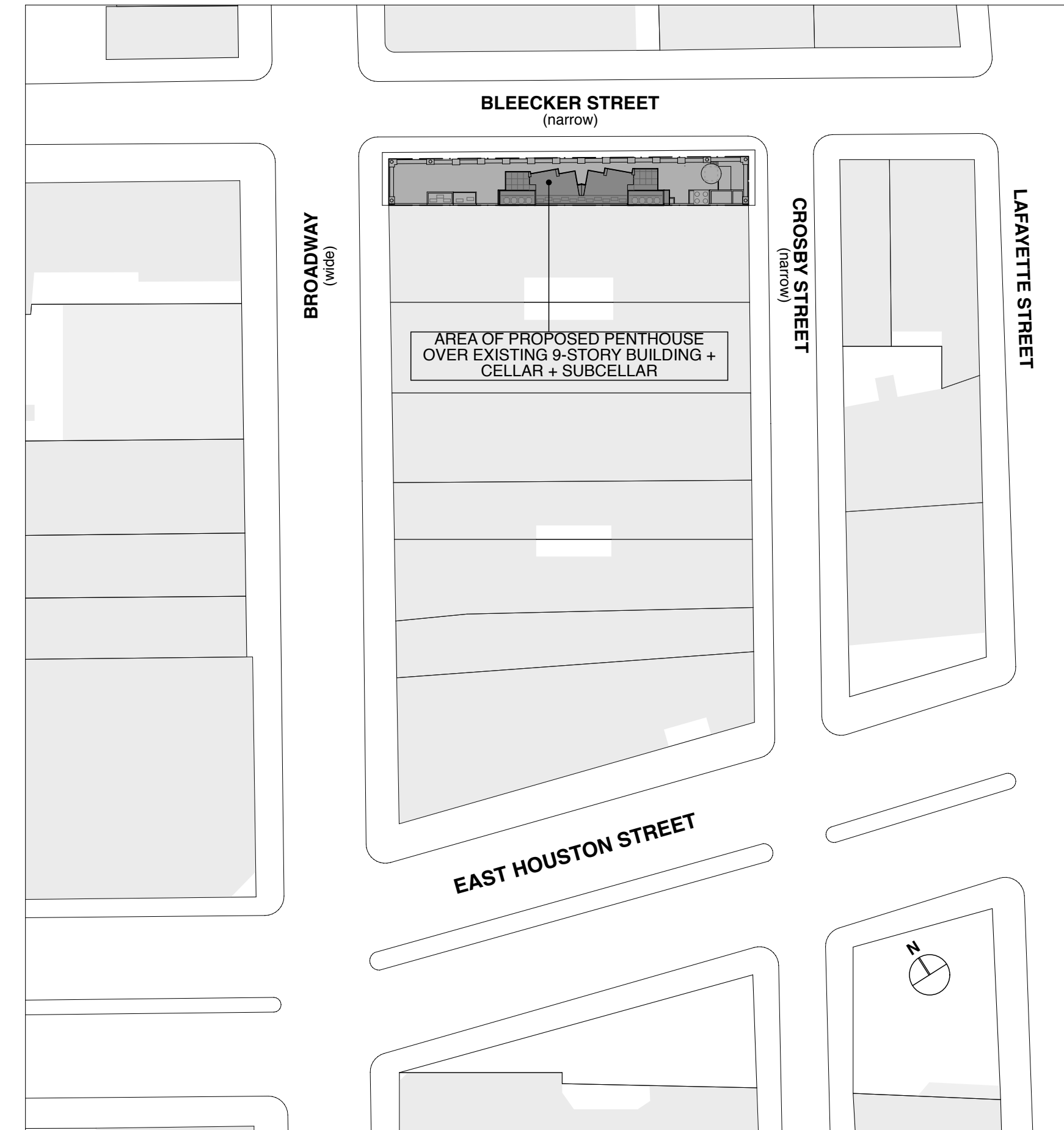


# 640 BROADWAY - ROOFTOP ADDITION

640 BROADWAY  
NEW YORK, NY 10012

## DRAWING LIST

G-001 .00	TITLE SHEET
G-002 .00	SITE PLAN
Z-100 .00	ZONING ANALYSIS
A-100 .00	GROUND FLOOR PLAN (EXISTING)
A-101 .00	SUB-CELLAR AND CELLAR PLANS (EXISTING)
A-102 .00	2ND - 4TH FLOOR PLANS (EXISTING)
A-103 .00	5TH - 7TH FLOOR PLANS (EXISTING)
A-104 .00	8TH & 9TH FLOOR PLANS, ROOF PLAN (EXISTING)
A-200 .00	GROUND FLOOR PLAN (PROPOSED)
A-201 .00	SUB-CELLAR AND CELLAR PLANS (PROPOSED)
A-202 .00	2ND & 3RD FLOOR PLANS (PROPOSED)
A-203 .00	4TH & 5TH FLOOR PLANS (PROPOSED)
A-204 .00	6TH & 7TH FLOOR PLANS (PROPOSED)
A-205 .00	8TH & 9TH FLOOR PLANS (PROPOSED)
A-206 .00	PENTHOUSE PLANS (PROPOSED)
A-300 .00	WAIVER SITE PLAN
A-301 .00	WAIVER PENTHOUSE PLANS
A-302 .00	WAIVER LONGITUDINAL SECTION
A-303 .00	WAIVER CROSS SECTION
A-400 .00	NORTH ELEVATION (EXISTING)
A-401 .00	EAST & WEST ELEVATIONS (EXISTING)
A-402 .00	NORTH ELEVATION (PROPOSED)
A-403 .00	EAST & WEST ELEVATIONS (PROPOSED)
A-500 .00	LONGITUDINAL SECTION (EXISTING)
A-501 .00	CROSS SECTION (EXISTING)



## PLOT PLAN

SCALE: N.T.S.

**BLOCK:** 522  
**LOT:** 14  
**ZONING MAP:** 12C  
**ZONING:** M1-5B

**STORIES (EXISTING):** 9 STORY + CELLAR + SUB-CELLAR  
**STORIES (PROPOSED):** 9 STORY + PENTHOUSE + CELLAR + SUB-CELLAR

**EXISTING ZONING USE GROUP:** UG 17  
**PROPOSED ZONING USE GROUP:** UG 17

**SPECIAL PURPOSE DISTRICT:** NONE  
**LANDMARK DISTRICT:** NOHO HISTORIC DISTRICT

REVISIONS	
1	04-24-15 DRAFT FOR DCP REVIEW
2	08-26-15 DRAFT FOR DCP REVIEW
3	10-20-15 DRAFT FOR DCP REVIEW
4	12-01-15 DRAFT FOR DCP REVIEW
5	03-09-16 DRAFT FOR DCP REVIEW
6	06-30-16 DCP FILING SET
7	03-10-17 DCP FILING SET - REV
8	03-24-17 DCP FILING SET - REV
9	
10	
11	


AS INDICATED	03/24/17 DATE DRAWING CREATED
SCALE	DRAWN BY

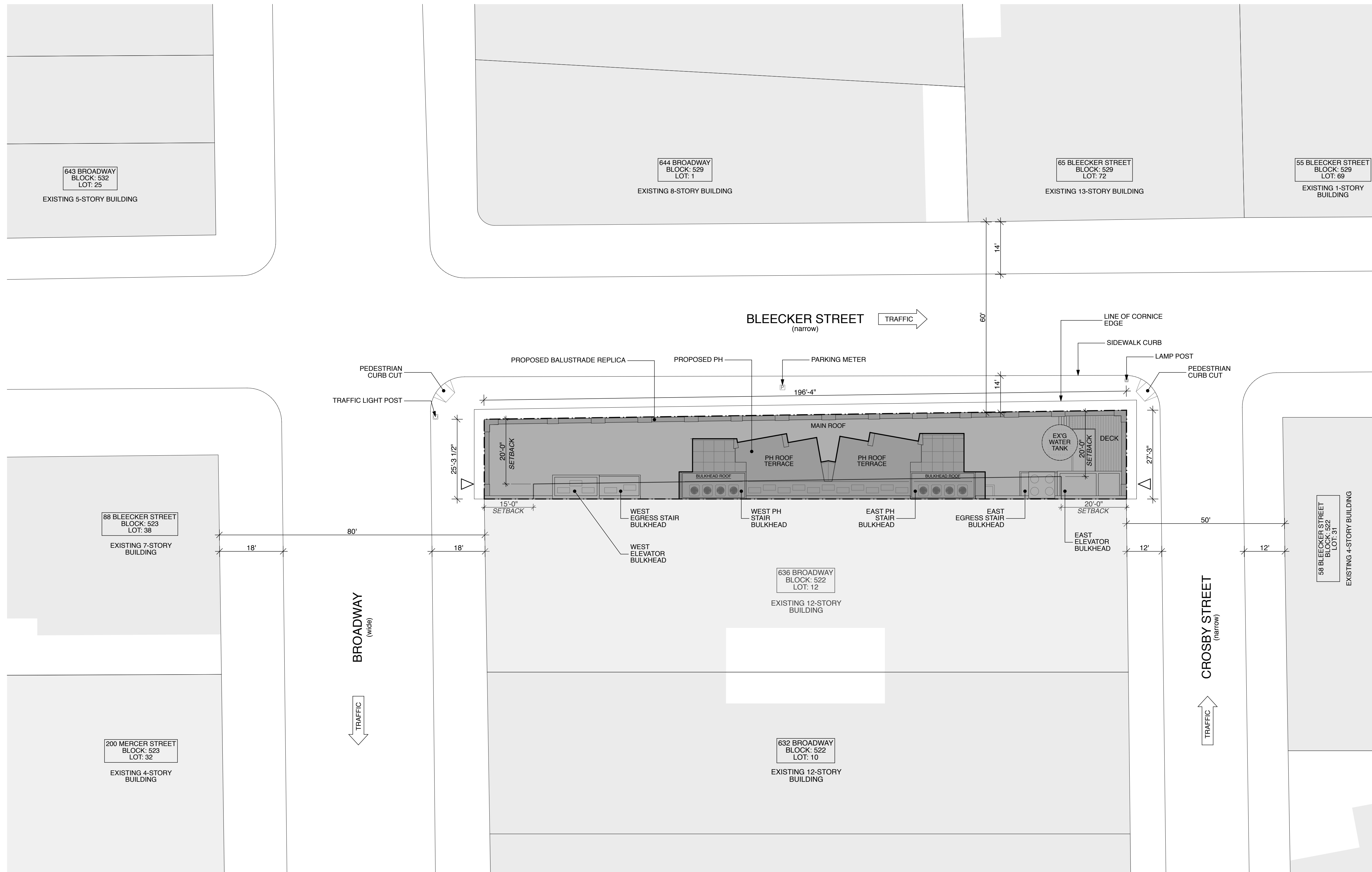
**640 BROADWAY  
ROOFTOP ADDITION  
BLOCK: 522, LOT: 14**

**TITLE SHEET**

**ACADIA REALTY TRUST**  
411 THEODORE FREMD AVE., RYE, NY

**ARCHITECT:**  
**BONE / LEVINE ARCHITECTS**  
561 BROADWAY, No. 8D NEW YORK, NY 10012  
TEL: 212-219-1038 FAX: 212-226-8056

	DRAWING SHEET NUMBER: <b>G-001.00</b>
	PAGE: 1 of 25



**LEGEND**

- ZONING LOT
- TAX LOT LINE
- SETBACK LINE AT MAX. BASE HEIGHT
- BUILDING ENTRY AT GRADE (SHOWN FOR ILLUSTRATIVE PURPOSES)

**ACTIONS REQUESTED:**  
SPECIAL PERMIT PER ZR-74-711 TO MODIFY HEIGHT AND SETBACK REQUIREMENTS

REVISIONS

1	04-24-15 DRAFT FOR DCP REVIEW
2	08-26-15 DRAFT FOR DCP REVIEW
3	10-20-15 DRAFT FOR DCP REVIEW
4	12-01-15 DRAFT FOR DCP REVIEW
5	03-09-16 DRAFT FOR DCP REVIEW
6	06-30-16 DCP FILING SET
7	03-10-17 DCP FILING SET - REV
8	03-24-17 DCP FILING SET - REV
9	
10	
11	

AS INDICATED	03/24/17 DATE DRAWING CREATED
SCALE	DRAWN BY

**640 BROADWAY  
ROOFTOP ADDITION  
BLOCK: 522, LOT: 14**

PROJECT NAME

**SITE PLAN**

DRAWING TITLE

DEVELOPER:  
**ACADIA REALTY TRUST**  
411 THEODORE FREMD AVE., RYE, NY

ARCHITECT:  
**BONE / LEVINE ARCHITECTS**  
561 BROADWAY, No. 8D NEW YORK, NY 10012  
TEL: 212-219-1038 FAX: 212-226-8056

SEAL & SIGNATURE:

DRAWING SHEET NUMBER:  
**G-002.00**

PAGE: 2 of 25

APPLICANTS STAMP AND SEAL CORRESPONDS TO THE INFORMATION REGARDING THE DEVELOPMENT SITE, ZONING LOT, AND RELATED CURB CUTS. INFORMATION REGARDING THE SURROUNDING PROPERTIES IS FOR ILLUSTRATIVE PURPOSES ONLY.



**1 SITE PLAN**  
SCALE: 1/16" = 1'-0"



**ZONING ANALYSIS**

**Site Information:**

**Block/Lot Address** 640 Broadway  
**Lot Area** 5,157 sf  
**Zoning Map No.** 12c  
**Zoning District** M1-5B  
**Community District** 2  
**Historic District** NoHo Historic District  
**Actions Requested** Special Permit ZR 74-711 to modify height and setback requirements of ZR 43-43

ZR Section	Item/Description	Required/Permitted	Proposed		Comments/ Compliance Notes
			Existing	New	
USE					
42-00 42-14	<b>USES</b>	UG 4-14 UG 16 & 17	UG 6, UG 17D	No change	
BULK					
43-12	<b>FAR</b>				
	Residential	0	0	No change	
	Commercial/Manufacturing	5	8.9	No change	Legal non-compliance
	Community Facility	6.50	0	No change	
	Max. For Zoning Lot	6.50	8.87	8.68	Legal non-compliance
FLOOR AREA					
43-12	Residential	0	0	No change	
	Commercial/Manufacturing	25,785 SF	45,726 SF	No change	Legal non-compliance
	Community Facility	33,520.5 SF	0	No change	
	Max. For Zoning Lot	33,520.5 SF	45,726 SF	44,774.56 SF	Legal non-compliance
YARDS					
43-25 43-311 43-312	Front Yard	None Required	None Provided	No change	
	Side Yard	None Req. Min. 8' if provided	None Provided	No change	
	Rear Yard	None Required	None Provided	No change	
HEIGHT & SETBACK					
43-43	Min. Front Wall Height	None Required	None Provided	No change	
	Max. Front Wall Height	85' or 6 stories	122'	122'	Pre-existing legal non-compliance to remain
	Req. Min. Setback @ Max. Streetwall Ht. (narrow street)	15'	Non-complying See A-400/A-401	Varies See A-402/403	*Increasing degree of non-compliance. Requires Special Permit Per ZR 74-711
	Req. Min. Setback @ Max. Streetwall Ht. (wide street)	20'	Non-complying See A-400/A-401	Varies See A-402/403	*Increasing degree of non-compliance. Requires Special Permit Per ZR 74-711
	Max. Building Height (Building cannot penetrate sky exposure plane above 85')	No limit S.E.P.=2.7:1 (narrow st) S.E.P.=5.6:1 (wide st)	122' Existing building penetrates S.E.P.	134' *	*Increasing degree of non-compliance. Requires Special Permit Per ZR 74-711
PARKING					
13-10	Required accessory parking	None Required	None Provided	No change	
LOADING					
44-52	Required loading berths	None Required	None Provided	No change	
ROOFTOP RECREATION					
42-14 D.(1)(e)	Roof recreation space	At least 30% for the first 15 JLWQA, plus 100 sq.ft/unit up to 50% of gross roof area =5,092 sq.ft x 30% = 1,527.6 sq.ft + 500 = 2,027.6 sq.ft	3,269 sq.ft	2,375.56 sq.ft	Legal non-conforming

640 Broadway, New York, NY - FA Calcs

Floor	Use				Existing GFA (*)	Existing Mechanical FA (**)	Pre-Existing Legal non-complying Zoning FA	Proposed Interior FA relocation	Proposed Gross FA	Proposed Mechanical FA (***)	Proposed Zoning FA
	Existing		Proposed								
	Use Group	No of JLWQA	Use Group	No of JLWQA							
Sub-Cellar	Storage/Boiler	n/a	Storage/Boiler	n/a	8,220.00	0.00	0.00	0.00	8,220.00	0.00	0.00
Cellar	6	n/a	6	n/a	8,080.00	0.00	0.00	0.00	8,080.00	0.00	0.00
1st Floor	6, 17D	Lobby	6, 17D	Lobby	5,092.00	-13.00	5,079.00	-37.80	5,054.20	-114.48	4,939.72
2nd Floor	17D	3	17D	2 & 1/2 duplex	5,092.00	-6.00	5,086.00	0.00	5,092.00	-143.28	4,948.72
3rd Floor	17D	2	17D	2 & 1/2 duplex	5,092.00	-5.50	5,086.50	-474.33	4,617.67	-141.78	4,475.89
4th Floor	17D	3	17D	3	5,092.00	-14.00	5,078.00	0.00	5,092.00	-131.18	4,960.82
5th Floor	17D	2	17D	2	5,092.00	-21.00	5,071.00	-668.18	4,423.82	-120.08	4,303.74
6th Floor	17D	3	17D	3	5,092.00	-3.00	5,089.00	0.00	5,092.00	-143.18	4,948.82
7th Floor	17D	3	17D	3	5,092.00	-3.00	5,089.00	0.00	5,092.00	-119.78	4,972.22
8th Floor	17D	3	17D	2 & 1/3 triplex	5,092.00	-30.00	5,062.00	0.00	5,092.00	-137.18	4,954.82
9th Floor	17D	2	17D	1/2 dplx & 1/3 tplx	5,092.00	-6.50	5,085.50	-126.55	4,965.45	-126.38	4,839.07
Penthouse	n/a	n/a	17D	1/2 dplx & 1/3 tplx	0.00	0.00	0.00	0.00	1,223.00	-83.92	1,139.08
PH Roof	n/a	n/a	17D	n/a	0.00	0.00	0.00	0.00	291.66	0.00	291.66
<b>Total</b>		<b>21</b>		<b>20</b>	<b>62,128.00</b>	<b>-102.00</b>	<b>45,726.00</b>	<b>-1,306.86</b>	<b>62,335.80</b>	<b>-1,261.24</b>	<b>44,774.56</b>

(\*) Per survey prepared by Earl. B. Lovell - S.P. Belcher, Inc. dated 09/27/1925, and last updated on 02/05/2015 for floors 1 through 9.  
 (\*\*) Per Dob Job # 100497311 approved on August 11, 1994 for legalization of 21 JLWQA  
 (\*\*\*) Per ZRD1 approved on June 10, 2010 for Dob Job # 120156605 for floors 1 through 9, and mechanical floor area survey performed on August 06, 2014.

**ACTIONS REQUESTED:**  
 SPECIAL PERMIT PER ZR-74-711 TO MODIFY HEIGHT AND SETBACK REQUIREMENTS

REVISIONS	
1	04-24-15 DRAFT FOR DCP REVIEW
2	08-26-15 DRAFT FOR DCP REVIEW
3	10-20-15 DRAFT FOR DCP REVIEW
4	12-01-15 DRAFT FOR DCP REVIEW
5	03-09-16 DRAFT FOR DCP REVIEW
6	06-30-16 DCP FILING SET
7	03-10-17 DCP FILING SET - REV
8	03-24-17 DCP FILING SET - REV
9	
10	
11	


AS INDICATED	03/24/17 <small>DATE DRAWING CREATED</small>
<small>SCALE</small>	<small>DRAWN BY</small>

**640 BROADWAY  
 ROOFTOP ADDITION  
 BLOCK: 522, LOT: 14**

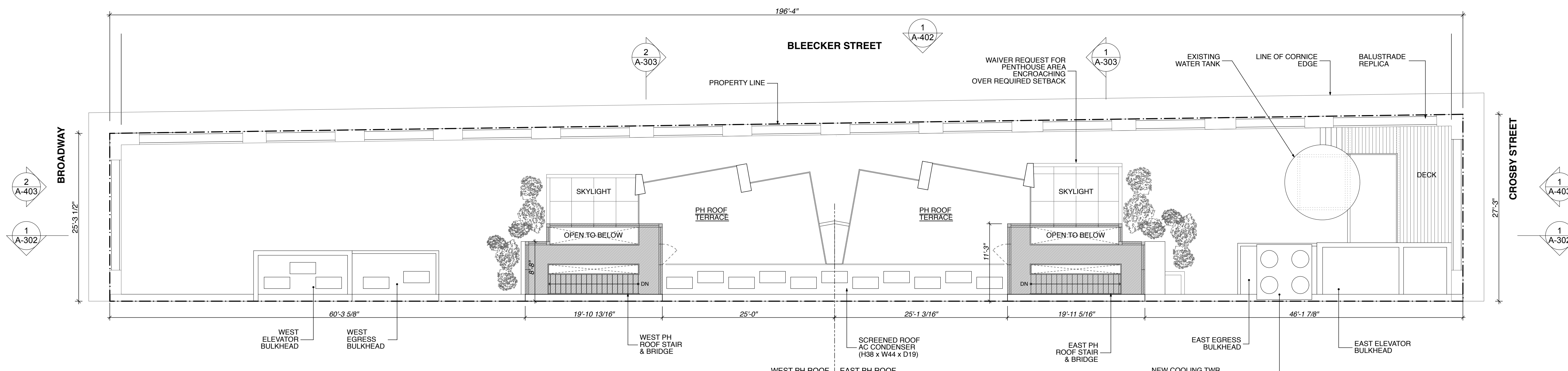
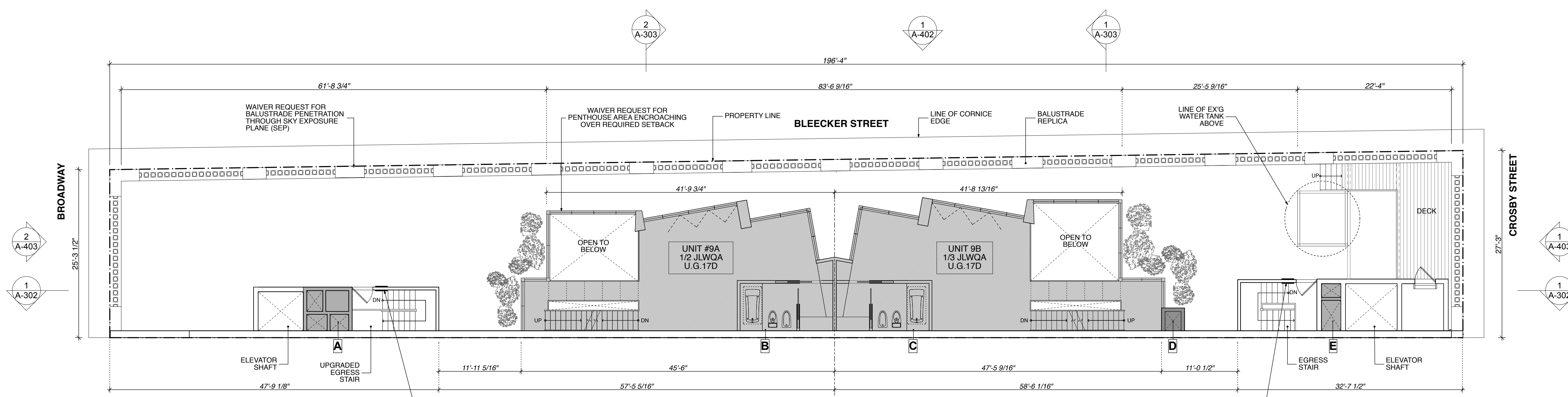
**ZONING ANALYSIS**

**ACADIA REALTY TRUST**  
 411 THEODORE FREMD AVE., RYE, NY

**BONE / LEVINE ARCHITECTS**  
 561 BROADWAY, No. 8D NEW YORK, NY 10012  
 TEL: 212-219-1038 FAX: 212-226-8056

	DRAWING SHEET NUMBER: <h1>Z-100.00</h1>
PAGE: 3 of 25	





**LEGEND**

- SECTION KEY
- ELEVATION KEY
- REALLOCATED FLOOR AREA
- MECHANICAL FLOOR AREA

**ACTIONS REQUESTED:**  
SPECIAL PERMIT PER ZR-74-711 TO MODIFY HEIGHT AND SETBACK REQUIREMENTS

REVISIONS

1	04-24-15 DRAFT FOR DCP REVIEW
2	08-26-15 DRAFT FOR DCP REVIEW
3	10-20-15 DRAFT FOR DCP REVIEW
4	12-01-15 DRAFT FOR DCP REVIEW
5	03-09-16 DRAFT FOR DCP REVIEW
6	06-30-16 DCP FILING SET
7	01-09-17 ISSUE FOR CB2 MTG
8	02-28-17 DCP FILING SET - REV
9	03-10-17 DCP FILING SET - REV
10	03-24-17 DCP FILING SET - REV
11	

AS INDICATED  
DATE DRAWING CREATED: 03/24/17  
DRAWN BY:

PROJECT NAME:  
**640 BROADWAY  
ROOFTOP ADDITION  
BLOCK: 522, LOT: 14**

**PENTHOUSE PLANS  
(PROPOSED)**

DEVELOPER:  
**ACADIA REALTY TRUST**  
411 THEODORE FREMD AVE., RYE, NY

ARCHITECT:  
**BONE / LEVINE ARCHITECTS**  
561 BROADWAY, No. 8D NEW YORK, NY 10012  
TEL: 212-219-1038 FAX: 212-226-8056

SEAL & SIGNATURE: [Architect Seal]  
DRAWING SHEET NUMBER:  
**A-206.00**  
PAGE: 15 of 25

**PENTHOUSE**

MECHANICAL SPACE	
MARK	AREA (sq. ft)
A	44.84
B	3.80
C	3.80
D	11.00
E	20.48
TOTAL DEDUCTIONS	83.92

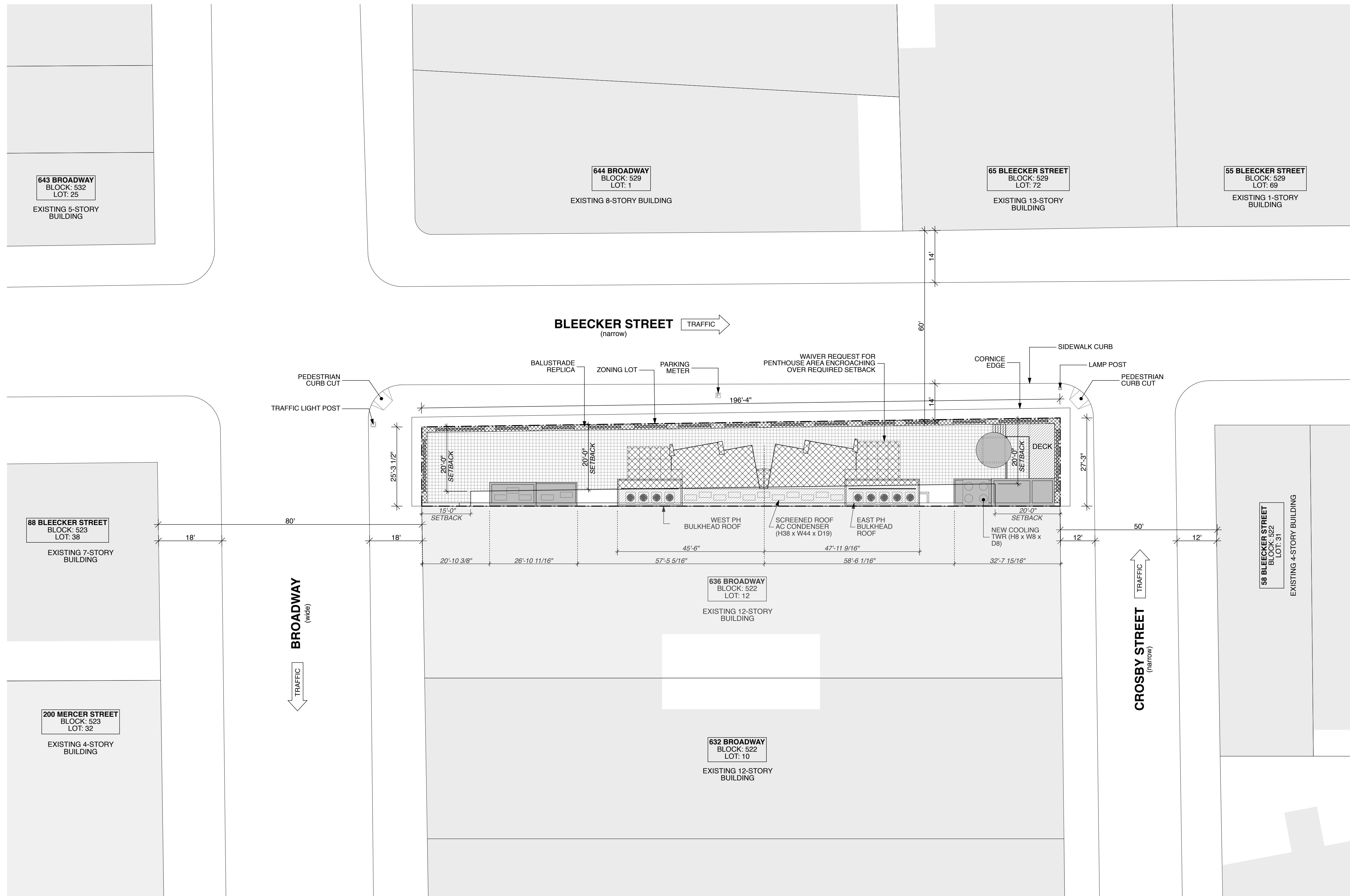
FLOOR AREA CALCULATIONS	
Gross FA:	1,223. sq.ft
Mechanical Space:	83.92 sq.ft
Floor Area Relocation:	. sq.ft
Proposed Zoning FA:	1,139.08 sq.ft

**PENTHOUSE ROOF**

MECHANICAL SPACE	
MARK	AREA (sq. ft)
TOTAL DEDUCTIONS	0.00

FLOOR AREA CALCULATIONS	
Gross FA:	291.66 sq.ft
Mechanical Space:	. sq.ft
Floor Area Relocation:	. sq.ft
Proposed Zoning FA:	291.66 sq.ft





**LEGEND**

- ZONING LOT
- ▷ BUILDING ENTRY AT GRADE (SHOWN FOR ILLUSTRATIVE PURPOSES)
- ADJACENT BLDG OUTLINE
- TAX LOT LINE
- ⊕ SECTION KEY
- ⊖ ELEVATION KEY
- SETBACK LINE AT MAX. BASE HEIGHT
- ▤ EXISTING LEGAL NON-COMPLIANCE TO REMAIN (HEIGHT & SETBACK)
- ▥ NEW ENCROACHMENT WAIVER NEEDED PER ZR 74-711 FOR HT. & SETBACK REGULATIONS
- ▧ NEW CONSTRUCTION NOT REQUIRING WAIVER
- EXISTING ROOFTOP STRUCTURES TO REMAIN

**ACTIONS REQUESTED:**  
SPECIAL PERMIT PER ZR-74-711 TO MODIFY HEIGHT AND SETBACK REQUIREMENTS

REVISIONS	
1	04-24-15 DRAFT FOR DCP REVIEW
2	08-26-15 DRAFT FOR DCP REVIEW
3	10-20-15 DRAFT FOR DCP REVIEW
4	12-01-15 DRAFT FOR DCP REVIEW
5	03-09-16 DRAFT FOR DCP REVIEW
6	06-30-16 DCP FILING SET
7	02-15-17 DCP FILING SET - REV
8	02-28-17 DCP FILING SET - REV
9	03-10-17 DCP FILING SET - REV
10	03-24-17 DCP FILING SET - REV
11	

AS INDICATED	03/24/17 DATE DRAWING CREATED
SCALE	DRAWN BY

**640 BROADWAY ROOFTOP ADDITION**  
BLOCK: 522, LOT: 14

**WAIVER SITE PLAN**

DEVELOPER:  
**ACADIA REALTY TRUST**  
411 THEODORE FREMD AVE., RYE, NY

ARCHITECT:  
**BONE / LEVINE ARCHITECTS**  
561 BROADWAY, No. 8D NEW YORK, NY 10012  
TEL: 212-219-1038 FAX: 212-226-8056

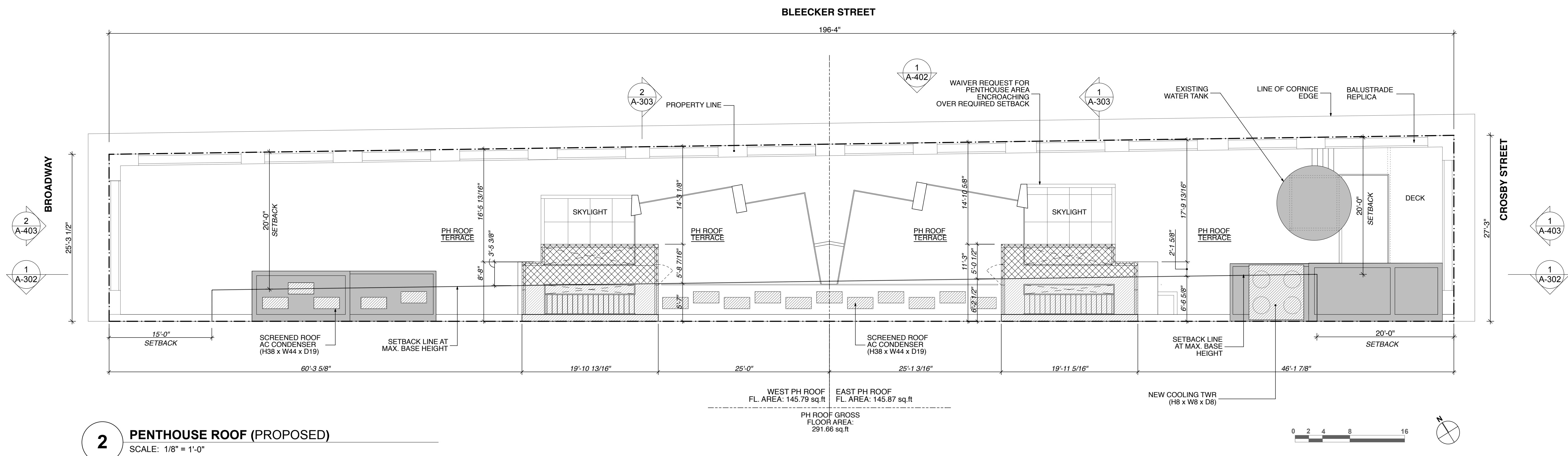
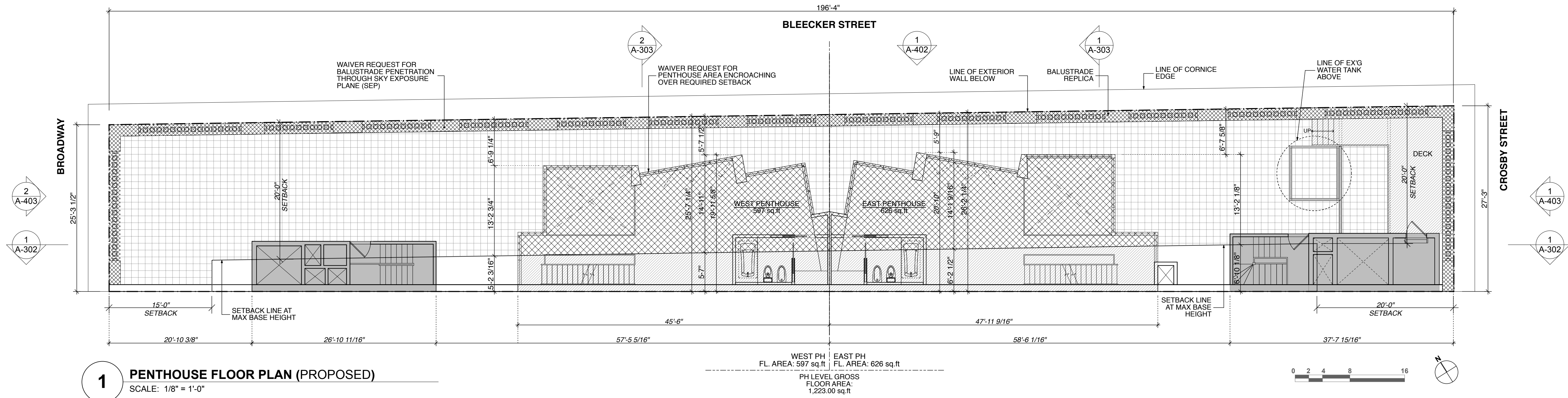
SEAL & SIGNATURE: 	DRAWING SHEET NUMBER: <b>A-300.00</b>
	PAGE: 16 of 25

APPLICANTS STAMP AND SEAL CORRESPONDS TO THE INFORMATION REGARDING THE DEVELOPMENT SITE, ZONING LOT, AND RELATED CURB CUTS. INFORMATION REGARDING THE SURROUNDING PROPERTIES IS FOR ILLUSTRATIVE PURPOSES ONLY.

**1 SITE PLAN**  
SCALE: 1/16" = 1'-0"







**LEGEND**

- SECTION KEY
- ELEVATION KEY
- SETBACK LINE AT MAX. BASE HEIGHT
- EXISTING LEGAL NON-COMPLIANCE TO REMAIN (HEIGHT & SETBACK)
- NEW ENCROACHMENT (WAIVER NEEDED PER ZR 74-711 FOR HT. & SETBACK REGULATIONS)
- NEW CONSTRUCTION NOT REQUIRING WAIVER
- EXISTING ROOFTOP STRUCTURES TO REMAIN

**ACTIONS REQUESTED:**  
SPECIAL PERMIT PER ZR-74-711 TO MODIFY HEIGHT AND SETBACK REQUIREMENTS

REVISIONS

1	04-24-15 DRAFT FOR DCP REVIEW
2	08-26-15 DRAFT FOR DCP REVIEW
3	10-20-15 DRAFT FOR DCP REVIEW
4	12-01-15 DRAFT FOR DCP REVIEW
5	03-09-16 DRAFT FOR DCP REVIEW
6	06-30-16 DCP FILING SET
7	02-15-17 DCP FILING SET - REV
8	02-28-17 DCP FILING SET - REV
9	03-10-17 DCP FILING SET - REV
10	03-24-17 DCP FILING SET - REV
11	

AS INDICATED	03/24/17 DATE DRAWING CREATED
SCALE	DRAWN BY

**640 BROADWAY ROOFTOP ADDITION**  
BLOCK: 522, LOT: 14

**WAIVER PENTHOUSE PLANS**

DEVELOPER:  
**ACADIA REALTY TRUST**  
411 THEODORE FREMD AVE., RYE, NY

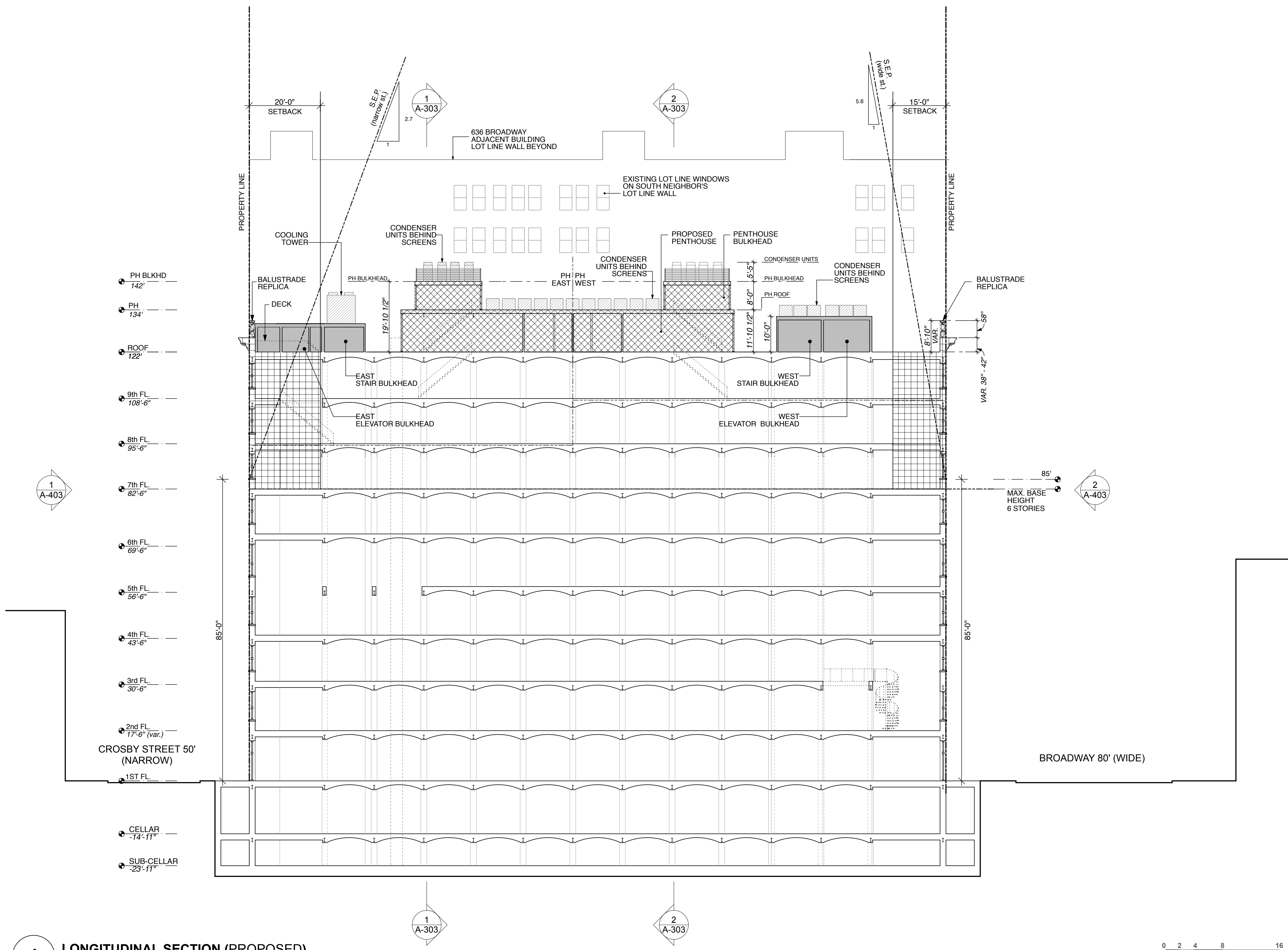
ARCHITECT:  
**BONE / LEVINE ARCHITECTS**  
561 BROADWAY, No. 8D NEW YORK, NY 10012  
TEL: 212-219-1038 FAX: 212-226-8056

SEAL & SIGNATURE:

DRAWING SHEET NUMBER:  
**A-301.00**

PAGE: 17 of 25





**1 LONGITUDINAL SECTION (PROPOSED)**  
SCALE: 1/16" = 1'-0"



LEGEND	
	SECTION KEY
	ELEVATION KEY
	SETBACK LINE AT MAX. BASE HEIGHT
	EXISTING LEGAL NON-COMPLIANCE TO REMAIN (HEIGHT & SETBACK)
	NEW ENCROACHMENT (WAIVER NEEDED PER ZR 74-711 FOR HT. & SETBACK REGULATIONS)
	NEW CONSTRUCTION NOT REQUIRING WAIVER
	EXISTING ROOFTOP STRUCTURES TO REMAIN

**ACTIONS REQUESTED:**  
SPECIAL PERMIT PER ZR-74-711 TO MODIFY HEIGHT AND SETBACK REQUIREMENTS

REVISIONS	
1	04-24-15 DRAFT FOR DCP REVIEW
2	08-26-15 DRAFT FOR DCP REVIEW
3	10-20-15 DRAFT FOR DCP REVIEW
4	12-01-15 DRAFT FOR DCP REVIEW
5	03-09-16 DRAFT FOR DCP REVIEW
6	06-30-16 DCP FILING SET
7	02-15-17 DCP FILING SET - REV
8	02-28-17 DCP FILING SET - REV
9	03-10-17 DCP FILING SET - REV
10	03-24-17 DCP FILING SET - REV
11	

AS INDICATED	03/24/17 DATE DRAWING CREATED
SCALE	DRAWN BY

**640 BROADWAY ROOFTOP ADDITION**  
BLOCK: 522, LOT: 14

PROJECT NAME

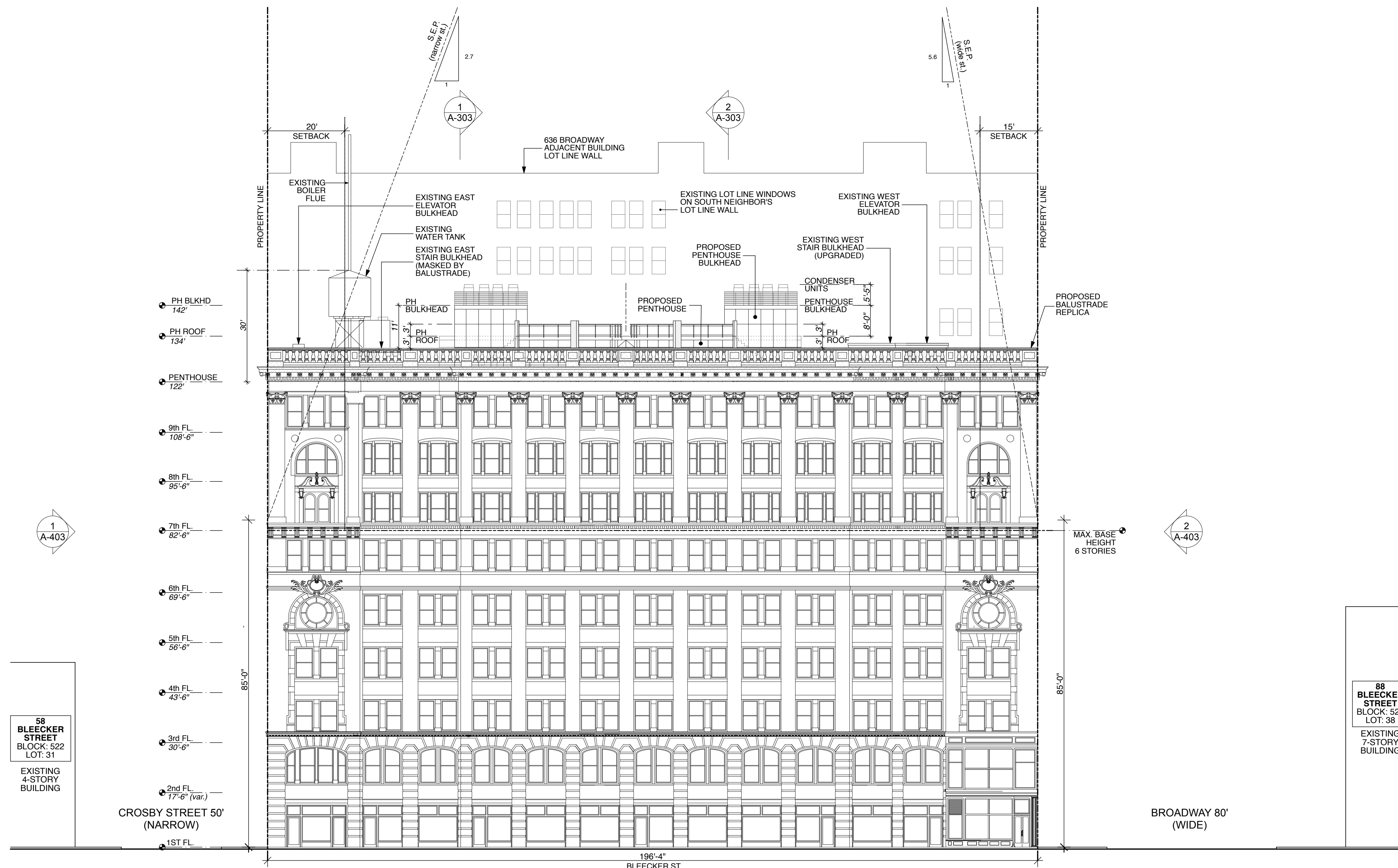
**WAIVER LONGITUDINAL SECTION**

DRAWING TITLE

DEVELOPER:  
**ACADIA REALTY TRUST**  
411 THEODORE FREMD AVE., RYE, NY

ARCHITECT:  
**BONE / LEVINE ARCHITECTS**  
561 BROADWAY, No. 8D NEW YORK, NY 10012  
TEL: 212-219-1038 FAX: 212-226-8056

SEAL & SIGNATURE: 	DRAWING SHEET NUMBER: <b>A-302.00</b>
	PAGE: 18 of 25



**1 NORTH ELEVATION (PROPOSED)**  
SCALE: 1/16" = 1'-0"

LEGEND	
	SECTION KEY
	ELEVATION KEY
	SETBACK LINE AT MAX. BASE HEIGHT

**ACTIONS REQUESTED:**  
SPECIAL PERMIT PER ZR-74-711 TO MODIFY HEIGHT AND SETBACK REQUIREMENTS

REVISIONS	
1	04-24-15 DRAFT FOR DCP REVIEW
2	08-26-15 DRAFT FOR DCP REVIEW
3	10-20-15 DRAFT FOR DCP REVIEW
4	12-01-15 DRAFT FOR DCP REVIEW
5	03-09-16 DRAFT FOR DCP REVIEW
6	06-30-16 DCP FILING SET
7	02-15-17 DCP FILING SET - REV
8	02-28-17 DCP FILING SET - REV
9	03-10-17 DCP FILING SET - REV
10	03-24-17 DCP FILING SET - REV
11	

AS INDICATED	03/24/17 DATE DRAWING CREATED
SCALE	DRAWN BY

**640 BROADWAY ROOFTOP ADDITION**  
BLOCK: 522, LOT: 14

PROJECT NAME

**NORTH ELEVATION (PROPOSED)**

DRAWING TITLE

DEVELOPER:  
**ACADIA REALTY TRUST**  
411 THEODORE FREMD AVE., RYE, NY

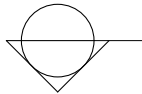
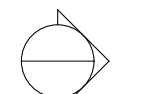

ARCHITECT:  
**BONE / LEVINE ARCHITECTS**  
561 BROADWAY, No. 8D NEW YORK, NY 10012  
TEL: 212-219-1038 FAX: 212-226-8056

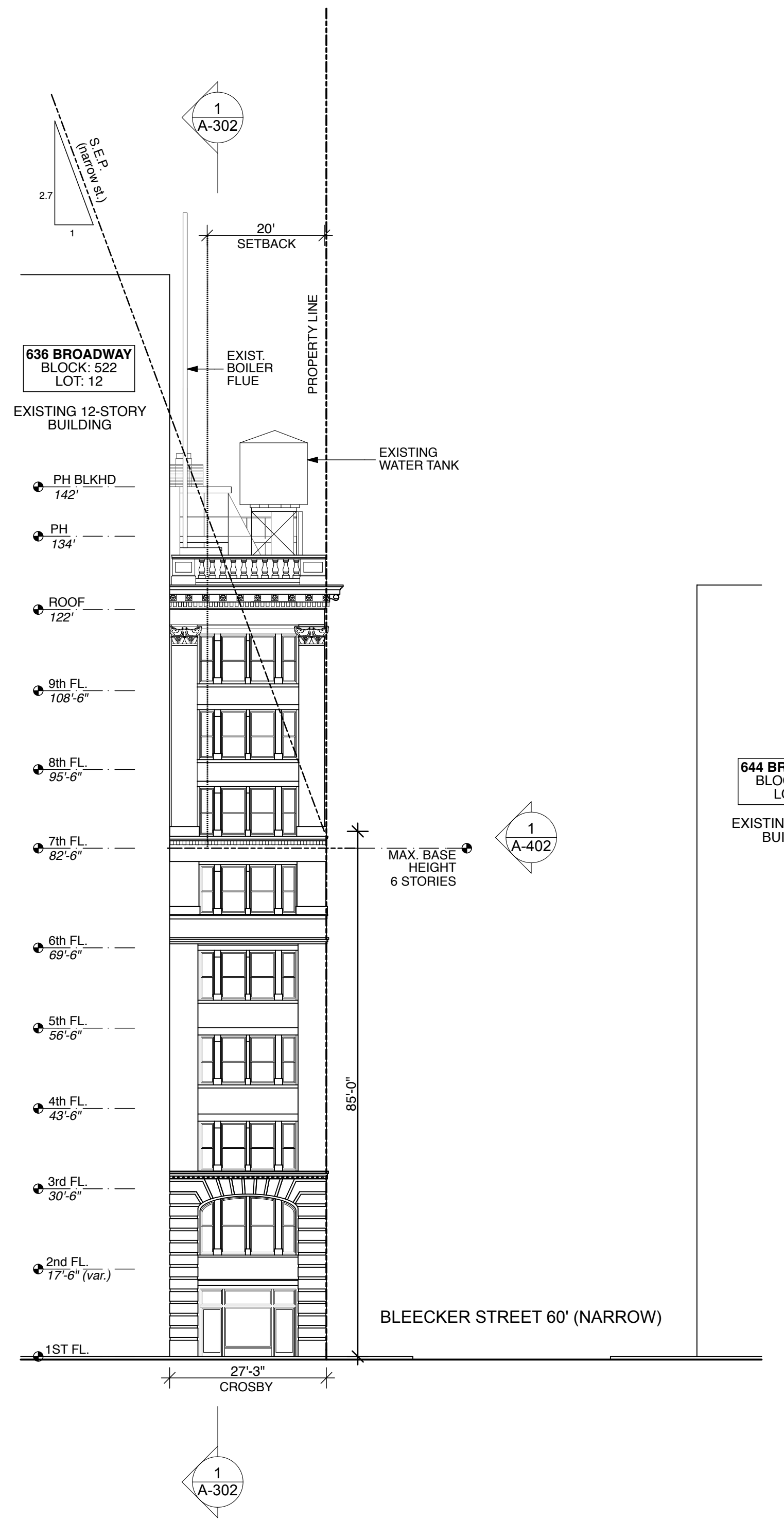
SEAL & SIGNATURE: 	DRAWING SHEET NUMBER: <b>A-402.00</b>
	PAGE: 22 of 25

FOR ILLUSTRATIVE PURPOSES ONLY.

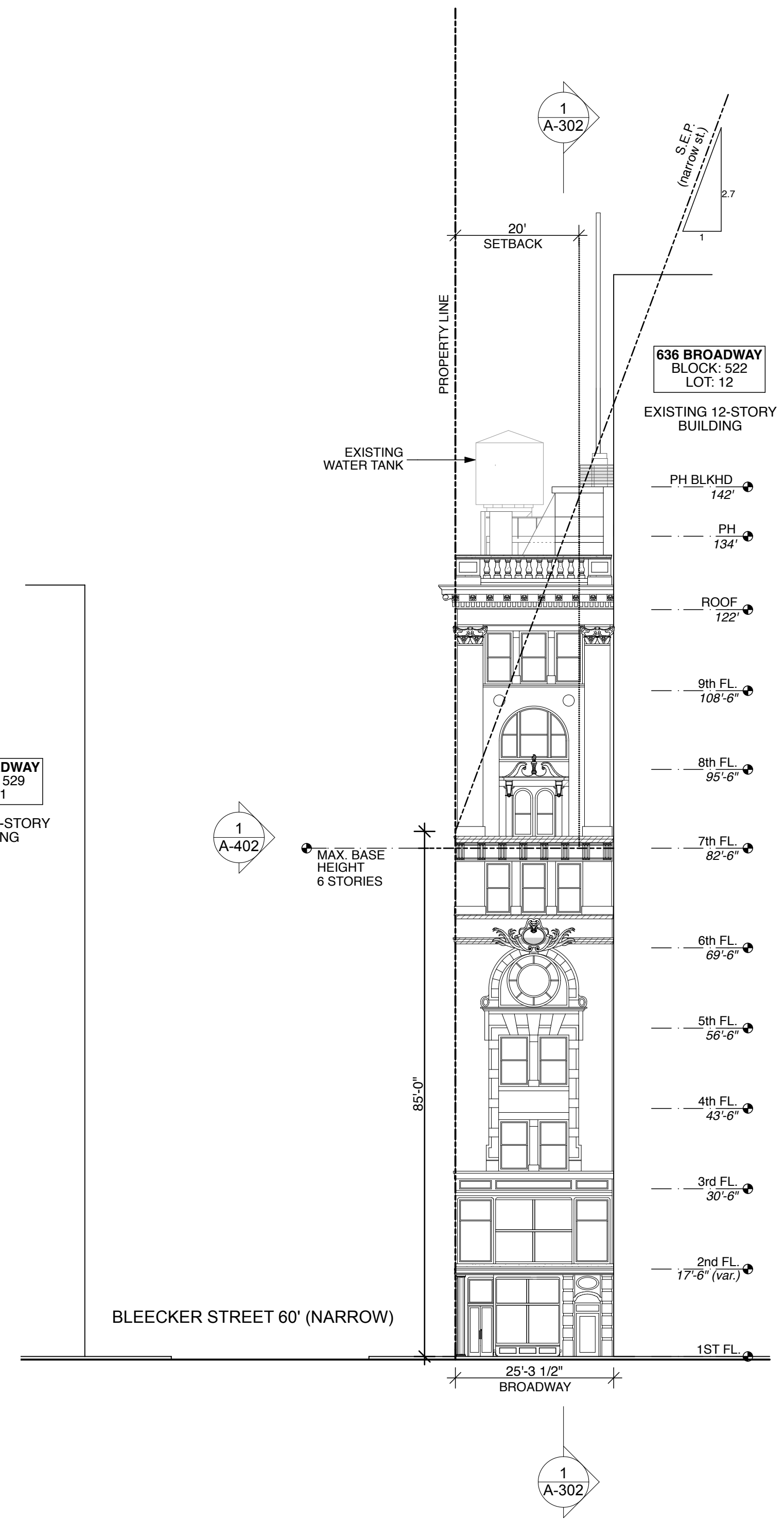
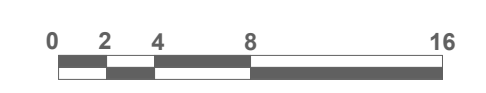


**LEGEND**

 SECTION KEY  
 ELEVATION KEY  
 SETBACK LINE AT MAX. BASE HEIGHT



**1 EAST ELEVATION (PROPOSED)**  
SCALE: 1/16" = 1'-0"



**2 WEST ELEVATION (PROPOSED)**  
SCALE: 1/16" = 1'-0"



**ACTIONS REQUESTED:**  
SPECIAL PERMIT PER ZR-74-711 TO MODIFY HEIGHT AND SETBACK REQUIREMENTS

REVISIONS	
1	04-24-15 DRAFT FOR DCP REVIEW
2	08-26-15 DRAFT FOR DCP REVIEW
3	10-20-15 DRAFT FOR DCP REVIEW
4	12-01-15 DRAFT FOR DCP REVIEW
5	03-09-16 DRAFT FOR DCP REVIEW
6	06-30-16 DCP FILING SET
7	03-10-17 DCP FILING SET - REV
8	03-24-17 DCP FILING SET - REV
9	
10	
11	


AS INDICATED	03/24/17 DATE DRAWING CREATED
SCALE	DRAWN BY

**640 BROADWAY  
ROOFTOP ADDITION  
BLOCK: 522, LOT: 14**

**EAST & WEST  
ELEVATIONS (PROPOSED)**

**DEVELOPER:**  
**ACADIA REALTY TRUST**  
411 THEODORE FREMD AVE., RYE, NY

**ARCHITECT:**  
**BONE / LEVINE ARCHITECTS**  
561 BROADWAY, No. 8D NEW YORK, NY 10012  
TEL: 212-219-1038 FAX: 212-226-8056

SEAL & SIGNATURE: 	DRAWING SHEET NUMBER: <b>A-403.00</b>
	PAGE: 23 of 25

FOR  
ILLUSTRATIVE  
PURPOSES  
ONLY.