



IN THE MATTER OF an application submitted by 640 Broadway Owners Subsidiary II LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the height & setback requirements of Section 43-43 (Maximum Height of Front Wall and Required Front Setbacks); and the recreational space requirements of Section 42-14D(1)(e) for buildings containing joint living-work quarters for artists to facilitate the construction of an enlargement on property located at 640 Broadway (Block 522, Lot 14), in an M1-5B District, within the NoHo Historic District, Borough of Manhattan, Community District 2.

The application was filed on July 7, 2016 for a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the height and setback requirements of Section 43-43 (Maximum Height of Front Wall and Required Front Setbacks), and to modify the rooftop recreational space requirements of Section 42-14D(1)(e), to facilitate the construction of penthouse additions on an existing nine-story building located at 640 Broadway. A revised application was filed on March 27 and March 31, 2017 to reflect changes made subsequent to certification.

BACKGROUND

640 Broadway is located on the south side of Bleecker Street, fronting on Bleecker Street, Broadway and Crosby Street, in the neighborhood of NoHo. The narrow zoning lot measures approximately 5,157 square feet, and is improved with a nine-story building that is overbuilt (8.87 FAR) and rises without setback to a height of 122 feet. According to the NoHo Historic District Designation Report in 1999, the building, also known as the Empire State Bank Building, was designed by DeLemos and Cordes and built in 1896-1897 as a Classical Revival style store, loft and office structure.

According to its certificates of occupancy, from approximately the 1940s to 1970s, the building housed textile manufacturing uses with stores on the ground floor and storage in the cellar. Later, upper floors of the building became residentially occupied out of compliance. In 1988, the building was granted a Residential Loft Occupancy Determination (N 831530 ZJM) by the City Planning

Commission, and was registered with the Loft Board as having Interim Multiple Dwellings (IMDs). The IMD units were fully legalized pursuant to the Loft Law and removed from the Loft Board's jurisdiction in 2009, at which time nine units were registered with DHCR to be permanently rent regulated. The applicant acquired the building in 2012. Currently, the building contains a total of twenty-one units on the upper floors, listed on the Certificate of Occupancy as Use Group 17D Joint Living-Work Quarters for Artists (JLWQA), and legal nonconforming retail uses on the ground floor.

640 Broadway is located within an M1-5B zoning district, which allows 5.0 FAR for commercial uses and light manufacturing uses and 6.5 for community facility uses. JLWQA is allowed as-of-right in buildings that pre-date 1961 and have a lot coverage of less than 5,000 square feet (3,600 square feet on Broadway). Buildings may rise without setback to a maximum base height of 85 feet or six-stories, whichever is less. Above the maximum base height, buildings are required to be set back for 15 feet from the streetline on wide streets and 20 feet on narrow streets, and shall not penetrate the sky exposure planes (5.6 to 1 on wide streets, 2.7 to 1 on narrow streets). Buildings containing 15 or more JLWQA units are required to dedicate a minimum of 30 percent and up to 50 percent of the gross roof area as recreational space accessible to all building tenants.

The building currently has approximately 3,269 square feet of unimproved rooftop open area that meets the rooftop recreational requirement in the M1-5B District. Rooftop access is provided by two narrow stairwells on the eastern and western end of the roof. The roof is also occupied by a water tank, an elevator bulkhead, and lateral bracing for the elevator.

As initially filed, the applicant proposed to construct two penthouse additions (2,278 square feet) to create triplex and duplex units with the units immediately below. Since the existing building is overbuilt (8.87 FAR), the penthouse additions would be facilitated by floor area reallocated from elsewhere in the building, including floor area generated from internal reorganizations and mergers on floors 1, 3, 5 and 9 (approximately 1,307 square feet) and new mechanical deductions throughout the building (approximately 1,075 square feet). As proposed, the building would contain a total of approximately 45,632 square feet of zoning floor area (8.85 FAR) and have a roof height of 134 feet. The proposed penthouses would increase the building's bulk non-

compliance with regard to the height and setback regulations. To facilitate to penthouse additions, the applicant also proposes to eliminate the rooftop recreational space that is currently provided for all building occupants.

Subsequent to certification, the applicant revised the application on March 27 and March 31, 2017 to reduce the size of the penthouses in response to concerns raised during public review. As modified, the proposed penthouse additions would contain about 1,431 square feet of floor area, primarily using floor area generated from the removal of floor spaces to create the double-height market-rate units. Approximately 2,376 square feet of roof area would remain open as recreational space for all building residents.

As proposed, the building's unit count would be reduced to twenty as certain market-rate units would be combined with other existing units or the proposed penthouse additions. According to the applicant, the nine rent regulated units will remain unchanged.

On March 13, 2015, the LPC approved the proposed penthouse additions (Certificate of Appropriateness 16-8911), and issued a report (LPC-168540, MOU 16-8913) stating that a program has been established for continuing maintenance, and that the proposed restorative work required under the program contributes to a preservation purpose. On March 29, 2017, the LPC issued amended Certificate of Appropriateness and report (LPC-19-09903, MISC-19-09903) to reflect the modified land use application.

To facilitate the propose penthouse additions, the applicant requests the grant of a City Planning Commission special permit pursuant to ZR 74-711 to modify the height and setback requirements of Section 43-43 (Maximum Height of Front Wall and Required Front Setbacks).

Once characterized primarily by manufacturing uses, over the years the surrounding NoHo neighborhood has evolved into a dynamic mixed use district. Buildings within the vicinity of the project site are typically loft buildings ranging from five to thirteen stories in height, and contain retail establishments on the ground floor and commercial offices on the upper floors. Many other buildings have been converted to JLWQA, lofts, or Use Group 2 residential use on the upper floors.

The area immediately west of the project site is zoned C6-2, where buildings typically house commercial offices, residences and ground floor retail uses.

ENVIRONMENTAL REVIEW

This application (C 170006 ZSM) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 16DCP087M. The lead agency is the City Planning Commission.

After a study of the potential environmental impacts of the proposed action, a Negative Declaration was issued on November 28, 2016.

On March 31, 2017, a Revised Environmental Assessment Statement (EAS) was issued which describes and analyzes a revision to the proposed action. The Revised EAS concluded that the revised proposed action would not result in any new or different significant adverse environmental impacts from the previous Negative Declaration. A Revised Negative Declaration was issued on April 3, 2015. The Revised Negative Declaration reflects the changes to the proposed actions and supersedes the Negative Declaration issued on November 28, 2016.

UNIFORM LAND USE REVIEW

This application (C 170006 ZSM) was certified as complete by the Department of City Planning on November 28, 2016, and was duly referred to Manhattan Community Board 2 and Manhattan Borough President, in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b).

Community Board Public Hearing

Community Board 2 held a public hearing on this application on January 11, 2017, and on January 19, 2017, by a vote of 32 to 0 with 0 abstentions, adopted a resolution recommending approval of the modified proposal, which was later reflected in the revised application.

Borough President Recommendation

The application was considered by the Borough President, who issued a recommendation approving of the modified proposal on February 27, 2017.

City Planning Commission Public Hearing

On February 22, 2017 (Calendar No. 9), the City Planning Commission scheduled March 8, 2017, for a public hearing on this application (C 170006 ZSM). The hearing was duly held on March 8, 2017 (Calendar No. 25). Four people spoke in favor of the application.

The applicant's land use counsel presented both the original proposal and the modified proposal, which reduced the footprint of the penthouse additions significantly to leave enough unoccupied roof area to meet the recreational space requirements. He also reiterated the Community Board's and the Borough President's favorable recommendations. A representative of the ownership spoke in favor of the application, and clarified that the nine units registered with DHCR would remain rent-regulated in perpetuity pursuant to the Loft Law. The project architect spoke in favor of the application, and stated that the proposed penthouse addition would not block all of the lot line windows of the adjoining office space.

A representative of the Manhattan Borough President reiterated the Borough President's recommendation for approval. There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the grant of this special permit is appropriate.

The Commission notes that on March 27 and March 31, 2017, the applicant filed revised land use application materials to reflect the size and floor area reduction of the proposed penthouses. As modified, the proposed penthouse additions would occupy approximately 1,223 square feet of the roof area, and contain about 1,431 square feet of floor area, primarily using floor area generated from the removal of floor spaces to create the double-height market-rate units. The Commission further notes that the approximately 2,376 square feet of roof area that would remain open as recreational space for all building residents exceeds the zoning requirement of 2,028 square feet of open recreational space.

The Commission notes that by voluntarily reducing the size of the penthouse additions and withdrawing the request to modify the recreational space requirements of Section 42-14D(1)(e), the applicant addressed the concerns raised by the Commission and Community Board 2 about the loss of an existing rooftop recreational space that has been in place for decades. The Commission believes that absent such revision to the original proposal, an existing open space on the project site would be eliminated and that the proposed project would be inconsistent with the special permit finding that “bulk modifications shall have minimal adverse effects on [...] open space in the vicinity in terms of scale, location and access to light and air.”

The Commission is pleased that, while the Zoning Resolution does not require that the rooftop recreational space be improved, the applicant has committed to implementing landscaping and a deck on portions of the roof as amenities, and posting clear and visible signage in the building informing building residents of the recreational space. The Commission recognizes that the rooftop space is grandfathered to be non-ADA-compliant, but strongly encourages the applicant to improve the accessibility to the roof so that the amenities could benefit more building residents.

The Commission is in receipt of a report from the Landmarks Preservation Commission (LPC) stating that it has reviewed the proposal and that the proposed bulk modifications relate harmoniously to the subject building and the surrounding area. The City Planning Commission notes that the proposed penthouse additions are modest in scale and not visible from street level, and believes that the modification of bulk would have minimal adverse effects on structures or open space in the vicinity in terms of scale, location and access to light and air.

The Commission further notes that the LPC report also states that a program has been established for continuing maintenance that will result in the preservation of the building, and that the required restoration work under the continuing maintenance program contributes to a preservation purpose. The continuing maintenance program is contained within a restrictive declaration entered into in connection with this application. The Commission believes that the renovation and preservation of 640 Broadway, to be accomplished as a result of the special permit, will enhance the architectural and historic fabric of the NoHo Historic District.

The Commission notes that despite the reduction in the size of the proposed penthouse additions, no changes would be made to the continuing maintenance plan or the restoration work approved by the Landmarks Preservation Commission.

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 74-711 (Landmark preservation in all districts) of the Zoning Resolution:

- (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
- (2) [This finding is not applicable; no use modification is being requested]

RESOLUTION

RESOLVED, that the City Planning Commission finds that the actions described herein will have no significant impact on the environment; and be it further

RESOLVED, by the City Planning Commission, pursuant to Sections 197-c and 200 of the New York City Charter, that based on the environmental determination, and the consideration and findings described in this report, the application submitted by 640 Broadway Owners Subsidiary II LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-711 of the Zoning Resolution to modify the height and setback requirements of Section 43-43 (Maximum Height of Front Wall and Required Front Setbacks) to

allow penthouse additions on an existing nine-story building on property located at 640 Broadway (Block 522, Lot 14), in an M1-5B District, within the NoHo Historic District, Borough of Manhattan, Community 2, is approved subject to the following terms and conditions:

1. The property that is the subject of this application (C 170006 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Bone/Levine Architects filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
G-002.00	Site Plan	03-24-17
Z-100.00	Zoning Analysis	03-24-17
A-206.00	Penthouse Plans (Proposed)	03-24-17
A-300.00	Waiver Site Plan	03-24-17
A-301.00	Waiver Penthouse Plans	03-24-17
A-302.00	Waiver Longitudinal Section	03-24-17
A-303.00	Waiver Cross Section	03-10-17

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this resolution and the restrictive declaration described below and any subsequent modifications to either document shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or

cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.

5. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
6. Development pursuant to this resolution shall be allowed only after the restrictive declaration dated April 4, 2017, executed by the Board of Managers of the 640 Broadway Condominium on behalf of 640 Broadway Owners Subsidiary II LLC, the terms of which are hereby incorporated in this resolution, shall have been recorded and filed in the Office of the Register of the City of New York, New York County.
7. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution and the attached restrictive declaration whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure or breach of any of the conditions as stated above, may constitute grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, renewal or extension of the special permit hereby granted or of the attached restrictive declaration.
8. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

The above resolution (C 170006 ZSM), duly adopted by the City Planning Commission on April 5, 2017 (Calendar No. 17), is filed with the Office of the Speaker, City Council, and the Borough

President together with a copy of the plans of the development, in accordance with the requirements of Section 197-d of the New York City Charter.

MARISA LAGO, *Chair*

**RAYANN BESSER, IRWIN G. CANTOR, P.E., ALFRED C. CERULLO III,
JOSEPH I. DOUEK, RICHARD W. EADDY, CHERYL COHEN EFFRON,
HOPE KNIGHT, ANNA HAYES LEVIN, ORLANDO MARIN, LARISA ORTIZ,**

Commissioners

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Dan Miller, *First Vice Chair*
Susan Kent, *Second Vice Chair*
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*
Keen Berger, *Secretary*
Erik Coler, *Assistant Secretary*

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January 23, 2017

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

Dear Mr. Weisbrod:

At its Full Board meeting on January 19, 2017, CB#2, Manhattan (CB#2-Man.), adopted the following resolution:

170006ZSM - 640 Broadway (SE corner of Bleecker St): Application for a Section 74-711 special permit to modify the height and setback regulations and the recreational space requirements to facilitate the construction of two penthouse additions.

Whereas:

1. This applicant seeks a special permit pursuant to ZR 74-711 to modify the height and setback regulations of ZR 43-43 and a waiver of recreational space requirements (ZR 42-14) to facilitate the construction of two penthouse additions containing a total of 2,288 square feet of floor area reallocated from elsewhere in the existing nine-story plus cellar and sub-cellar building located in an M1-5B zoning district (NoHo Historic District).
2. The building currently has 21 JLWQA units on floors 2-9 with UG6 on the first floor (retail stores plus an eating/drinking establishment), which are unaffected by this application.
3. In response to the Committee's request at the public hearing on December 14, 2016 to reduce the size of the two penthouses in order to provide rooftop recreation space, the penthouses were reduced from approximately 2,100 gross SF to approximately 1,200 gross SF combined.
4. Penthouses are not visible from any street.
5. There is now enough space to provide the required rooftop recreation space in compliance with DOB's requirements, so the applicant is no longer seeking a waiver of the rooftop recreation space requirement; only the waiver of the height and setback requirements for the penthouses is being sought.
6. Applicant will be upgrading access to the roof with a new staircase on the western side.
7. Applicant is also open to adding a staircase elevator to address handicap access.
8. No one from the public appeared in opposition to this application.

Therefore CB2, Man. recommends approval of this application.

Vote: Unanimous, with 32 Board members in favor.

Please advise us of any decision or action taken in response to this resolution.

Sincerely,



Terri Cude, Chair
Community Board #2, Manhattan



Anita Brandt, Chair
Land Use & Business Development Committee
Community Board #2, Manhattan

TC/fa

c: Hon. Jerrold L. Nadler, Congressman
Hon. Deborah Glick, Assembly Member
Hon. Daniel Squadron, NY State Senator
Hon. Gale A. Brewer, Manhattan Borough President
Hon. Margaret Chin, Council Member
Sylvia Li, Dept. of City Planning



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Gale A. Brewer, Borough President

February 27, 2017

**Recommendation on ULURP Application C 170006 ZSM – 640 Broadway
By 640 Broadway Owners LLC**

640 Broadway Owners LLC (“the applicant”) seeks a special permit pursuant to Section 74-711 of the Zoning Resolution (“ZR”) to modify height and setback requirements¹ to facilitate the construction of two penthouse additions on an existing 9-story building at 640 Broadway (Block 522, Lots 1101 and 1102 f/k/a 14) located in an M1-5B district within the NoHo Historic District in Community Board 2, Manhattan.

Pursuant to ZR § 74-711, applicants may request a special permit to modify the use regulations of zoning lots that contain landmarks or are within Historic Districts as designated by the Landmarks Preservation Commission (“LPC”). In order for the City Planning Commission (“CPC”) to grant use modifications, the applicant must first meet the following conditions:

- 1) LPC has issued a report stating that the applicant will establish a continuing maintenance program for the preservation of the building and that such modification or restorative work will contribute to a preservation purpose;²
- 2) The application shall include a Certificate of Appropriateness, other permit, or report from LPC stating that such bulk modifications relate harmoniously to the subject landmark building in the Historic District;³
- 3) The maximum number of permitted dwelling units is as set forth in ZR § 15-111.⁴

Further, in order to grant a special permit, the CPC must find that:

- 1) The 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;
- 2) Such modifications shall have minimal adverse effects on the conforming uses within the building and in the surrounding area.

¹ The application certified on November 28, 2016 included (2) waivers – one for height and setback and for recreation space. On January 18, 2017 following CB2 review, the applicant submitted a revised application to the Department of City Planning proposing a reduction in the penthouse area and a waiver for height and setback only.

² The LPC issued a report, MOU 16-8913 dated March 13, 2015.

³ The LPC issued a Certificate of No Effect (CNE 16-8910) and the Certificate of Appropriateness (COFA #16-8911) on March 13, 2015.

⁴ The proposal is for a duplex and triplex unit which will reduce the 21 units of Joint Living Work Quarters to 20 units. This is below the maximum permitted number of dwelling units, 62, set forth in Section 15-111.

PROJECT DESCRIPTION

The applicant seeks a special permit pursuant to ZR § 74-711 to modify the height and setback regulations of ZR § 43-43 to facilitate the construction of two penthouse additions, one duplex and one triplex, containing 1,223 square feet of floor area reallocated from elsewhere in an existing nine-story plus cellar plus sub-cellar building with 21 JLWQA units and ground floor commercial uses located at 640 Broadway. The proposal, which would combine existing units 8C and 9B to facilitate the triplex unit and combine unit 9A with the penthouse, would eliminate 1 market-rate unit from the existing 21 units. The existing six rent-stabilized units and one certified artist unit would not be affected.

The project site is located within an M1-5B district which permits light manufacturing, commercial and community facility uses; joint-live working quarters are permitted as a light manufacturing use. Use Group 7, 9, 11, 16, 17A, 17B, 17C and 17D are permitted below the second story as-of-right. The manufacturing and commercial maximum floor area ratio (FAR) is 5.0 and the community facility FAR is 6.5. The project site's lot area is 5,157 square feet of which the building covers 5,092 square feet. The building is legally non-compliant with an 8.87 FAR and rises without setback to 122 feet penetrating the sky exposure plane.

Background

640 Broadway was designed by the architecture firm DeLemos & Cordes in the Classical Revival Style between 1896 and 1897 for B. Lichtenstein as a replacement of a smaller loft building for the Empire State Bank Building. According to the NoHo Historic District report, the building was constructed as a store, office and loft building serving multiple uses until 1976. In 1943, the building was used to manufacture towels, window cleaners, millinery, gloves, shoes and packaging of confections. In 1965, the ground floor was used as a barber shop and shoemaker and on the upper floors, dresses, buttons and badges were manufactured. By 1976, the building was occupied by an interior design firm, an offset press, a food and vitamin distributor and an importer.

In 1988, the owner was approved by the CPC for a special permit pursuant to ZR §74-782 for residential use on floors 2 through 9 of the building. The building was converted to JLWQA use per Article 1, Chapter 5 of the ZR.⁵ The 2008 Certificate of Occupancy notes that pursuant to Article 7-C of the Multiple Dwelling Law, 20 of the 21 existing JLWQA units can be occupied by non-certified artists in accordance with the 1987 amendment to the definition of JLWQA. Currently, the one required certified-artist occupied JLWQA unit and one non-required unit are occupied by artists certified by the New York City Department of Cultural Affairs.

Area Context

The project site is located in a M1-5B zoning district in the NoHo Historic District in Community District 2, Manhattan. The NoHo Historic District was designated by LPC in 1999, and was historically the retail and wholesale dry goods commercial center. The district consists of one hundred and twenty-five buildings with marble, cast-iron, limestone, brick and terra-cotta facades commissioned by acclaimed architects and constructed between 1850 and 1910. The

⁵ Application No. N 831530 ZJM was approved for a Determination of Residential Loft Occupancy.

project area is adjacent to the NoHo Historic District Extension, designated in 2008 as an effort to extend the protection of the distinctive historic commercial and manufacturing district of mid-rise store-and-loft, institutional and civic buildings developed in the 19th and early 20th centuries. Further southeast of the site is the NoHo East Historic District, designated in 2003, which includes residential, commercial and institutional buildings, built in the mid-19th century.

The neighborhood generally consists of six to twelve-story buildings, with the greatest density at the block corners. Most of the buildings are JLVQA, residential and commercial on the upper floors with ground floor retail uses. On the west side of Broadway is a block-wide C6-2 zoning district which extends from West Houston Street north to Waverly Place. A C1-7 zoning district is located west of Mercer Street and a C6-3 zoning district is southeast of the project site to the east of Lafayette Street.

The project site is served by the No. 6 Bleecker Street subway located one block east and the Broadway-Lafayette Street B/D/F/M subway one block southeast of the site. The southbound M55 bus is located west of the site on Broadway and the M21, X7, X9 and X10B are south of the site along West/East Houston Street.

Proposed Actions

The applicant seeks a special permit pursuant to ZR § 74-711 to modify the height and setback regulations of ZR §43-43 to facilitate the construction of two penthouse additions totaling 1,223 square feet of floor area relocated within an existing nine-story plus cellar and sub-cellar building.

As described in the application materials, LPC's Certificate of Appropriateness and Certificate of No Effect reports, the proposed scope of work will ensure the building is maintained in a sound, first-class condition and reinforce the architectural and historic character of the building streetscape and the historic district. The restoration program includes installation of a replica of the historic balustrade in fiberglass at the roof, restoring the entablature at the ground floor Broadway entrance, masonry and terracotta repairs at all facades, removal of non-historic windows, installing new windows, repairment of the special circular shaped windows on the Crosby and Broadway façade.

COMMUNITY BOARD RECOMMENDATION

The application certified on November 28, 2016 was to modify height and setback requirements of Section 43-43 and the recreational space requirements of Section 42-14D(1)(3) for buildings containing joint living-work quarter for artists to facilitate the construction of an enlargement on property located at 640 Broadway. Following a discussion at Manhattan Community Board 2 to provide recreational space to all tenants, the applicant reduced the size of the penthouses. The recreation space proposal is now compliant with the Department of Building's requirements. At its Full Board meeting on January 19, 2017, Manhattan Community Board 2 ("CB2") voted unanimously to approve the application. .

BOROUGH PRESIDENT'S COMMENTS

The NoHo Historic District consists of ornate store and loft buildings constructed from the 1850s through the early 1900s and represents New York City's major retail and wholesale dry goods

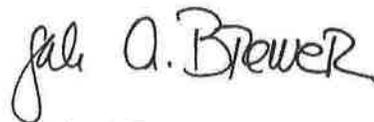
history. The existing building at 640 Broadway was originally constructed as a bank but has a multi-use history, for manufacturing clothes, buttons, gloves and various store and office uses (throughout the nine-story plus cellar and sub-cellar building). In 1988, the building converted the upper floors to JLWQA use and has consistently maintained ground floor commercial uses.

The applicant is seeking a special permit pursuant to ZR § 74-711 to modify the height and setback regulations of ZR §43-43 to facilitate the construction of two penthouse additions – one duplex and one triplex unit – totaling 1,223 square feet of existing floor area relocated from within the building. The original proposal included a waiver of the recreational space requirement but per the Community Board’s suggestion to maintain access for all tenants to recreational space, the applicant revised their proposal. The applicant provided our office with a letter outlining the modifications to their application dated February 13, 2017. In order to grant the waiver associated with this special permit, the applicant must ensure the property will be properly rehabilitated and maintained in perpetuity. The LPC has determined the proposed restoration and maintenance plan will contribute to a preservation purpose and that the penthouse additions will be in character of the existing rooftop structures and will be minimally visible to the public.

Although this office has repeatedly raised concerns over the continued use of special permits to eliminate conforming uses in favor of residential use in the SoHo and NoHo historic districts, the subject building will not eliminate manufacturing space or JLWQA use which has often been a concern raised in similar applications. In addition, approval of this special permit would not create significant adverse zoning impacts in the NoHo Historic District.

BOROUGH PRESIDENT’S RECOMMENDATION

Therefore, the Manhattan Borough President recommends approval of ULURP Application NO. C 170006 ZSM.



Gale A. Brewer
Manhattan Borough President