



CITY PLANNING COMMISSION

February 19, 2014/Calendar No. 12

C 140056 ZSM

IN THE MATTER OF an application submitted by Downtown RE Holdings LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-712(b) 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 facilitate the development of a 12-story mixed use development on a zoning lot where not more than 20 percent of the lot area is occupied by existing buildings as of December 15, 2003, located at 688 Broadway (Block 531, Lot 4), in an M1-5B District, within the NoHo Historic District, Borough of Manhattan, Community District 2.

The application for a Special Permit, in conjunction with the related action, was filed by Downtown RE Holdings, LLC on August 5, 2013. The requested Special Permit, in conjunction with the related action, would facilitate the development of a new 12-story mixed residential and commercial building at 688 Broadway.

RELATED ACTIONS

In addition to the Special Permit, which is the subject of this report, implementation of the proposed development also requires action by the City Planning Commission on the following application, which is being considered concurrently with this application:

C 140055 ZSM Special Permit pursuant to Section 74-712(a) to modify use regulations to allow Use Group 6 uses below the floor level of the second story and Use Group 2 uses within the development.

BACKGROUND

The applicant, Downtown RE Holdings, LLC, seeks the grant of special permits pursuant to Sections 74-712(a) and 74-712(b) of the Zoning Resolution to construct a new 12-story mixed residential and commercial building at 688 Broadway. The project site is located in the NoHo Historic District within Manhattan Community District 2.

A more detailed description of this application, the surrounding area and the related special permit is included in the report on the related application for the special permit, C 140055 ZSM.

ENVIRONMENTAL REVIEW

This application (C 140056 ZSM), in conjunction with the related application (C 140055 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 New York City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR Number is 13DCP091M. The lead is the City Planning Commission (CPC).

After a study of the potential impacts of the proposed actions in the Environmental Assessment Statement (EAS), a Negative Declaration was issued on October 21, 2013. A revised EAS reflecting a proposed change in the project description by the applicant to provide an A/C system for the adjacent Silk Building was submitted on February 13, 2014. The modification does not affect the conclusions of the previous environmental review and a revised Negative Declaration was issued on February 18, 2014.

UNIFORM LAND USE REVIEW

On October 21, 2013, this application (C 140056 ZSM), in conjunction with the application for the related action (C 140055 ZSM), was certified as complete by the Department of City Planning, and was duly referred to Manhattan Community Board 2 and the 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 (C 140056 ZSM), on December 19, 2013 and on that date, by a vote of 36 in favor, 0 opposed and 0 abstaining, adopted a resolution recommending disapproval of this application with conditions.

A summary of the vote and recommendation of Community Board 2 appears in the report on the related application for the proposed special permit, C 140055 ZSM.

Borough President Recommendation

This application, (C 140056 ZSM), was considered by the Borough President, who issued a recommendation approving the application with conditions on January 17, 2014.

A summary of the recommendation of Borough President appears in the report on the related application for the proposed special permit, C 140055 ZSM.

City Planning Commission Public Hearing

On January 8, 2014 (Calendar No. 15), the City Planning Commission scheduled January 22, 2014 for a public hearing on this application (C 140056 ZSM). The hearing was duly held on January 22, 2014 (Calendar No. 10), in conjunction with the public hearing on the application for the related action (C 140055 ZSM).

There were a number of speakers, as described in the report on the related application for the proposed special permit, C 140055 ZSM, and the hearing was closed.

CONSIDERATION

The Commission believes that this application for a Special Permit pursuant to Section 74-712(b) of the Zoning Resolution, in conjunction with the application for related action, is appropriate.

A full consideration and analysis of the issues, and reasons for approving this application, appears in the report on the related application for the proposed special permit, C 140055 ZSM.

FINDINGS

The City Planning Commission hereby makes the following findings pursuant to Section 74-712 (b) (Developments in Historic Districts) of the Zoning Resolution:

Such bulk modifications:

- (1) shall not adversely affect structures or #open space# in the vicinity in terms of scale, location and access to light and air; and
- (2) relate harmoniously to #buildings# in the Historic District as evidenced by a Certificate of Appropriateness or other permit from the Landmarks Preservation Commission.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action 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 Downtown RE Holdings LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-712(b) 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 facilitate the development of a 12-story mixed use development on a zoning lot where not more than 20 percent of the lot area is occupied by existing buildings as of December 15, 2003, located at 688 Broadway (Block 531, Lot 4), in an M1-5B District, within the NoHo Historic District, Borough of Manhattan, Community District 2, is approved, subject to the following terms and conditions:

1. The property that is the subject of this application (C 140056 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and

zoning computations indicated on the following approved plans, prepared by BSKK Architects, LLP, filed with this application and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-1	Site Plan	07/23/13
Z-2	Zoning Analysis	07/23/13
Z-3	Building E-W Section	07/23/13
Z-3A	Building N-S Section	01/25/13
Z-4	Sub-Cellar	10/26/12
Z-5	Cellar	10/26/12
Z-6	Ground Floor	07/23/13
Z-7	Second Floor	07/23/13
Z-8	Typical Floor (3 rd -5 th)	10/26/12
Z-9	Typical Floor (6 th – 11 th)	10/26/12
Z-10	Twelfth Floor	10/26/12

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, operating 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, sub-lessee or occupant.

6. 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 the provisions of which 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 referred to 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.

7. 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 action or failure to act in accordance with the provisions of this special permit.

The above resolution (C 140056 ZSM), duly adopted by the City Planning Commission on February 19, 2014 (Calendar No. 12), is filed with the Office of the Speaker, City Council and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

KENNETH J. KNUCKLES, ESQ., Vice Chairman
ANGELA M. BATTAGLIA, IRWIN G. CANTOR, P.E.,
ALFRED C. CERULLO, III, BETTY Y. CHEN,
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