

Borough President Recommendation

City Planning Commission
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INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representative as indicated on the Notice of Certification.

Docket Description: C 170182 ZSM

IN THE MATTER OF an application submitted by 1170 Broadway Associates, 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) to facilitate the 8-story and penthouse enlargement of an existing 4-story commercial building, on property located at 1164-1170 Broadway a.k.a. 12 West 28th Street (Block 829, Lot 50), in an M1-6 District, within the Madison Square North Historic District.

COMMUNITY BOARD NO: 5

BOROUGH: Manhattan

RECOMMENDATION

- APPROVE
- APPROVE WITH MODIFICATIONS/CONDITIONS (List below)
- DISAPPROVE
- DISAPPROVE WITH MODIFICATIONS/CONDITONS (Listed below)
- EXPLANATION OF RECOMMENDATION – MODIFICATION/CONDITIONS (Attach additional sheets if necessary)

See Attached

John A. Brewer

March 29, 2017

BOROUGH PRESIDENT

DATE



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THE CITY OF NEW YORK

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Gale A. Brewer, Borough President

March 29, 2017

**Recommendation on
ULURP Application No. C 170182 ZSM – 1164 Broadway
by 1170 Broadway Associates, LLC**

PROPOSED ACTIONS

1170 Broadway Associates, LLC (the “applicant”) seeks approval of a **special permit** pursuant to Section 74-711 of the New York City Zoning Resolution (“ZR”) to modify the height and setback regulations of ZR § 43-43 in order to facilitate the construction of an eight-story addition to the existing four-story structure at 1164 Broadway (Block 829, Lot 50) in an M1-6 zoning district in Manhattan Community District Five. This project site also lies within the Madison Square North Historic District.

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;¹
- 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;²
- 3) The maximum number of permitted dwelling units is as set forth in ZR § 15-111.³

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 LPC issued a report, MOU 19-4603 dated October 31, 2016.

² The LPC issued a Certificate of No Effect (CNE 19-4604) on October 31, 2016. The Certificate of Appropriateness (COFA #19-4602) was also issued on October 31, 2016.

³ This condition is not applicable as the proposal does not contain any dwelling units.

PROJECT DESCRIPTION

The applicant is seeking a special permit pursuant to ZR § 74-711 to facilitate the construction of an eight-story addition, plus a penthouse, to the four-story structure at 1164 Broadway. The project site occupies the same Tax Lot as 1170 Broadway and 12 West 28th Street, and together the three buildings currently house the NoMad Hotel and related uses. The project site is located at Lot 50 of Block 829, and bounded by Broadway to the west, West 28th Street to the north, Fifth Avenue to the east, and West 27th Street to the south.

On October 31, 2016, the LPC issued a Certificate of Appropriateness (COFA 19-4602) approving the current proposed enlargement for the structure at 1164 Broadway and the restoration plan for the existing structures at 1170 Broadway and 12 West 28th Street, both of which are contributing buildings in the Madison Square North Historic District. The exterior work to the contributing buildings include restorative work approved under two Certificates of No Effect (11-8453 and 19-4604), approved on April 8, 2011 and October 31, 2016, respectively. The scope of work will cover patching of deteriorated limestone, repair of the sheet metal cornice, replacement in kind of copper for the corner cupola tower, the repair and replacement in kind of deteriorated steel lintels and spandrels and associated masonry, and refinishing of storefront infill to match existing material.

The special permit pursuant to ZR § 74-711 requires the applicant enter into a Restrictive Declaration with the LPC and establish a continuing maintenance program for the preservation of the existing buildings at 1170 Broadway and 12 West 28th Street.

Proposed Development

The applicant proposes an enlargement to the four-story structure at 1164 Broadway by demolishing the existing façade and constructing an eight-story addition with penthouse that connects internally to 1170 Broadway, pursuant to the Certificate of No Effects issued by the LPC (CNE 19-4604). The building would be subject to a continuing maintenance plan as described in the modification of use agreement (MOU 17-6957).

The proposed enlargement would add 18,302 zoning square feet of Use Group 5 hotel use, which would allow for the construction of 36 new hotel rooms. The zoning lot would have 120,640 zoning square feet for an FAR of 9.63 and a total of 204 hotel rooms. There are no proposed changes to the hotel's entrance, lobby, or elevators except a canopy addition above the ground floor retail at 1164 Broadway, and guests of the new rooms would use the existing entrance, lobby, and elevator of 1170 Broadway for access.

The proposed enlargement would add four hotel rooms on each of floors five through twelve, and one hotel room on the penthouse floor. The existing four stories would be re clad and modified to allow for two hotel rooms on the second floor and two hotel rooms on the fourth floor. Thus, the proposed enlargement would result in a total of 37 hotel rooms at 1164 Broadway, or an increase of 36 from existing conditions, to go from 168 existing hotel rooms to a total of 204. Portions of the second and fourth floor would continue as accessory hotel uses

such as storage and guest amenity space, while the third floor would be used for accessory hotel offices and administration. The ground floor and cellar would continue to contain Use Group 6 eating and drinking establishment uses.

The street wall of the proposed enlargement at 1164 Broadway would match the street wall height of 1170 Broadway by having a 148 feet 6 inch street wall that would rise straight up before setting back at the penthouse level approximately 12 feet and 8 inches. Including the penthouse, the proposed enlargement would rise to a total height of 160 feet and 6 inches, slightly below the total height of 1170 Broadway.

Area Context

The project site is located on a single zoning lot in an M1-6 zoning district within the Madison Square North Historic District in Manhattan Community District 5. The area is characterized primarily by commercial office and retail uses, and buildings of various sizes occupied by wholesale, office and related commercial uses, ground floor retail space, and public parking.

Buildings in the surrounding area range for one to 24 stories in height, with the majority of structures between four and twelve stories. The buildings are primarily commercial structures with wholesale businesses and office space, and ground floor retail space including eating and drinking establishments. Madison Square Park is located nearby to the south east of the project site.

In 2001, the Landmarks Preservation Commission (LPC) designated the Madison Square North Historic District, generally bounded by 25th Street to the south, 29th Street to the north, Madison Avenue to the east, and Sixth Avenue to the west. The Madison Square North Historic District consists of approximately 96 buildings representing the period of New York City's commercial history from the 1870s to the 1930s, when the area developed as a major entertainment district, and then as a mercantile district of high-rise offices and lofts. The buildings typically rise without setback from the street line, including buildings taller than the maximum base height permitted in the M1-6 zoning district.

The area is served by the N and R subway lines at West 28th Street and Broadway, and the 6 line at East 28th Street and Park Avenue. It is also served by multiple bus routes: the M1, M2, M3, and M5 routes run south along Fifth Avenue; the M5 and M7 run north on Sixth Avenue; and the M4 and Q32 run east on 32nd Street from Seventh Avenue to Madison Avenue.

Site Description

The project site (Block 829, Lot 50) is improved with three buildings that currently house the NoMad Hotel: 1164 Broadway is a four-story structure with ground floor restaurant use and hotel use above; 1170 Broadway is a twelve-story structure that contains ground floor retail with hotel use above; and 12 West 28th Street is a four-story structure with ground floor retail and hotel use above. Located in a M1-6 zoning district in the Madison Square North Historic District, the district permits a maximum floor area ratio (FAR) of 10.0 and permits as of right community

facility, hotels, local and destination retail, wholesale and manufacturing uses (Use Groups 4-14, 16 and 17).

The Designation Report of the Madison Square North Historic District describes the structure at 1164 Broadway as originally a mid-nineteenth-century dwelling with new facades installed in 1919 and 1985. The structure has also housed storage, display, sales, and light manufacturing uses, and in the mid-1980s was converted to stores and a bank. In 2008, the LPC approved the applicant's proposal to complete interior and exterior work on the structures at 1164 Broadway, 1170 Broadway, and 12 West 28th Street (Certificate of Appropriateness No. 08-8612), in connection with the applicant's proposal to renovate these structures and operate as the NoMad Hotel.

Proposed Actions

The applicant seeks a special permit pursuant to ZR § 74-711 to modify the height and setback regulations of ZR § 43-43. In a M1-6 district, the regulations provide that the maximum height of a front wall is 85 feet or six stories, whichever is less, at which height a setback of 15 feet is required from a wide street. Above a height of 85 feet, building height is governed by a sky exposure plane of 5.6 to 1 from a wide street. The proposed design of the enlargement at 1164 Broadway would extend the street wall to twelve stories or 148 feet and 6 inches, resulting in an encroachment into the 15 feet setback area and penetrating the sky exposure plane above Broadway, thus creating a building that is non-compliant with the height and setback regulations.

COMMUNITY BOARD RECOMMENDATION

At its Full Board meeting on February 9, 2017, Manhattan Community Board 5 (CB5) approved a resolution recommending approval of the special permit application. CB5 recognized that the LPC-approved design would require the requested relief from the base heights and setback requirements of ZR Section § 43-43, and voted to approve the special permit to facilitate the construction of the 12-story plus penthouse building at 1164 Broadway.

BOROUGH PRESIDENT'S COMMENTS

The applicant proposes an attractive project that fits in with the visual character of the Madison Square North Historic District.

The project was subject to discretionary review by the LPC to ensure that any development would contribute to the character of the historic district. In their review, the LPC noted that the original structure at the site was not one for which the historic district was designated, and the demolition of its façade would not result in the elimination of significant architectural or historic fabric.

The proposed building at 1164 Broadway would have a straight front wall of approximately 150 feet, which matches the streetscape of the block. This height and massing complements the

building at 1170 Broadway, to which it will be internally connected, and their matching floor-to-ceiling heights will contribute to the complementary relationship between the new building and its neighbors. Furthermore, the proportions of the proposed façade are typical of many commercial buildings in the historic district, and its material and composition – dark painted steel, clear glass window assemblies, light-colored limestone, and horizontal limestone banding – are consistent with those of historic store-and-loft and commercial buildings in the area. Based on these findings, the LPC determined the proposed work to be appropriate to the historic district, and voted to approve the application.

The Borough President's office concurs with CB5 and the LPC that the proposed project respects the built fabric and visual character of the Madison Square North Historic District, and that it would result in a contributing building. The applicant also meets the individual findings for a special permit pursuant to ZR § 74-711. The requested modifications to base height and setback requirements would have minimal adverse effects on other structures or on open space in the vicinity in terms of scale, location and access to light and air. The applicant is not seeking any use change for the proposed building. This project also serves a preservation purpose for the applicability of ZR § 74-711 with the restoration plan for the contributing buildings on the zoning lot which will bring those buildings into a sound first-class condition.

BOROUGH PRESIDENT'S RECOMMENDATION

Therefore, the Manhattan Borough President recommends approval of ULURP Application No. C 170182 ZSM.



Gale A. Brewer
Manhattan Borough President