



CITY PLANNING COMMISSION  
CITY OF NEW YORK

OFFICE OF THE CHAIRMAN

**NEGATIVE DECLARATION**

**Project Identification**

CEQR No. 17DCP063M

ULURP No. 170182ZSM

SEQRA Classification: Type I

**Lead Agency**

City Planning Commission

120 Broadway, 31<sup>st</sup> Floor

New York, NY 10217

Contact: Robert Dobruskin

(212) 720-3423

**Name, Description and Location of Proposal:**

**1164 Broadway Special Permit**

The Applicant, 1170 Broadway Associates, LLC, is seeking a Special Permit pursuant to NYC Zoning Resolution (ZR) Section 74-711 ("Landmarks Preservation in all Districts") to modify the setback and sky exposure plane requirements set forth in ZR Section 43-43 ("Maximum Height of Front Wall and Required Front Setbacks"). The Special Permit would facilitate a proposal by the Applicant to construct an 8-story (plus penthouse), 19,175 gsf enlargement to a 4-story, 14,353 gsf building located at 1164 Broadway. Collectively, the building located at 1164 Broadway, a 12-story, 106,829 gsf building located at 1170 Broadway and a 4-story, 7,981 gsf building located at 12 West 28<sup>th</sup> Street (Block 829, Lot 50, the "Project Site") comprise the NoMad Hotel and related uses. The Project Site is located on a corner lot (with frontage on West 28<sup>th</sup> Street to the north and Broadway to the west) within a M1-6 zoning district in the Madison Square neighborhood of Manhattan Community District 5.

Pursuant to ZR Section 43-43, developments and enlargements within an M1-6 zoning district along a wide street (such as Broadway) must set back 15 feet from the street line at a height of 85 feet or 6 stories, whichever is less. The slope of the required sky exposure plane above 85 feet is 5.6 to 1. The proposed enlargement would extend the height of the existing street wall at 1164 Broadway to 148'-6" or 12 stories, thereby encroaching on the required setback area and sky exposure plane. The proposed Special Permit would allow for this encroachment and would align the proposed expansion with the adjacent, existing 12-story building at 1170 Broadway. The modified setback and sky exposure plane of the building would conform to the street wall design the NYC Landmarks Preservation Commission ("LPC") has determined is appropriate within the Madison Square North Historic District.

The LPC has determined that the buildings at 1170 Broadway and 12 West 28<sup>th</sup> Street contribute to the Madison Square North Historic District, while the building at 1164 Broadway does not. While the proposed Special Permit would apply to the entire Project Site, the enlargement would affect only the existing non-contributing building located at 1164 Broadway. The buildings at 1164 Broadway and 1170 Broadway would be internally and externally aligned, creating a continuous 12-story streetwall along Broadway for the length of the NoMad hotel. With the proposed expansion, the existing 129,163 gsf NoMad Hotel would contain 148,338 gsf of Use Group 5 hotel and accessory uses and would increase the number of hotel rooms from 168 to 204. No changes to the existing structures located at 1170 Broadway and 12 West 28th Street are anticipated.

On October 27, 2015, the LPC voted to approve the proposed enlargement and to issue a report to the CPC pursuant to ZR Section 74-711 stating that a continuing maintenance program has been established that will result in the preservation of the buildings on the Project Site and that the proposed enlargement contributes to a preservation purpose.

Absent the proposed action, there would be no change to the existing bulk conditions of any of the buildings on the Project Site. Therefore, the existing 129,163 gsf contained on the Project Site would remain. Under this scenario however, floor space would be reconfigured to create 3 new hotel rooms at 1164 Broadway, increasing the number of hotel rooms from 168 to 171. The rear portions of the existing 2nd through 4th floors of 1164 Broadway would be used for accessory office use and guest amenity space. These alterations could be completed as-of-right and do not require discretionary approvals from the LPC or CPC.

The analysis year for the proposed action is 2019.

In order to preclude significant adverse impacts related to hazardous materials and noise, the Proposed Actions include the assignment of an (E) designation (E-411) to the Project Site:

Block 829, Lot 50

The (E) designation text related to hazardous materials is as follows:

**Task 1-Sampling Protocol**

**Prior to construction, the Applicant submits to OER, for review and approval, a Phase II Investigation Protocol/Work Plan, including a description of methods and a site map with all sampling locations clearly and precisely represented.**

**No sampling should begin until written approval of a protocol is received from OER. The number and location of samples should be selected to adequately characterize the site, the specific source of suspected contamination (i.e., petroleum-based contamination and nonpetroleum-based contamination), and the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of the sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.**

**Task 2-Remediation Determination and Protocol**

A written report with findings and a summary of the data must be submitted to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such results, a determination is made by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER.

If remediation is indicated from the test results, a proposed remedial action plan must be submitted to OER for review and approval. The Applicant must complete such remediation as determined necessary by OER. The Applicant should then provide proper documentation to OER that the work has been satisfactorily completed.

An OER-approved construction health and safety plan would be implemented during excavation and construction and activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil and/or groundwater. This plan would be submitted to OER for review and approval prior to implementation.

The (E) designation text related to noise is as follows:

In order to ensure an acceptable interior noise environment, future hotel uses must provide a closed window condition with a minimum of 28 dBA window/wall attenuation on all façades in order to maintain an interior noise level of 45 dBA. In order to maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning or air conditioning sleeves containing air conditioners or HUD approved fans.

With the measures specified above, the Proposed Actions would not result in any significant adverse impacts related to hazardous materials or noise.

**Statement of No Significant Effect:**

The Environmental Assessment and Review Division of the Department of City Planning, on behalf of the City Planning Commission, has completed its technical review of the Environmental Assessment Statement, dated January 11, 2017, prepared in connection with the ULURP Application (No. 170182ZSM). The City Planning Commission has determined that the Proposed Actions will have no significant effect on the quality of the environment.

**Supporting Statement:**

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

1. As part of the proposed project, the Applicant will enter into a Restrictive Declaration with the Landmarks Preservation Commission, agreeing to establish a cyclical maintenance plan that will ensure the continued maintenance of the building. The Restrictive Declaration is binding on the Applicant and the property's successors and assigns, and will be recorded at the New York County Registrar's Office.

The Declaration will require the Declarant to commission a qualified preservation

professional, whose credentials are to be approved by LPC, to undertake inspections every five years of the Designated Building's exterior and such portions of the interior which, if not properly maintained, would cause the Designated Building to deteriorate. The Declarant is required to perform all work identified in the resulting professional reports as being necessary to maintain the Designated Building in a sound, first class condition within stated time periods. Consequently, no significant adverse impact to historic or cultural resources are expected to result from the proposed action.

- 2. The (E) designation for hazardous materials and noise would ensure that the Proposed Actions would not result in significant adverse impacts.
- 3. No other significant effects on the environment which would require an Environmental Impact Statement are foreseeable.

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

Should you have any questions pertaining to this Negative Declaration, you may contact William Pugliese of the Department of City Planning at (212) 720-3334.

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

Date: January 13, 2017

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 Carl Weisbrod, Chairman  
 City Planning Commission

Date: January 17, 2017