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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

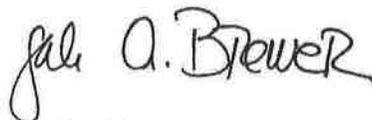
history. The existing building at 640 Broadway was originally constructed as a bank but has a multi-use history, for manufacturing clothes, buttons, gloves and various store and office uses (throughout the nine-story plus cellar and sub-cellar building). In 1988, the building converted the upper floors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