

REVISED NEGATIVE DECLARATION – supersedes the Negative Declaration issued April 5, 2021*

Statement of No Significant Effect

Pursuant to Executive Order 91 of 1977, as amended, and the Rules of Procedure for City Environmental Quality Review, found at Title 62, Chapter 5 of the Rules of the City of New York and 6 NYCRR, Part 617, State Environmental Quality Review, the Department of City Planning acting on behalf of the City Planning Commission assumed the role of lead agency for the environmental review of the proposed actions. Based on a review of information about the project contained in this environmental assessment statement (EAS) and any attachments hereto, which are incorporated by reference herein, the lead agency has determined that the proposed actions would not have a significant adverse impact on the environment.

Reasons Supporting this Determination

The above determination is based on information contained in this revised EAS, which finds the proposed actions sought before the City Planning Commission would not have a significant adverse impact on the environment. Reasons supporting this determination are noted below.

Land Use, Zoning, and Public Policy

A detailed analysis of land use, zoning, and public policy is included in the EAS. The applicant, Windermere Properties LLC, is seeking a special permit pursuant to Zoning Resolution (ZR) Section 74-711 to facilitate the proposed conversion, alteration, and enlargement of the currently vacant Windermere apartment building, a New York City Landmark (NYCL). The Windermere building is located at 400-406 West 57th Street on the southwest corner of Ninth Avenue and West 57th Street in the Clinton neighborhood of Manhattan (Block 1066, Lot 32). The proposed action would facilitate the conversion and expansion of the vacant Windermere building to mixed commercial and residential use. The Windermere building, which predates zoning, includes several features that are not in compliance with current zoning regulations; therefore, the proposed project requires a special permit pursuant to ZR Section 74-711 to allow for zoning modifications and waivers relating to bulk and use. The proposed project would retain existing ground-floor retail space within the Windermere building plus the other commercial and residential uses would be consistent with existing land uses in the study area and would not result in any significant adverse land use impacts. It is not feasible to bring the building into compliance with zoning without significantly affecting certain components of the Windermere building's historic character. Therefore, in keeping with ZR Section 74-711, the proposed zoning waivers would facilitate the continuing maintenance and protection of the landmarked Windermere building, and the proposed project would not result in any significant adverse impacts related to zoning. The proposed alterations and enlargement to the Windermere building are subject to the review and approval of the Landmarks Preservation Commission (LPC); furthermore, the proposed project would support citywide and local policies focused on preserving residential space, particularly in the Clinton neighborhood, and providing new affordable residential units. Therefore, the proposed project would not result in any significant adverse public policy impacts. Overall, the proposed project would not result in significant adverse impacts to land use, zoning, or public policy.

Shadows

A detailed analysis related to shadows is included in this EAS. The proposed action would result in new shadow cast on two resources, Balsley Park and the Catholic Apostolic Church. Balsley Park would be cast in new shadow in the afternoon on June 21. The duration and geographic extent of new shadow on the resource would be short and relatively small compared with the total size of the affected resource. The new shadow would not result in a substantial reduction of sunlight availability to vegetation within the park and would not substantially reduce the usability of its features. The sunlight-sensitive features on the southern-facing façade of the Catholic Apostolic Church would be cast in new shadow on the morning of December 21. The short duration of shadow cast by the proposed project would not substantially reduce the quantity of direct sunlight on the façade and would not significantly alter enjoyment of the sunlight-sensitive architectural features. The analysis concludes that the new shadow cast by the proposed project would not be long enough in duration to result in a significant adverse shadow impact on any sunlight-sensitive resources.

Historic and Cultural Resources

A detailed analysis related to historic and cultural resources is included in this EAS. Historic and cultural resources include both archaeological and architectural resources. Landmarks Preservation Commission (LPC) was consulted as part of this environmental review and they determined that the project site has no archaeological significance; therefore, this analysis focuses on architectural resources only. The Windermere building was designated as a New York City Landmark (NYCL) in 2005 and has been vacant since 2007. The Windermere building is also eligible for listing on the State and National Registers of Historic Places. As required by the Landmarks Law, the applicant has undertaken restoration and repair work on the building since taking ownership of the property so to bring the building to a state of good repair; this work has been done under oversight by LPC through a series of LPC-issued Certificates of No Effect. Furthermore, because the Windermere is a NYCL, the proposed alterations and enlargement of the Windermere are subject to the review and approval of LPC through Certificate of Appropriateness (CofA) approval process. LPC issued a CofA to the applicant for design approval of the proposed alterations to the building (which includes the courtyard modifications and rooftop addition) on July 7, 2017; the applicant is in the process of renewing this CofA approval. Therefore, no direct adverse impacts to the Windermere building would be expected with the proposed project.

*This Revised Negative Declaration (prepared in accordance with a Revised EAS) supersedes the Negative Declaration issued on April 5, 2021. Since certification of the project's land use application on April 5, 2021, the Applicant has revised the application to include an enclosed restaurant in the proposed partial ninth floor in Scenario B-Office instead of office use in that space (the proposed modification). The Revised EAS incorporates an analysis of the proposed modification in Appendix C. As described in the Revised EAS Appendix C, the proposed modification would not alter the conclusions of the original environmental review, which found no significant adverse impacts.

Project Name: The Windermere

CEQR # 19DCP016M

SEQRA Classification: Unlisted

The proposed project would not result in any physical impacts to study area historic architectural resources as there are no such resources within 90 feet of the project site. The former Catholic Apostolic Church is located in close proximity of the Windermere building and, with the proposed project in place, it would substantially improve the context of the church as the Windermere building would be fully restored and returned to active use. The Parc Vendome Condominiums, a second nearby historic resource, would not be adversely affected by the proposed project, as the buildings' primary facades are not oriented toward the Windermere building. Therefore, the proposed project would not result in any significant adverse impacts to any architectural resources in the area. With regard to shadows, as indicated above, the proposed project would result in new shadow cast on the Catholic Apostolic Church; however, the new shadow would not be long enough in duration to result in a significant adverse shadow impact on any sunlight-sensitive architectural features of the church. Overall, the proposed project would not result in any significant adverse impacts to historic and cultural resources.

No other significant effects upon the environment that would require the preparation of a Draft Environmental Impact Statement are foreseeable. This revised Negative Declaration has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law (SEQRA). Should you have any questions pertaining to this revised Negative Declaration, you may contact DIANE MCCARTHY at +1 212-720-3417.

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