



CITY PLANNING COMMISSION

June 22, 2016 / Calendar No. 11

C 150438 ZMM

IN THE MATTER OF an application submitted by Acadia Sherman Avenue LLC, pursuant to Section 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 3a:

1. changing from an R7-2 District to an R9 District property bounded by a line perpendicular to the easterly street line of Broadway distant 100 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of Broadway and the southerly street line of Dongan Place, a line 270 feet southwesterly of Arden Street, Sherman Avenue and Broadway; and
2. establishing within a proposed R9 District a C2-4 District bounded by a line perpendicular to the easterly street line of Broadway distant 100 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of Broadway and the southerly street line of Dongan Place, a line 270 feet southerly of Arden Street, a line 100 feet northwesterly of Sherman Avenue, and Broadway;

Borough of Manhattan, Community District 12, as shown on a diagram (for illustrative purposes only) dated January 19, 2016.

This application for an amendment of the Zoning Map was filed by the applicant on June 22, 2015 to rezone property located at 4650 Broadway (Block 2175, Lot 1), which is located in Inwood, Manhattan Community District 12. The requested action would facilitate the development of a new 23-story, mixed-use, mixed income building.

RELATED ACTION

In addition to the proposed zoning map amendment, 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:

N 160164 ZRM Zoning Text Amendment to establish a Mandatory Inclusionary Housing Designated Area.

BACKGROUND

The applicant seeks approval of zoning map and zoning text amendments to facilitate construction of a new mixed-use building at 4650 Broadway. The project site is located in Inwood within Manhattan Community District 12.

As certified, the proposed actions would facilitate a predominantly residential building with 335 mixed-income units, ground floor retail and community facility space. In order to achieve the overall development objective for this property, the applicant requested approval of a proposed zoning map amendment to rezone the project site from R7-2 with a partial C2-4 commercial overlay to R9/C2-4. The proposed C2-4 commercial overlay would be mapped to include the entire project site.

Additionally, the applicant seeks approval of a zoning text amendment, pursuant to ZR 23-154(d)(3) that would map the proposed rezoning area as a Mandatory Inclusionary Housing Designated Area. As proposed, the applicant has included MIH Option 2, which requires that 30 percent of total residential floor area to remain permanently affordable for residents making an average of 80 percent AMI (approximately \$62,000/ year).

Description of the Surrounding Area

The surrounding neighborhood is developed with five and six story, high-lot coverage multi-family buildings. Mixed-use residential/commercial, multi-family walk-up and elevator apartment buildings are found on Ellwood Street, Sickels Street, Arden Street, Dongan Place, Sherman Avenue and Broadway. Ground-floor retail uses are found on Broadway, Sherman Avenue and on Nagle Avenue, which are located within a one-block radius of the project site.

The neighborhood also has several institutional anchors including the City College Academy of the Arts, a 6th – 12th grade Department of Education school; Inwood Mental Health Clinic, and Our Lady Queen of Martyrs Roman Catholic Church.

The project site faces Fort Tryon Park, a 67-acre public park which is on the National Register of Historic Places and is designated a New York City Scenic Landmark. The Park is home to The Cloisters, a branch of the Metropolitan Museum of Art, which is a designated New York City Landmark. The project site is separated from the park by the intersection of Broadway and Sherman Avenue which has a width of approximately 101 feet and is at a much lower elevation than the park.

The project site is well-served by mass transit. Subway service is provided by the A subway line at Dyckman Street and Broadway (0.3 mile walk) and the No. 1 subway line at Dyckman Street/Hillside Avenue between Nagle Avenue and Sickles Street (0.3 mile walk). Local bus service is provided by the Bx7 and M100 buses, which stop directly adjacent to the building on Broadway just north of Sherman Avenue.

The area is predominantly zoned R7-2, a medium-density zoning district that has been in place since 1961. R7-2 districts allow residential development up to 3.44 FAR (4.0 FAR with the Quality Housing option) and community facility uses up to 6.5 FAR. R7-2 districts can typically produce 14-16 story buildings with low lot coverage that are set back from the street.

The surrounding area also has C1 and C2 commercial overlays mapped within existing R7-2 districts. C1 and C2 commercial overlays are mapped on streets within residential districts that serve the local retail needs of the surrounding residential neighborhood. Typical retail uses include grocery stores, restaurants and beauty parlors. C2 districts permit a slightly wider range of uses, such as funeral homes and repair services, than C1 districts.

A C2-4 commercial overlay is mapped on a portion of the proposed project site. C2-4 districts allow commercial uses up to 2.0 FAR; however, in mixed residential/ and or community facility and commercial buildings, commercial uses are limited to the ground floor. In C2-4 districts,

one parking space per 1,000 square feet of commercial use is required; however, parking may be waived if less than 40 spaces are required.

Description of the Proposed Development Site

The proposed project site, more than an acre in size, is located at the northeast corner of Broadway and Sherman Avenue; the entire parcel located at Block 2175, Lot 1. No other properties are included in the requested zoning map action.

The project site is developed with a two-story commercial building that was constructed in 1928 as a Packard automobile dealership. The building currently operates as a parking garage and a U-Haul truck rental facility. The street address of the site is 4650 Broadway, New York, NY 10040. The lot is 47,354 square feet and the building has approximately 135,773 square feet of floor area (2.88 FAR). The site's current zoning allows a maximum floor area of 306,638 square feet (i.e., 6.5 FAR with a community facility use).

There is a 26'6" wide existing curb cut on Sherman Avenue approximately 75'8" to the midpoint of the rounded sidewalk corner at the roadway edge. The proposed 25' curb cut will be on Sherman Avenue approximately 235'10" to the midpoint of the rounded sidewalk corner at the roadway edge.

On Broadway, the roadway is approximately 60' wide, the sidewalk adjacent to 4650 Broadway is 18' wide and the sidewalk on the Ft. Tryon side is 23' wide. On Sherman Avenue, the roadway is approximately 60' wide, the sidewalk adjacent to 4650 Broadway is 18' wide.

Description of the Proposed Development Project

As certified, the proposed actions would facilitate a new 335-unit, mixed-use, mixed-income building, within the proposed R9 district. The project would develop approximately 374,733 square feet of floor area; residential use would comprise 334,819 square feet of floor area; commercial use would encompass 24,914 square feet and community facility use would total approximately 15,000 square feet. In sum, the proposed project would be built at 7.9 FAR. The proposed building would rise to 23 stories (approximately 240 feet) and massed with a tower-

on-base configuration, which is required on wide streets located within R9 zoning districts, which is proposed to be mapped on the project site. The building's contextual base would have five stories and rise to 60 feet above which the 18-story residential tower would be placed.

The cellar level of the building would contain mechanical space and 159 parking spaces. The ground floor would include 24,914 square feet for small and medium size commercial and office tenants; 15,000 square feet for a community facility use and a residential lobby. The upper floors of the building would have mixed-income residential rental units.

As certified, the requested actions would facilitate a proposed project with 335 units, which would be the first mixed-income project of significant size to be developed in Inwood in several decades. To further expand affordable housing opportunity for area residents, the applicant has included the 30 percent affordable option (Option 2) under the proposed Mandatory Inclusionary Housing Program (MIH). Under the 30 percent MIH option, 30 percent of the residential floor area proposed for this project would be made permanently available to families making an average income of 80 percent of AMI, or approximately \$62,000/ year for a family of three. The project, with the 30 percent option available under the MIH proposal, would provide affordable housing for the residents of Washington Heights and Inwood.

Zoning Map Amendment – R7-2/C2-4 to R9/C2-4

As certified, the requested action (C 150438 ZMM) would rezone the project site from R7-2 with a partial C2-4 overlay to R9 with a full C2-4 overlay. R9 zoning districts are high-density districts that, under MIH, permit residential development up to 8.0 FAR and community facility uses up to 10.0 FAR. On wide streets, such as Broadway and Sherman Avenue, the building must have a contextual street wall of 60 -85 feet with a tower-on- a-base building form. The height of the tower is controlled by a minimum lot coverage requirement and that at least 55 % of the floor area on the zoning lot must be located below a height of 150 feet.

Under the existing R7-2 zoning, an as-of-right building could be developed having 306,335 square feet of floor area; 135,911 square feet of residential space (144 residential units); 146,631 square foot community facility space and 23,793 square feet of ground floor commercial space.

As certified, the proposed action would facilitate 374,733 square feet of floor area (approximately 7.92 FAR); 334,819 square feet of residential space (approximately 335 residential units); 15,000

square foot community facility space and 24,914 square feet of ground floor commercial space. The building would have a 60-foot base, upon which a residential tower would be placed. The building would rise 23 stories (approximately 240 feet).

C2-4 Commercial Overlay

Because the existing C2-4 commercial overlay is not mapped across the entire project site, the applicant seeks approval to extend the C2-4 overlay to cover the entire site. Extending the overlay would enable the applicant to develop the entire ground floor for local retail use.

Zoning Text Amendment to map Mandatory Inclusionary Housing Designated Area

In a related action, the applicant requests approval of a zoning text amendment to include the rezoning area as a Mandatory Inclusionary Housing Designated Area. The MIH text (N 160051 ZRY), which was approved by the City Council on March 22, 2016, requires permanent affordable housing in the proposed rezoning area. For this project, the requested zoning text amendment, pursuant to ZR 23-154(d)(3) (N 160164 ZRM) would map the proposed rezoning area as a Mandatory Inclusionary Housing Designated Area. As proposed, the project would have 30 percent of total residential floor area to remain permanently affordable for residents with incomes that average 80 percent of AMI (approximately \$62,000/ year). Under MIH, this project would generate approximately 67 affordable units.

ENVIRONMENTAL REVIEW

This application (C 150438 ZMM), in conjunction with the related action (N 160164 ZRM) 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 16DCP072M. The lead is the City Planning Commission.

After a study of the potential impacts of the proposed actions in the Environmental Assessment Statement (EAS), a Negative Declaration was issued on January 19, 2016. On June 20, 2016, a Revised EAS which reflects the revised zoning map amendment as described below and a Revised Negative Declaration were issued. The Revised Negative Declaration superseded the Negative Declaration issued on January 19, 2016. The Revised Negative Declaration includes an (E) Designation (E-374) related to hazardous materials and noise to avoid the potential for significant adverse impacts, as described below.

The (E) designation requirements related to hazardous materials and noise would apply to the following development site:

Block 2175, Lot 1

The text for the (E) Designation related to hazardous materials is as follows:

Task 1-Sampling Protocol

The applicant submits to the Office of Environmental Remediation (OER), for review and approval, a Phase I of the site along with a soil, groundwater and soil vapor testing protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented. If site sampling is necessary, no sampling should begin until written approval of a protocol is received from OER. The number and location of samples should be selected to adequately characterize the site, specific sources of suspected contamination (i.e., petroleum based contamination and non-petroleum based contamination), and the remainder of the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.

Task 2-Remediation Determination and Protocol

A written report with findings and a summary of the data must be submitted to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving such results, a determination is made by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER.

If remediation is indicated from test results, a proposed remediation plan must be submitted to OER for review and approval. The applicant must complete such remediation as determined necessary by OER. The applicant should then provide proper documentation that the work has been satisfactorily completed.

The text for the (E) Designation related to noise is as follows:

To ensure an acceptable interior noise environment, future residential/commercial uses must provide a closed window condition with a minimum of 40 dBA window/wall attenuation on all façades to maintain an interior noise level of 45 dBA. To maintain a closed-window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning.

The City Planning Commission has determined that the proposed action will have no significant effect on the environment.

UNIFORM LAND USE REVIEW

On January 19, 2016, this application (C 150438 ZMM) was certified as complete by the Department of City Planning, and was duly referred to Manhattan Community Board 12 and the Manhattan Borough President in accordance with Title 62 of the Rules of the City of New York, Section 2-02(b), along with the related application for a zoning text amendment, (N 160164 ZRM) which was referred for information and review in accordance with the procedures for non-ULURP matters.

COMMUNITY BOARD PUBLIC HEARING

Community Board 12 held a public hearing on this application on March 2, 2016 and on March 22, 2016, by a vote of 26 in favor, 0 opposed, and 2 abstaining, adopted a resolution recommending disapproval of the application, as originally certified, with the following comments:

Be It Resolved: Community Board 12-Manhattan opposes the residential rezoning and establishment of a Mandatory Inclusionary Housing Area proposed for 4650 Broadway, New York, NY (Block 2175, Lot 1) under the Uniform Land Use Review Procedure in Application No. C 150438 ZMM for the Sherman Plaza project but supports the proposed extension of the existing C2-4 commercial overlay over the entire zoning lot;

Resolved: Community Board 12-Manhattan urges the Department of City Planning and the City Council to modify the proposed Mandatory Inclusionary Housing Program to address the recommendations contained in its November 4, 2015 resolution; and be it additionally

Resolved: Community Board 12-Manhattan urges the Applicants to modify the Project to address the planning, design and affordability concerns raised at the Public Hearing and also urges the elected officials who represent Washington Heights and Inwood to work with the Applicants to identify sources of low-income financing and capital subsidy funds to enable 50% of the units to be affordable to local residents in any development scenario.

BOROUGH PRESIDENT RECOMMENDATION

The application was considered by the Manhattan Borough President, who issued a recommendation for approving the application, as originally certified, on May 5, 2016, with the following conditions:

- 1) The Commission unequivocally ensures that the certified proposal for a R9 District for the site is formally extinguished;
- 2) Any revised application is filed and sent to the Community Board prior to the CPC hearing and such application shows contextual R9A/R8X districts for the site, as opposed to the R9 zoning district, in order to better conform to neighborhood context while still qualifying for MIH requirements;
- 3) The resulting project will provide 40% AMI affordable housing option which aligns with community affordable housing needs; and
- 4) The C2-4 overlay will result in the creation of small retail spaces that are better suited for community-based tenants.

CITY PLANNING COMMISSION PUBLIC HEARING

On May 11, 2016 (Calendar No. 2), the City Planning Commission scheduled May 25, 2016, for a public hearing on this application (C 150438 ZMM), and the application for the related action (N 160164 ZRM).

The hearing was duly held on May 25, 2016 (Calendar No. 15), in conjunction with the public hearing on the application for the related action. There were nine speakers in favor of the application and 15 in opposition.

Those speaking in favor included the developer, the project architect, the project's housing advisor and the environmental consultant. The Manhattan Borough President and the Chairperson for Manhattan Community Board 12, also spoke in favor. Others speaking in favor included a representative from AARP; a representative of the New York State Association for Affordable Housing and a representative from the Housing Partnership Development Corporation.

The developer gave an overview of the project site's history, and desired goals and objectives for the project. The developer also discussed how the revised rezoning application (from R7-2/C2-4 to R9A/C-4 and R8X/C2-4) and revised zoning text amendment address concerns raised during the public review process. The project architect described the revised proposal for the proposed building and the project's environmental consultant discussed the conservative approach taken in the EAS for the "No Build" analysis, which considered a 10-story mixed-use building. The Borough President expressed her concerns for the rezoning proposal and related affordability component, as certified, and reiterated her conditional support for the revised proposal. Representatives from AARP, the Housing Partnership Development Corporation and the New York Association for Affordable Housing discussed the need for affordable housing and how this project meets that need. The Chairperson for Community Board 12 discussed the Board's near unanimous support for the revised proposal.

15 persons spoke in opposition including 9 community residents and stakeholders who raised concerns about the proposed project's height, mass and scale, as certified, and as revised. Representatives from the Municipal Arts Society (MAS), the Historic Districts Council, the Fort Tryon Park Trust and two

representatives from Northern Manhattan Not for Sale also spoke in opposition. Most who spoke in opposition also raised concerns regarding the height, mass and scale of the revised proposal and its impact on The Cloisters and Fort Tryon Park. Additional concerns were raised regarding this project's direct and indirect displacement impacts on the surrounding neighborhood; affordability and its impact on the neighborhood's aging physical infrastructure (e.g., gas and water mains, sewers and electricity). Speakers also urged that the façade of the former Packard showroom be preserved and incorporated into the design of the new building. Additional concerns were raised regarding Community Board 12's review and endorsement of the revised proposal and the limited time for public input and comment. A representative from the 32BJ union stated that the developer should commit to high-level full service jobs in its buildings, to enable 32BJ members to afford any affordable housing developed in its portfolio.

There were no other speakers and the hearing was closed.

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY REVIEW

This application (C 150438 ZMM) was reviewed by the City Coastal Commission for consistency with the policies of the New York City Waterfront Revitalization Program (WRP), as amended, approved by the New York City Council on October 30, 2013 and by the New York State Department of State on February 3, 2016, pursuant to the New York State Waterfront Revitalization and Coastal Resources Act of 1981, (New York State Executive Law, Section 910 *et seq.*) The designated WRP number is 15-069.

This action was determined to be consistent with the policies of the New York City Waterfront Revitalization Program.

CONSIDERATION

The Commission believes that the grant of the proposed zoning map amendment, as revised, in conjunction with the related application for the proposed zoning text amendment, as revised, is appropriate.

The requested actions would facilitate the development of a new mixed-use, mixed income building

at 4650 Broadway, which is located at the northeast corner of Broadway and Sherman Avenue. The site is currently developed with a two-story commercial garage.

As certified, the proposed building would have 335 residential units with ground floor retail use and community facility space. In order to achieve the overall development objective, the applicant requested approval of a zoning map amendment to rezone the project site from R7-2 with a partial commercial overlay to R9/C2-4 and for a zoning text amendment to designate the proposed rezoning area as a Mandatory Inclusionary Housing Designated Area.

During the public review of this application, the Commission heard testimony and received correspondence from community residents, stakeholders and concerned non-residents, issues and concerns regarding the proposed building height, mass and scale; its effect on neighboring properties, as well as its potential visual effect on Fort Tryon Park and The Cloisters. These concerns were echoed by the Borough President and Community Board 12. Concerns were also raised regarding the project's affordability for Inwood residents, historic preservation and potential direct and secondary displacement impacts on area residents. In response to concerns raised, on May 20, 2016, the applicant filed revised zoning map and zoning text amendment applications to facilitate a building that would be reduced in height, mass and scale, as well as address affordability concerns.

Zoning Map Amendment – C 150438 ZMM

The Commission believes that the proposed zoning map amendment, as revised, along with the related zoning text amendment, as revised, is appropriate.

As certified, the applicant sought approval of a zoning map amendment to rezone the project site, from R7-2 with a partial commercial overlay, to R9 with a full commercial overlay.

Revised Zoning Map Amendment

In response to concerns heard during the public review of this application, on May 20, 2016, the applicant filed a revised rezoning application that sought to rezone the proposed project site from R7-2/C2-4 to R9A/R8X; the C2-4 commercial overlay would still be mapped across the entire site.

The Commission finds that the revised rezoning proposal, to rezone the project site from R7-2 with a partial C2-4 overlay to R9A/R8X with the C2-4 commercial overlay on the entire site, responds to and addresses concerns voiced by Community Board 12, the Manhattan Borough President, local elected officials, stakeholders and area residents regarding the originally proposed building height, mass and scale, as well as concerns regarding affordability for area residents. The revised rezoning proposal (i.e., R9A/R8X) would facilitate the development of an approximately 369,000 square foot building, a decrease of approximately 5,733 square feet that would yield approximately 355 residential units, an increase of 20 units.

The revised rezoning proposal would require a contextual building with street wall and maximum building height limits. The R9A district would have a maximum street wall height of 125 feet and a maximum building height of 175 feet; the R8X district would have a maximum street wall height of 105 feet and allow a maximum building height of 175 feet. The revised rezoning proposal would facilitate the development of a building that would not exceed 175 feet in height, which is lower than the originally proposed 23-story building that would rise to a height of 240 feet and massed within a tower-on base building form.

The blended FAR of the proposed R9A/R8X district – approximately 7.81 FAR, would provide a predictable height limit – 175 feet, which is approximately 70 feet lower than that originally proposed (i.e., 240 feet) and certified for public review.

The proposed extension of the existing C2-4 commercial overlay to cover the entire project site would enable local retail uses to be developed within the entire ground floor footprint of the project site, which in turn, would create more small business opportunities, consistent with existing land use patterns.

The Commission notes that the revised rezoning proposal would provide more affordable housing for families making incomes at 40 percent AMI, which is consistent with AMI levels found in Washington Heights and Inwood. The revised rezoning proposal, with the revised MIH component to enable this project to address the housing needs of lower income families, enhances the proposed project's ability to provide housing for families at lower income bands than originally proposed and contributes to the City's comprehensive plan to develop and preserving 200,000 units of affordable housing.

The Commission notes that Community Board 12, reviewed the revised application and on May 24, 2016, adopted a resolution, by a vote of 26 in favor, 4 opposed and 0 abstaining, to offer no objection to the revised application, provided that the final design of the revised project is 155 feet tall or less. The Commission further notes that the applicant, in a letter to the Borough President dated May 5, 2016 (which

is attached to the Borough President's recommendation), underscored their commitment to develop the proposed project under the revised rezoning application. The Commission believes that the revised rezoning proposal addresses the building height and scale concerns raised during the public review process and would facilitate the redevelopment of an underdeveloped site into active mixed-use that is supportive of the character of the surrounding area.

Regarding direct displacement impacts, the Commission notes that the site is currently developed with a parking garage that would be demolished to facilitate development on the site. The Commission is aware that the subject site is not a City-designated landmarked, nor is it calendared by the LPC for future landmark designation review. However, the Commission further notes that, as stated in the EAS, "the Proposed Action would result in a predominately residential mixed-use building that would include ground floor retail and community facilities. The development would not directly displace any current land uses that would result in an adverse impact on the surrounding land uses, or generate land uses that would be incompatible with current land uses in the study area." The EAS further states that "In contrast to the No-Action Condition, in which all new residential units would be market rate, the Proposed Action would facilitate a new residential development that would include a mix of market-rate and permanently affordable dwelling units. The development in the With Action Condition would be consistent with other market rate residential developments in the neighborhood. It would also result in such a small increase in population in the study area that it would be unlikely to affect real estate market conditions to the extent that it would result in indirect displacement of residents or businesses in comparison to the No-Build Condition."

The Commission notes that concerns were raised about shadow impacts associated with the original 23-story mixed-use building. Upon analysis, the Revised EAS found that "Accordingly, the building in the With-Action Condition would not result in a substantial reduction in sunlight available for public enjoyment or appreciation of Fort Tryon Park and The Cloisters museum, and would not result in a substantial reduction in the usability of open space as a result of incremental shadows." The Commission believes that shadow effects would be further lessened by the modified proposal, which allows a significantly lower building (i.e., 175 feet) than was originally analyzed (i.e., 270 feet) for public review.

Regarding historic and visual resources, the Commission notes that the proposed project site is located opposite Fort Tryon Park, within which The Cloisters are located. The Commission is aware that The Cloisters is an LPC-designated landmark and that Fort Tryon Park is a LPC-designated scenic landmark. The Cloisters sits at a significantly higher elevation than the project site – the base of The Cloisters is located approximately 150 feet above Broadway. During the public review of this application, concerns

were raised regarding view corridors looking east from The Cloisters or looking west towards The Cloisters from public areas within the vicinity of the project site. Upon review of the LPC designation report for The Cloisters (LP – 0835, March 19, 1974), there is no reference to protected view corridors (“view sheds”) provided for views looking east from The Cloisters towards the proposed project site, or from publicly accessible areas within the vicinity of the project site. The Commission also notes that a small portion of The Cloisters roof can be seen above the Fort Tryon Park’s tree canopy, especially during the Fall and Winter months. However, the presence of foliage and vegetation within Fort Tryon Park may naturally obstruct “view sheds” during the warmer months of the year, making it difficult to see The Cloisters from public areas located within the vicinity of the project site, or to see the proposed building, as revised, from The Cloisters.

The Commission notes that the Borough President, in her resolution, called on the applicant to provide retail space to accommodate small businesses. As proposed, the applicant would develop approximately 25,000 square feet of retail space. In response, the applicant stated, at the City Planning Commission public hearing, that they would subdivide the large retail space to provide opportunities for local small business to occupy the proposed ground floor retail space.

Revised Zoning Text Amendment

The Commission notes that the applicant also filed a revised zoning text amendment application to include the rezoning area as a Mandatory Inclusionary Housing Designated Area. The requested zoning text amendment, pursuant to ZR 23-154(d)(3) (N 160164 ZRM) would map the proposed rezoning area as a Mandatory Inclusionary Housing Designated Area. As originally referred, the proposed project would have 30 percent of total residential floor area to remain permanently affordable for residents with incomes that average at 80 percent AMI. In response to concerns regarding affordability for local area residents, the applicant has opted to use the Deep Affordability Option (Option 3), in which 20 percent of the residential floor area would remain permanently affordable to families with an average income at 40 percent AMI (approximately \$31,080 per year for a family of three). The Deep Affordability Option, to be used in conjunction with the aforementioned MIH Option 2, would enable the applicant to provide additional housing opportunity for low income families and to address local concerns regarding affordability for this project. Under MIH, this project would generate approximately 71 affordable units. The applicant has apprised the Commission that they are in discussion with HPD to explore ways to provide more permanent affordable units in this project.

The Commission believes that the requested actions provide a rare opportunity in this neighborhood to facilitate new residential development, including affordable housing under MIH. Therefore, the Commission believes that the proposed zoning map amendment, as revised, in conjunction with the related zoning text amendment, as revised, is appropriate.

RESOLUTION

RESOLVED, that the City Planning Commission finds that the action described herein will have no significant impact on the environment.

RESOLVED, the City Coastal Commission finds that the action will not substantially hinder the achievement of any WRP policy and hereby determines that this action is consistent with WRP policies; and be it further

RESOLVED, by the City Planning Commission, pursuant to Section 200 of the New York City Charter, that based on the revised environmental determination and consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is hereby amended by changing the Zoning Map, Section No. 3a:

1. changing from an R7-2 District to an R8X District property bounded by a line perpendicular to the easterly street line of Broadway distant 100 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of Broadway and the southerly street line of Dongan Place, a line 270 feet southwesterly of Arden Street, Sherman Avenue, and a line 100 feet easterly of Broadway;
2. changing from an R7-2 District to an R9A District property bounded by a line perpendicular to the easterly street line of Broadway distant 100 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of Broadway and the southerly street line of Dongan Place, a line 100 feet easterly of Broadway, Sherman Avenue, and Broadway;
3. establishing within the proposed R8X District a C2-4 District bounded a line perpendicular to the easterly street line of Broadway distant 100 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of Broadway and the southerly street line of Dongan Place, a line 270 feet southwesterly of Arden Street, a line 100 feet northwesterly of Sherman Avenue, and a line 100 feet easterly of Broadway; and

4. establishing within the proposed R9A District a C2-4 District bounded by a line perpendicular to the easterly street line of Broadway distant 100 feet southerly (as measured along the street line) from the point of intersection of the easterly street line of Broadway and the southerly street line of Dongan Place, a line 100 feet easterly of Broadway, Sherman Avenue, and Broadway;

Borough of Manhattan, Community District 12, as shown on a diagram (for illustrative purposes only) dated January 19, 2016 and revised on May 20, 2016.

With the assignment of the proposed (E) designation (E-374), no significant adverse impacts related to hazardous materials and noise would result from the proposed actions.

The above resolution (C 150438 ZMM), duly adopted, by the City Planning Commission on June 22, 2016 (Calendar No. 11), 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.

CARL WEISBROD, *Chairman*

KENNETH J. KNUCKLES, *Esq.*, *Vice Chairman*

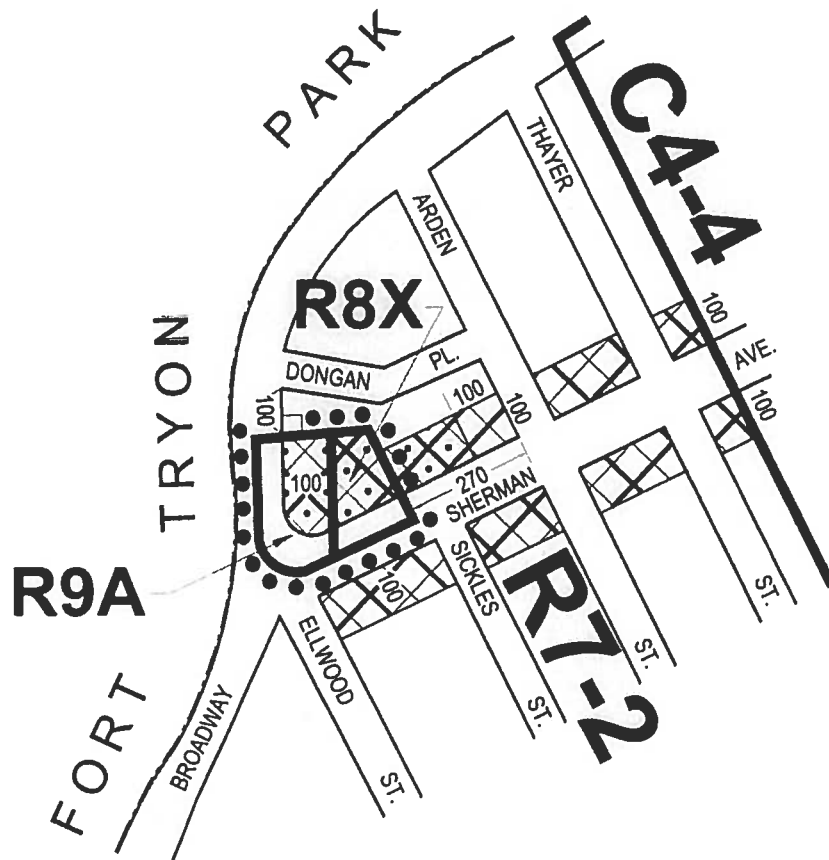
IRWIN G. CANTOR, P.E., ALFRED C. CERULLO, III,

JOSEPH I. DOUEK, RICHARD W. EADDY,

CHERYL COHEN EFFRON, HOPE KNIGHT,

ANNA HAYES LEVIN, ORLANDO MARIN, LARISA ORTIZ, *Commissioners*

MICHELLE R. DE LA UZ, *Commissioner Abstaining*



CITY PLANNING COMMISSION
CITY OF NEW YORK
DIAGRAM SHOWING PROPOSED
ZONING CHANGE
ON SECTIONAL MAP

3a

BOROUGH OF
MANHATTAN

New York, Certification Date
JANUARY 19, 2016
Revised:
MAY 20, 2016

J. Miraglia
J. Miraglia, Director
Technical Review Division

SCALE IN FEET
300 0 300

NOTE:

———— Indicates Zoning District Boundary.

• • • • The area enclosed by the dotted line is proposed to be rezoned by changing an R7-2 District to R8X and R9A Districts, and by establishing a C2-4 District within the proposed R8X and R9A Districts.



Indicates a C1-4 District.



Indicates a C2-4 District.

NOTE: THIS DIAGRAM IS FOR ILLUSTRATIVE PURPOSES ONLY.



Shahabuddeen A. Ally, Esq., Chairperson
Ebenezer Smith, District Manager

Community Board 12 - Manhattan Washington Heights & Inwood

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March 29, 2016

Hon. Carl Weisbrod, Chairman
NYC Planning Commission
120 Broadway, 31st Floor
New York, NY 10271

RE: Uniform Land Use Review Procedure in Application No.: C 150438 ZMM -
Sherman Plaza Project, 4650 Broadway, New York, NY (Block 2175, lot 1)

Dear Chairman Weisbrod

At the General Meeting of Community Board 12- Manhattan held on Tuesday, March 22, 2016 the Board passed the following resolution opposing the residential rezoning and establishment of a Mandatory Inclusionary Housing area proposed for 4650 Broadway, New York, NY (Block 2175, lot 1) under the Uniform Land Use Review Procedure in Application No.: C 150438 ZMM for the Sherman Plaza project and supporting the proposed extension of the existing C2-4 commercial overlay over the entire zoning lot with a vote of (26) In Favor; (0) Opposed; (2) Abstaining. .

Whereas: Washington Square Partners on behalf of Acadia Sherman Avenue LLC (collectively the "Applicants") submitted an application ("Application No.: C 150438 ZMM" or the "Application") to the Department of City Planning ("DCP") seeking zoning map amendments under the Uniform Land Use Review Procedure ("ULURP") affecting the property located at 4650 Broadway, New York, NY (Block 2175, lot 1) (the "Property") to facilitate the development of a new 415,587 square foot, 23-story mixed-use residential and commercial building (the "Project"). The Application also seeks to establish a Mandatory Inclusionary Housing ("MIH") area located at the Property. The Application was certified by DCP on January 19, 2016. The period for review by Community Board 12-Manhattan ("CB12M") began on January 29, 2016 and must be completed by March 29, 2016; and

Whereas: The Property consists of a 47,354 square foot zoning lot that is improved by an approximately 135,773 square foot, two-story building constructed in 1928 as a Packard automobile dealership and is currently operated as a parking garage and a U-Haul truck rental facility. The Property is bounded by Broadway to the West, Sherman Avenue to the south and mid-rise apartment buildings to the east and north. Fort Tryon Park, which is on the National Register of Historic Places and is designated a New York City Scenic Landmark, is located directly across the street from the Property. The Cloisters, now called the "Met Cloisters" is a branch of the Metropolitan Museum of Art that is designated a New York City Landmark and is located at the upper elevation of Fort Tryon Park; and

Whereas: The Property is currently zoned R7-2 and R7-2/C2-4; the C2-4 commercial zoning overlay covers only a portion of the Property's zoning lot. The zoning amendments requested in the Application included changing the residential zoning to R9 and extending the C2-4 commercial overlay across the entire zoning lot. Current residential zoning allows a maximum density or floor area ratio ("FAR") of 3.44 for Height Factor buildings and 4.0 under the Quality Housing option. Community facility uses are allowed at a maximum FAR of 6.5. When mapped in an R7 zoning district, a C2-4 commercial zoning overlay allows a FAR of 2. The maximum FAR permitted under R9 with a full C2-4 commercial overlay is 10; and

Whereas: Height Factor zoning does not impose maximum building heights. In R7 districts it encourages lower apartment buildings on smaller zoning lots and taller building with less lot coverage, i.e., more open space, on larger zoning lots; and

Whereas: The Property's current R7-2 zoning permits a building of approximately 306,000 square feet, assuming community facility use, including a maximum of approximately 163,000 square feet of residential use (assuming a residential use at an FAR of 3.44). The Project is approximately 415,587 square feet; the maximum building allowed under R9 zoning is approximately 541,000 square feet. The Project is 35.8% larger than the maximum building permitted as-of-right and the largest building permitted under the proposed R9 zoning is 76.8% larger than an as-of-right building. An as-of-right building would contain approximately 200 apartments; the Project contains approximately 335 apartments; and

Whereas: Ground floor commercial development opportunity is limited along Broadway because the C2-4 commercial overlay does not extend through the entire Property. Extending the overlay will create more ground floor retail opportunities and will help to promote local business and economic development activities; and

Whereas: Thirty percent (30%) of the units in the Project are proposed to be affordable under MIH with an average area median income ("AMI") of 80%; the AMI for the affordable units ranges from a low of 40% AMI to a high of 100% AMI. The household income required to afford an 80% AMI two-bedroom unit is approximately \$62,150 and the approximate monthly rent is \$1,511. The household income required and monthly rent at 40% AMI, 60% AMI and 100% AMI are respectively \$31,080 and \$735, \$46,620 and \$1,123, and \$77,700 and \$1,900; and

Whereas: DCP served as the Lead Agency for the Environmental Assessment Statement ("EAS" or the "Environmental Review") prepared by Langan Engineering, Environmental, Surveying and Landscape Architecture ("Langan") to assess potential impacts of the actions proposed in the Application including on Land Use, Zoning and Public Policy, on Socio-Economic Conditions, Open Space, Shadows, Historic and Cultural Resources, Urban Design and Visual Resources, Hazardous Materials, Transportation, Air Quality, Noise, Neighborhood Character and Construction. Based on the EAS DCP determined that the proposed actions will have no significant effect on the quality of the environment (the "Negative Declaration"); and

Whereas: The Applicants attended the February 6, 2016 meeting of CB12M's Land Use Committee ("Land Use" or the "Committee") to brief it on the Project. Council Member Ydanis Rodriguez also attended the February 6th Land Use meeting. The Committee raised numerous questions and concerns related to the Project which included the impact on neighborhood character and scenic views, the potential for the proposed structure to block views to and from the Cloisters, the impact

of the amount of glass in the façade on migrating birds, the shadows potentially cast on Fort Tryon Park, as well as contextual zoning and design, historic preservation, design options, project financing and subsidies, LEED/sustainability, unit distribution and affordability, the adequacy of utility and transportation infrastructure, the presence of hazardous materials, and subjecting the affordable units proposed to permanent Rent Stabilization. Councilman Rodriguez stated that in a prior meeting with the Applicants he advised that he will only support the Application if 50% of the units are affordable; and

Whereas: The Committee hosted a Public Hearing (the "Public Hearing") on March 2, 2016 at the Washington Heights and Inwood YM & WHA to obtain comment on the Application. The Public Hearing was attended by approximately 200 people who overwhelmingly spoke in opposition to the Project, citing a range of concerns such as displacement, gentrification, affordability not being tied to local median income, the number of affordable units, the number of parking spaces, building height, impact on neighborhood character, the appropriateness of R9 zoning to the neighborhood, potential loss of scenic views, adverse impacts to the Cloister's view-shed, shadows, impacts on mass transit/overcrowding, market pressures driven by new developments like the Project on rent stabilized units, the potential of the new structure to block the views/windows of neighboring buildings, traffic congestion, a desire for the historic preservation of the Packard Building or a design option that retains its façade, the affordability of the commercial/retail space to small businesses and how the Applicant's representations will be enforced. Council Member Rodriguez also stated that he would only support the project of 50% of the units are affordable; and

Whereas: CB12-M questions the accuracy of the Negative Declaration with respect to the residential rezoning; and

Whereas: In the resolution passed on November 4, 2015 CB12-M expressed its support in principle for MIH but stated that it did not support MIH as it is currently drafted. The Project and the Application do not address the modifications recommended by CB12-M. The percentage of affordable units included in the Project and their associated affordability level are illustrative of why MIH must be modified in order to address affordable housing needs on a neighborhood-by-neighborhood "income targeted" basis; and

Whereas: The Project is out of scale and character with the neighborhood. It does not address CB12-M's recommendations for modifications for MIH or its stated interests in contextual zoning, historic preservation, affordable housing that is income-targeted to local AMI, mixed-income developments that achieve more than 30% affordable units and contain a significant percentage if not a majority of family-size units. The Project's physical presence challenges the scenic view shed of the Cloisters; and

Whereas: Approval of the Application to facilitate development of the Project would set a dangerous precedent for new development in Washington Heights and Inwood. Now, therefore,

Be It

Resolved: Community Board 12-Manhattan opposes the residential rezoning and establishment of a Mandatory Inclusionary Housing area proposed for 4650 Broadway, New York, NY (Block 2175, lot 1) under the Uniform Land Use Review Procedure in Application No.: C 150438 ZMM for the Sherman Plaza project but supports the proposed extension of the existing C2-4 commercial overlay over the entire zoning lot; and be it further

Resolved: Community Board 12-Manhattan urges the Department of City Planning and the City Council to modify the proposed Mandatory Inclusionary Housing program to address the recommendations contained in its November 4, 2015 resolution; and be it additionally

Resolved: Community Board 12-Manhattan urges the Applicants to modify the Project to address the planning, design and affordability concerns raised at the Public Hearing and also urges the elected officials who represent Washington Heights and Inwood to work with the Applicants to identify sources of low-cost financing and capital subsidy funds to enable 50% of the units to be affordable to local residents in any development scenario.

Sincerely,



Shahabuddeen A. Ally, Esq.
Chairperson

CC: Hon. Bill de Blasio, Mayor
Hon. Gale Brewer, Manhattan Borough President
Hon. Letitia James, Public Advocate
Hon. Charles Rangel, Congressman
Hon. Bill Perkins, State Senator
Hon. Adriano Espaillat, State Senator

Hon. Herman D. Farrell, Jr., Assembly Member
Hon. Guillermo Linares, Assembly Member
Hon. Ydanis Rodriguez, Council Member
Hon. Mark Levine, Council Member



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Gale A. Brewer, Borough President

May 5, 2016

Recommendation on ULURP Application Nos. C 150438 ZMM & N 160164 ZRM
4650 Broadway
by Acadia Sherman Avenue, LLC

SUMMARY OF RECOMMENDATION

The application, as originally submitted, calls for a rezoning to an R9 District and designation of a Mandatory Inclusionary Housing Area (MIHA) using Option 2. Option 2 requires 30% of the project to be affordable housing at 80% AMI. This zoning change would have allowed a building of 23 stories or higher – grossly out of context with the neighborhood character. Additionally, at 80% AMI, the apartments would not have been affordable to current Inwood residents, many of whom earn less than 40% AMI.

The developer has committed to me in writing to modify the application and replace the R9 District with an R9A/R8X District, with a building that can be no more than 17 stories in height. Additionally, the developer has committed to employ Option 3 in the Mandatory Program with 20% of the housing affordable to those at 40% AMI, coupled with additional affordable housing to reach 50% of the project. I am able to support this application with the condition that these written commitments are honored in a modified application.

BOROUGH PRESIDENT'S COMMENTS

As originally proposed,¹ this application had the potential to realize some of the worst fears embodied in the public record in regard to the review and adoption of the MIH program – that we would only realize substantial affordable housing at the expense of sacrificing any semblance of neighborhood context or respect for our landmarks. And in this case, approving the “as-certified” proposal would only provide housing that would not even be affordable to those already in the neighborhood. An R9 District is unacceptable here and does not meet the appropriateness or rational land use planning tests one must apply when considering these types of applications and changes to the zoning map.

As the first private application of MIH, the eyes of New Yorkers in every community are watching to see if an MIH designation will give the development community a stronger argument for affordable units at any cost. For neighborhoods with a strong, established neighborhood context, MIH will test the limits of just how much additional density will be considered to be “reasonable” when the reasonable worst case development scenario simply does not fit within the greater rational land use plan. While affordable housing is an important agenda of the current administration and of the Manhattan Borough President’s Office, it cannot be the sole consideration when reviewing proposals applicable for MIH.

¹ Please see Appendix B for a full discussion on the actions proposed at certification. The application was originally certified on Monday, January 19, 2016.

Community Board 12² (CB12) raised concerns over the appropriateness of MIH Option 2 and the ability of this option to reflect the affordable housing needs and income levels of the neighborhood. Given CB12's 2014 median household income of \$41,513, MIH Option 2 is out of context with the neighborhood's socioeconomic character. In an April 11, 2016 meeting with the Applicant, the Applicant expressed its commitment to develop the proposed project using MIH Option 3, which includes a 20 percent affordable housing set-aside with an average of 40 percent AMI. Additionally, the Applicant pledged to restrict up to 50 percent of the proposal's units to be affordable. This would be achieved by offering units above the 20 percent threshold at a more stratified distribution of AMIs. These two commitments by the Applicant would help to maintain the character of the neighborhood while also achieving the goals of CB12 and of Councilmember Ydanis Rodriguez.

An extension of the C2-4 commercial overlay will help to “activate” Broadway by extending the commercial corridor while creating opportunities for local entrepreneurs. However, given the large site there is also potential for big box retail and large chains to occupy the space and to pay rents that would be unaffordable to small businesses. While the community generally supported the proposal to extend the commercial overlay zone, they also expressed some concern over the affordability of the retail component to local businesses. These retail spaces should provide affordable opportunities for small businesses in order to promote local economic development. Overall, by mapping the C2-4 overlay across the entire lot, the applicant will unlock a significant expansion of commercial supply and help to give entrepreneurs more choice on where to locate their businesses to serve their Inwood customers.

The proposed action would grant the site an additional 307,801 square feet, a 54 percent increase, for a proposed development that is only seeking 67,199 additional square feet of development rights. As there is no site review approval, there is no assurance that the Applicant will not develop the site beyond the extent of the proposed development. Even without such an assurance, the Board has expressed concerns over the height of the proposed tower which would reach 23 stories in a neighborhood where most buildings are between five and six stories tall. There are currently no R9 districts within CB12. The closest R9 or equivalent district is located three miles south of the site at Broadway and West 145th Street. The next closest is located approximately four miles south at beginning at West 125th Street and Frederick Douglas Boulevard. As such, the Manhattan Borough President agrees with CB12 that the proposed R9 development scenario is out of character with the neighborhood.

The elevation numbers tell the whole story for why a R9 District is inappropriate here given the balance that must be struck with important landmark resources. The project site has a ground elevation of 35 feet above sea level. The R9 District RWCDs would rise 280 feet in height, reaching 315 feet above sea level, and the no-action development would rise 110 feet, reaching 145 feet above sea level, but that is a false comparison. Even as of right a much taller building could rise here as R7-2 districts do not have a contextual height cap. The R9 proposed development would rise 240 feet, reaching 275 feet above sea level. Therefore, both the proposed developments and the RWCDs would be taller than all points in Fort Tryon Park, the highest elevation of which reaches approximately 250 feet. The RWCDs would be the same

² Please see Appendix A for a full summary of Manhattan Community Board 12's recommendation.

height as The Cloisters, which reaches approximately 315.7 feet above sea level. Yet, the EAS found no expected negative visual impact, a finding which I roundly reject. A 240 foot tall building will degrade views both to and from these historic, natural, and cultural resources. This development would be taller than all points of the park, visually competing with this scenic resource. Should the development proceed with the RWCDs, the impact would be even more significant as the building would compete in height with The Cloisters. The lack of impact characterized in the EAS is understated given the size of the development and its proximity to Fort Tryon Park and The Cloisters.

In addition, the Fort Tryon Park Trust expressed concern with the height of the proposed development and its proximity to the Park because such a development “would severely degrade [Fort Tryon Park’s] scenic character and compromise its role as an “escape” from the city.” Additionally, citing the Landmarks Preservation Commissions designation report, Fort Tryon Park was selected as the site for the Cloister because the “intention [was] to provide an isolated setting for The Cloisters within a park removed from city structures and to assure undisturbed views of the landscape.”³ Fort Tryon Park Trust firmly believes that the proposed development would disrupt the intended nature of these landmarks and I agree. Given that CB12 has voiced its desire for contextual zoning, which the area currently lacks, the proposal as certified does not fit in with the existing or desired character of the community and cannot be supported.

What should be supported is a modified zoning map application that truly balances the neighborhood’s need for affordable housing with its precious local historic resource; and one that will balance the needs of the Borough of Manhattan and the city as well. The site is located directly across Broadway from The Cloisters, a New York City Landmark, and Fort Tryon Park, one of a few New York City Scenic Landmarks. This site is obviously deserving of more careful thought and creativity when exploring the right residential district mix that would still allow for a realistic program that can support a 50 percent affordable unit mix. I appreciate that the applicant is willing to address the height and affordability concerns of the community and this office, and, as stated in its commitment letter to me dated May 4th, 2016 (enclosed herein), agreed to file a modified application that will rezone the lot to a R9A/R8X district and maintain the commercial overlay component to cover the entire lot. This will result in a building that will not exceed 15 stories in height. In addition, a more suitable MIH option has been selected, and the applicant will continue to work with HPD and the Councilmember to achieve a higher amount of affordable units. This modification will also necessitate corrections to the text amendment proposal.

With these changes, I am more satisfied that with a contextual height cap in place, and the selection of the 40% AMI option, that regardless of who owns this property the community can be assured no building will go up that competes with the height of Fort Tryon or the Cloisters and that at a minimum, the affordable units provided pursuant to MIH will be permanently affordable to households (families of four, in this example) that make 34,525, much like those in the existing community. This modified application is also a significant improvement on the as of right scenario where one could see an even taller building built under today’s zoning, but one which would not include a single unit of affordable housing.

³ Fort Tryon Park Trust, letter to Shahabudeen A. Ally & Wayne Benjamin, Community Board 12, March 2016.

The reductions in height that would result from the height caps required under the R9A and R8X bulk requirements should also address concerns that the EAS did not adequately take the visual impacts of a 23 or 27 story building into account when contemplating the effects of the development over the scenic landmarks that are The Cloisters and Fort Tryon Park. While there are few development scenarios on the site of the former Packard dealership that would not negatively impact the park, limiting what would ultimately be the final height of the proposed project to be below a likely as-of-right development scenario height is the right action for the applicant to take to begin alleviating those concerns. This is the right direction for this project to be both feasible and provide a critical public good without significantly impacting an important community visual resource.

BOROUGH PRESIDENT'S RECOMMENDATION

Therefore, the Manhattan Borough President recommends approval of Application Numbers C 150438ZMM & N 160164 ZRM, as significantly revised per the applicant's commitment letter (enclosed herein), to establish an R9A/R8X/C2-4 district and Mandatory Inclusionary Housing Area at the site of 4650 Broadway. The approval is contingent upon the following conditions:

- 1) The Commission unequivocally ensures that the certified proposal for a R9 District for the site is formally extinguished;
- 2) Any revised application is filed and sent to the Community Board prior to the CPC hearing and such application shows contextual R9A/R8X districts for the site, as opposed to the R9 zoning district, in order to better conform to neighborhood context while still qualifying for MIH requirements;
- 3) The resulting project will provide the 40% AMI affordable housing option which aligns with community affordable housing needs; and
- 4) The C2-4 overlay will result in the creation of small retail spaces that are better suited for community-based tenants.



Gale A. Brewer
Manhattan Borough President

WASHINGTON SQUARE



PARTNERS

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TEL 212 906 9090 FAX 212 906 9043

May 5, 2016

Honorable Gale A. Brewer
President of the Borough of Manhattan
1 Centre Street, 19th Floor
New York, New York 10007

Dear Borough President Brewer:

This letter is to document that Acadia Sherman Avenue LLC is revising its application to rezone the Broadway-Sherman Project in response to comments by Community Board 12 and the Manhattan Borough President's Office. As described below, the revised application will produce a new building that is smaller in bulk and lower in height. The building will not exceed 17 stories. In addition the revised development will provide a significant amount of affordable housing at even deeper levels of affordability and create new small business opportunities for the Inwood and Washington Heights neighborhoods.

The original certified application was to rezone the property from an R7-2 with a partial C2-4 commercial overlay to an R9 with a full C2-4 commercial overlay and Mandatory Inclusionary Housing Option 2 (30% at 80% AMI). We are revising the application to rezone the property to an R9A/R8X zoning with a full commercial overlay and Mandatory Inclusionary Housing Option 3 (20% at 40% AMI).

The revised application addresses concerns expressed regarding the project's total size, height and affordable housing mix. Specifically, the revised application reduces the total maximum floor area of the site by over 100,000 square feet from 474,540 square feet to 369,789 square feet. In addition, the R9A and R8X zoning districts both have height limits. This is a significant change to the application as the existing R7-2 zoning district has no height limit. Such zoning permitted a previous as-of-right project with a 17 story tower that did not include any affordable housing. The original ULURP application proposed an R9 district that could have produced a 23-story tower. The new building in the R9A/R8X zoning districts will have no more than 17 stories. The affordable housing program will provide affordable housing at a lower income level and we are committed to developing additional affordable housing above what is required for mandatory inclusionary housing in conjunction with the City's housing agencies.

The revised application addresses the concerns expressed through the land use review process while retaining the core planning vision for the site: A rezoning to create the first significant affordable housing development in Inwood/Washington Heights in decades and new, neighborhood retail and office space. We commit to answering questions about the revised application from Community Board 12. Furthermore, we commit that we will not under any circumstances revert back to our original R9 application. We are appreciative of all the time your office has spent working with our team to help

refine the proposal and look forward to continuing to work with you as the project progresses through the land use review process.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Travis". The signature is fluid and cursive, with the first name "Paul" being more prominent than the last name "Travis".

Paul Travis

Washington Square Partners

Cc: James Caras, General Counsel/Director of Land Use
Basha Gerhards, Deputy Director of Land Use
Lucian Reynolds, Urban Planner
Tom Julius, Acadia Sherman Avenue LLC
Aron Gooblar, Washington Square Partners

APPENDIX A: COMMUNITY BOARD RECOMMENDATION

On March 22, 2016 at the General Meeting of Manhattan Community Board 12 (the Board, or CB12), the Board passed a resolution opposing the proposed residential rezoning and the creation of a Mandatory Inclusionary Housing Area, and supporting the proposed extension of the C2-4 commercial overlay to cover the entire zoning lot. The Board urged the Applicant to address its planning, design, and affordability concerns, and to identify sources of funding and subsidy that would enable the development to achieve a 50 percent proportion of affordable units that would be affordable to local residents. Additionally, the Board insisted that the MIH zoning text be revised to reflect the recommendations outlined in its November 4, 2015 resolution (it should be noted that the Board's resolution was passed on the same day that the New York City Council approved MIH and ZQA). The Board is concerned that approval of the application would set a dangerous precedent for future development in Washington Heights and Inwood.

A number of community concerns with the proposed development were raised at the Board's Land Use Committee (the Committee) meeting on February 6, 2016 and at the Committee's Public Hearing on March 2, 2016.

In support of extending the commercial overlay, the Board cited that the current extent of the C2-4 commercial overlay hinders the opportunity for ground floor commercial development on Broadway. The extension of the commercial overlay would provide the potential to promote local business and local economic development.

The Board raised concerns over the accuracy of the Negative Declaration issued by the City Planning Commission on January 19, 2016. The Board found that the proposed development was out of scale and out of character with the neighborhood, and did not fit in with CB12's stated interests in contextual zoning, historic preservation, and affordability levels that were targeted to local AMI, and for a large percentage of family-sized units.

In regard to context, community members expressed a desire for contextual zoning and design, design options, the historic preservation of the Packard Building or a design option that retains its façade, concerns over the proposed building's height, the appropriateness of an R9 designation in the neighborhood, the potential of the new structure to block the views and windows of neighboring buildings, and how the applicants representations will be enforced. The size of the proposed development and its negative impacts on the scenic views to and from The Cloisters and Fort Tryon Park was of concern to the Board, as was the impact of shadows the proposed development would cast on Fort Tryon Park.

Specific to housing, consistent with the Board's resolution on MIH dated November 4, 2015, the Board recommends that the percentage of affordable units and their associated level of affordability be adjusted to reflect affordable housing needs and income targets on a neighborhood by neighborhood basis. At the public hearings, community members voiced concerns that the level of affordability was out of context with the area, potentially leading to gentrification and displacement, and creating market pressures threatening rent stabilized units. Questions were raised regarding the affordability of the commercial/retail space to small businesses.

Additional concerns raised by the Board were traffic and mass transit congestion, the limited number of parking spaces, the potential impact of the glass components of the façade on migrating birds, LEED/sustainability, and the presence of hazardous materials on the site.

City Councilmember Ydanis Rodriguez was present at the February 6, 2016 and March 2, 2016 meetings and stated that he would only support the project if 50 percent of the units were affordable.

APPENDIX B: DESCRIPTION OF CERTIFICATION ACTIONS

PROPOSED ACTIONS

Washington Square Partners on behalf of Acadia Sherman Avenue LLC, an affiliate of Acadia Realty Trust (the “Applicant”) seeks a **zoning map amendment** to Zoning Map Section 3a to change an existing R7-2 District to an R9 District and to extend an existing C2-4 overlay over the entire tax lot at 4650 Broadway (Block 2175, Lot 1) in the Inwood neighborhood of Manhattan Community District 12 (CD12). Additionally, the applicant seeks a **zoning text amendment** to Appendix F of the City of New York Zoning Resolution (“ZR”) which will establish a Mandatory Inclusionary Housing Area (MIHA) on this site. The proposed actions are sought to facilitate the development of a 23-story mixed-use building with a mixed income residential component.

PROJECT DESCRIPTION

The applicant proposes to rezone one zoning lot located at 4650 Broadway (Manhattan Block 2175, Lot 1) from an existing R7-2 residential district with a partial C2-4 commercial overlay to an R9/C2-4 across the entire lot. The proposal would entail the demolition of the existing two-story building, which currently operates as a commercial parking garage and a U-Haul truck rental facility, in order to allow the construction of a new 23-story mixed-use building. The proposed uses are commercial and community facility on the ground floor, and residential use in the remainder of the building’s upper floors. The applicants proposed at certification that 30 percent of the residential units’ floor area would be affordable to three-person families making approximately \$62,150 a year, or for households averaging 80 percent of the Area Median Income (“AMI”) in the metropolitan region.

Background

On March 22, 2016, the New York City Council voted to approve two zoning text amendments, Mandatory Inclusionary Housing (MIH) and Zoning for Quality and Affordability (ZQA). Mandatory Inclusionary Housing establishes the requirement that developers produce permanently affordable housing in areas designated as MIHAs. This designation will be applied to areas rezoned to create significant increases in residential floor area through public or private applications and will then subsequently apply to any project in that catchment area that exceeds 10 dwelling units or 12,500 square feet in residential floor area.

ZQA made a number of updates to the *Zoning Resolution* seeking to ease the production of affordable senior housing and care facilities, to enable inclusionary housing buildings to better

apportion the designs of buildings within their allowable “envelope” to achieve the full number of units they are allowed, to reduce parking requirements in areas with good transit access, to allow for the creation of more visually dynamic buildings, and to encourage the construction of more functional storefronts with higher ceilings. MIH and ZQA work in tandem to allow for the maximum permitted envelope for buildings that include affordable housing.

There are four affordability options defined in MIH:

- Option 1: A 25 percent affordable housing set-aside with an average of 60 percent Area Median Income (AMI). Ten percent of this set-aside is required at 40 percent AMI;
- Option 2: A 30 percent affordable housing set-aside with an average of 80 percent AMI;
- Option 3: A 20 percent affordable housing set-aside with an average of 40 percent AMI; and
- Option 4: A 30 percent affordable housing set-aside with an average of 115 percent AMI. Five percent of this set-aside is required at 70 percent AMI and an additional five percent is required at 90 percent AMI.

Options 1 and 2 allow for additional subsidies to achieve lower income levels. Option 3 can only use a subsidy if it leads to the creation of additional affordable units. Option 4 does not allow for additional subsidies.

In 2007, the Applicant planned a 17-story development on the site in an as-of-right building envelope pursuant to R7-2 District requirements. The development proposal included approximately 160 residential condominium units in 156,676 square feet of floor area, 123,203 square feet of community facility floor area, 24,700 square feet of retail floor area, and 127,203 square feet of parking for 211 vehicles. The community facility space was to be occupied by offices of the Code Enforcement Division of the Department of Housing Preservation and Development (HPD) and the Internal Affairs Division of the New York City Police Department (NYPD). As the site’s office space was limited to approximately 25,000 square feet, and offices of city government are not considered community facilities under zoning, the Applicant pursued a Mayoral Over-ride to allow HPD and NYPD to occupy the community facility floor area. Community Board 12 passed a resolution on June 6, 2007 stating no objection to the Mayoral Over-ride (enclosed). The City Planning Commission approved the Department of Citywide Administrative Service’s notice of intent to acquire office space in the proposed development on April 1, 2009 (N 090327 PXM and N 090328 PXM). However, the proposed development did not move forward.

Area Context

The project site is located in the Inwood neighborhood of Manhattan Community District 12. The majority of CD12 is zoned R7-2. In the southern portion of the Community District, the area generally bounded by West 177th Street to the north, Broadway to the east, and the Hudson River to the west is zoned R8. CD12 is largely characterized by low-rise multi-family walk-up, elevator, and mixed use buildings with commercial districts and commercial overlays on major thoroughfares.

The area immediately surrounding the project site is largely characterized by multi-family residential buildings and mixed-use residential and commercial buildings, ranging between five and six stories in height for a relatively homogenous built environment. The mixed-use buildings typically contain ground floor retail use alongside multifamily residential use, both on the ground floor and above. The retail uses are mostly concentrated on Sherman Avenue and there is an additional storefront on the corner of Broadway and Dongan Place. The proposed development is located directly across the street from Fort Tryon Park, a New York City Scenic Landmark and one of six in the Borough of Manhattan. Fort Tryon Park is also home to The Cloisters, a designated New York City Individual Landmark.

The area surrounding the site is zoned R7-2 with a commercial overlay to a depth of 100 feet on Sherman Avenue from Broadway to Dyckman Street. The commercial overlay is largely a C1-4 district, with a C2-4 district approximately 80 feet south of the intersection of Sherman Avenue and Arden Street, on only the western side of the street, including the project site. Northwest of the site, Dyckman Avenue is a commercial corridor comprised of a C4-4 district, and a C8-3 district on the southern side of the street west of Broadway. Nagle Avenue, one block southeast of the project site also contains a C1-4 overlay and a C2-4 overlay closer to Broadway.

According to the American Community Survey (ACS) 2014 five year estimates, the CD12 Public Use Microdata Area (PUMA), which includes Washington Heights, Inwood and Marble Hill, had an annual median household income of \$41,513. The median contract rent for the area was \$1,016, which would represent 29 percent of the median Inwood household income. 31.8 percent of area renters reside in single person households, 27.6 are two person households, 17.4 percent are three person households, and the remaining 23.2 percent of households are comprised of four or more people.

There are two public transit subway lines within a 10 minute walk from the site. The closer of the two is the “A” line at Dyckman Street and Broadway, and the other is the “1” line, which has a station stop on Dyckman Street at the intersection of Nagle Avenue, Hillside Avenue, and Fort George Hill. The northbound Bx7 and M100 buses stop on Broadway between Sherman Avenue and Dongan Place, adjacent to the project site. The southbound bus lines stop on the corner of Dongan Place and Broadway, and on the corner of Broadway and Sherman Avenue. The M100 route travels between Broadway and West 220th Street at the northernmost end of Manhattan, and East 125th Street and First Avenue in East Harlem. The Bx7 travels from West 168th Street and Broadway in Washington Heights to Riverdale Avenue and West 263rd Street in the Bronx, where the City borders Westchester County to the north.

Site Description

The site is a single zoning lot located in the Borough of Manhattan at 4650 Broadway (Block 2175, Lot 1), on the northeast corner of Broadway and Sherman Avenue. The site is currently owned by Acadia-P/A Sherman Avenue, LLC an affiliate of Acadia Realty Trust.

The tax lot is 47,354 square feet (1.09 acres) and improved with a 135,773 square foot, two-story building with an existing built Floor Area Ratio (“FAR”) of 2.87. Originally purpose-built in 1928 as a Packard automobile dealership, the building is currently occupied by a parking garage

and a U-Haul truck rental facility. A 27 foot wide curb-cut providing automobile access to the garage is located on Sherman Avenue, approximately 76 feet east of the intersection with Broadway. The site is located at the intersection of two wide streets: at its narrowest point, Broadway is 101 feet wide and Sherman Avenue's width is 96 feet. Both streets have roadways approximately 60 feet wide and sidewalks approximately 18 feet wide, except for the west side of Broadway adjacent to Fort Tyron, which has a sidewalk approximately 23 feet wide.

The parcel is currently zoned R7-2 and a portion of the parcel 100 feet in depth on the Sherman Avenue frontage contains a C2-4 overlay. The current zoning allows for a maximum FAR of 6.5 with a community facility, with a maximum residential FAR of 3.44, and a maximum commercial FAR of 2.0 for the portion of the lot within the overlay zone.

While the project site itself is not a designated landmark, it is Manhattan's only remaining building that Detroit-based architect Albert Kahn designed for the Packard automobile company. Kahn was notable for his building designs for the auto industry.⁴

Proposed Project

The applicant proposes to develop a new mixed-use building that incorporates mixed-income residential and commercial and community facility uses. The zoning actions would allow for a building that the applicant describes in the Environmental Assessment Statement (EAS) as having approximately 415,587 gross square feet (gsf) allocated as follows: 334,819 gsf of residential floor area (7.07 FAR); 24,917 gsf of commercial floor area (0.53 FAR); 15,000 gsf of community facility floor area (0.32 FAR); and 40,854 gsf of accessory parking in the cellar. This initial design proposal is for a 23 story building totaling 7.92 FAR, in an as-of-right building envelope for an R9 District. The increased FAR represents a 22 percent increase in the maximum allowable FAR above the current R7-2 as-of-right development for a community facility. The proposed development would include approximately 335 dwelling units, 100 of which would be affordable to residents averaging 80 percent AMI (\$62,150 annually for a family of three).

If the zoning is changed to an R9 District, the applicant proposes a design based on tower-on-a-base requirements and further proposes that the base of such tower would rise to a height consistent with the neighboring building on Sherman Avenue. This tower would set back 10 feet from the building wall. The cellar level of the proposed building would include mechanical space and a minimum of 159 parking spaces. The ground floor would be comprised of approximately 24,917 square feet of retail space, approximately 15,000 square feet of space for office and community facility use, and a roughly 7,440 square foot lobby for the residential portion of the building on all above floors.

Proposed Actions

The applicant proposes a zoning map amendment to Zoning Map Section 3a to change the existing R7-2 and R7-2/C2-4 districts to an R9/C2-4 District. Additionally, the applicant is seeking a zoning text amendment to Appendix F of the City of New York Zoning Resolution establishing an MIHA on the subject site. As reported in the EAS, the evaluated Reasonable

⁴ Grossman, Hilary. "Manhattan Parking Garages 1897-1930: Significance and Preservation." (Master's Thesis) Columbia University, Graduate School of Architecture, 2013; Gray, Christopher. "When Packards and Other Dinosaurs Roamed Broadway." *The New York Times* October 1, 2006. http://www.nytimes.com/2006/10/01/realestate/01scap.html?_r=0

Worst-Case Development Scenario (RWCDs) in the future With-Action Condition considers a development that maximizes the allowable FAR in a R9/C2-4 zoning district in an MIHA.

The maximum FAR in an R9 district is 10.0 for community facility use. The maximum residential FAR is 7.52 which can be increased to 8.0 FAR in an MIHA for qualifying buildings. The C2-4 overlay allows for a maximum of 2.0 FAR for commercial use contained within the first two floors. Though the non-contextual R9 district allows for either Height Factor or Quality Housing Program regulations, the EAS did not include an assessment of a Quality Housing Program option.

The RWCDs in the With-Action Condition would require the demolition of the current building on the site and the construction of a 27-story building with an FAR of 10.0 and approximately 540,635 gross square feet (gsf). Approximately 404,140 gsf (8.0 FAR) would be developed for residential use, equating to 475 dwelling units, of which thirty percent of such floor area (approximately 142 dwelling units) would be permanently affordable as per Option 2 of MIH. Retail and/or community facility use would occupy the lower floors, using the remaining two FAR and the cellar would contain at least 174 parking spaces.

On the subject site, the proposed R9 District would result in an increase from 6.5 to 10.0 FAR, which in turn equates to an increase from 307,801 square feet of floor area on the site to 473,540 square feet. This represents a 54 percent increase in permitted floor area or 165,739 square feet. The maximum allowable FAR is set by the community facility use. The increase in residential FAR from 3.44 to 8.0 would result in an increase of 215,934 square feet, from 162,898 to 378,832 square feet, a 132.6 percent increase in residential floor area. An increase from the Quality Housing Program FAR would result in a 100 percent increase in residential floor area. The extension of the commercial overlay district results in a potential increase of approximately 52,000 square feet of commercial use. The EAS finds that these bulk and height changes will have no adverse impact on neighborhood character.

According to the EAS provided by the Applicant, the increase in residential floor area would result in an increase from 202 to 475 dwelling units, a 135 percent increase or an increase of 273 units. However, according to the ULURP application package the no-action development would only include 144 units, creating a 230 percent increase or an increase of 331 units. The creation of a MIHA using Option Two would mandate that 142 of the 475 units be affordable to a group of residents averaging an annual income that is 80 percent of the AMI (\$48,350 for a single person household, \$62,150 for a family of three, \$74,600 for a family of five). According to HPD, this would equate to average rents (excluding utilities) ranging from \$1,151 for a studio and \$1,236 for a one bedroom, to \$2,122 for a five bedroom.⁵ The remaining 333 market-rate units would be targeted at 145 percent AMI, \$112,665 for a family of three, said to be consistent with the area's fair market rents.

The EAS finds that in a study area containing three Census Tracts (CT), CT 283, CT 285, and CT 287, where more than half of each fall within a quarter mile of the project site, the median household income was \$42,108 according to the American Community Survey (ACS) five year

⁵ New York City Department of Housing Preservation and Development. "2015 FMR Derived Area Median Income." <http://www1.nyc.gov/assets/hpd/downloads/pdf/developers/maximum-rent-worksheet.pdf>. Accessed April 11, 2016.

estimates from 2009-2013. The average household size for renter-occupied units was 2.79 for the same geography and period. The target incomes for both the market-rate and affordable residential units are higher than the area's median income. This would necessarily result in a new population with higher household incomes than in the surrounding community. Despite this, however, the EAS finds that no direct or indirect displacement will occur and therefore, that the proposed action would not result in any significant adverse socioeconomic impacts on the neighborhood, or adverse impacts on neighborhood character.

Two historic and cultural resources are located directly across Broadway from the project site: Fort Tryon Park and The Cloisters. Fort Tryon Park is a 67-acre public park and is one of only six New York City Scenic Landmarks located in Manhattan, and of 10 located citywide. Both are also listed on the State and National Historic Registers. The Cloisters is located within Fort Tryon Park at the top of the of the park's northern hill at an elevation of 206 feet. The Cloisters is a branch of the Metropolitan Museum of Art, which opened at its present location in 1938 and houses medieval works in an interpretation of a medieval monastery. While scenic in their own rights, both the Cloisters and Fort Tryon Park offer scenic views of the Hudson River, the lower Hudson Valley, The Palisades, the neighborhood of Inwood itself, and the city beyond.

The EAS reviewed the impact of shadows on Fort Tryon Park and The Cloisters that would be created by both the proposed project and the no-action condition development. Four days of the year were chosen to demonstrate the potential impacts under different seasons with different solar patterns. It was found that the shadows created by the development would reach Fort Tryon Park on all four representative days and would reach The Cloisters in the winter. The EAS finds while the proposed development will be at a competing height to these historic and scenic resources, there is no expected negative visual impact. Additionally, the EAS finds that the size of the building will not obstruct views or create any adverse visual impacts because the building would be partially obstructed by leaves during the summer months, and though visible during the winter months, the EAS contends that trees losing their leaves is "only a seasonal phenomenon," and therefore, does not create an adverse impact. Therefore, according to the EAS, the shadows would not create an adverse impact on open space, or historic and cultural resources because of their durations, and as such would not have a significant impact on enjoyment of the park or The Cloisters, or significantly obstruct light during the growing season. Under the no-action development, shadows would not reach The Cloisters and would not reach as far into Fort Tryon Park.

The proposed action would allow for the expansion of the commercial overlay district to the full extent of the property, creating the opportunity to develop additional retail space. The EAS finds this would enhance the area's commercial and view corridors by creating a more active streetscape. Because the streetwall would be consistent with the neighboring buildings, the EAS finds no cause for adverse impacts on the pedestrian experience of the street, despite the presence of a tower slightly setback above the streetwall in front of the park.

The EAS was issued a negative declaration by the City Planning Commission on January 19, 2016.

LAND USE COMMITTEE – COMMUNITY BOARD 12-MANHATTAN

JUNE 6, 2007

RESOLUTION – Mayoral Over-ride of Zoning at 4650 Broadway (and Sherman Avenue)

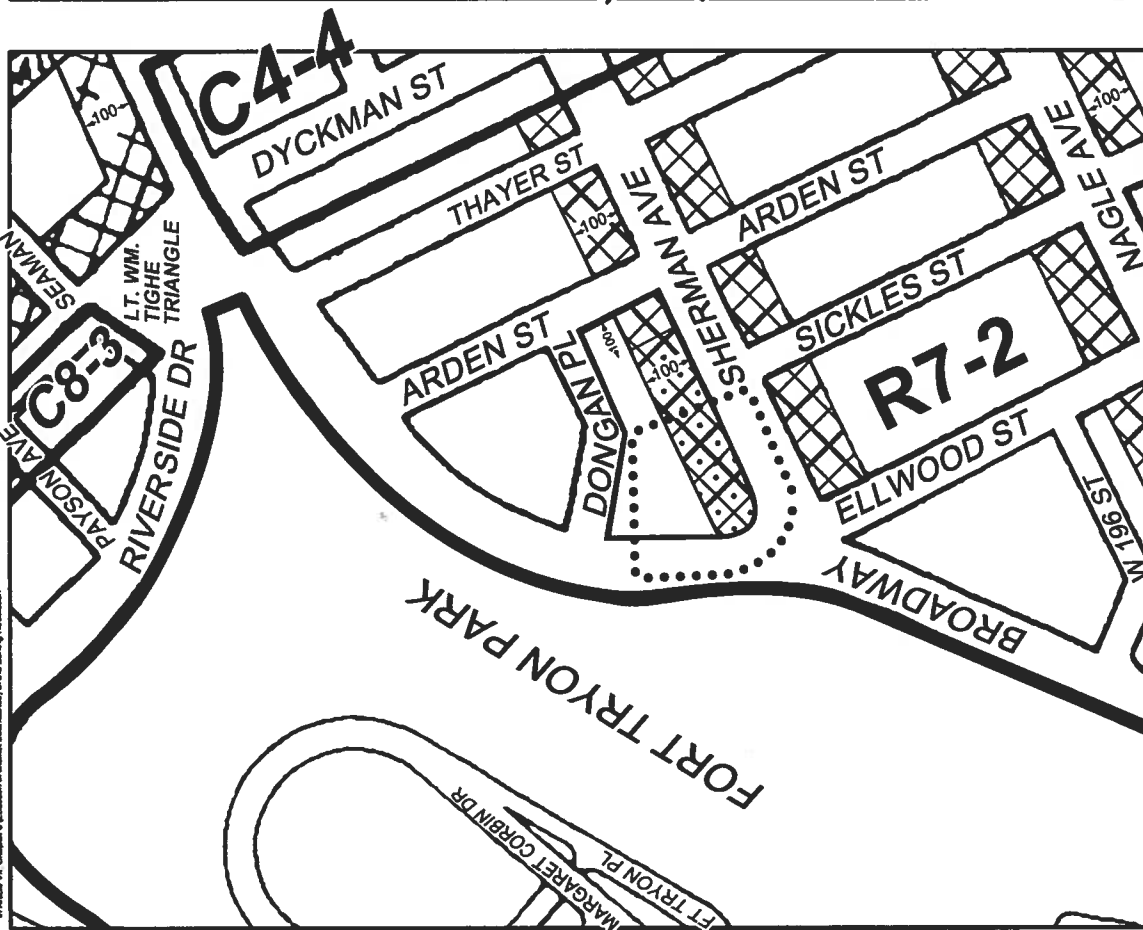
- Whereas: 4650 Broadway is a two-story commercial building occupying a site of approx. 47,100 square feet located at the intersection of Broadway and Sherman Avenue that is owned by P/A Associates & Arcadia Realty Trust ("P/A") and which formerly housed the Dyckman Job Center (Block 2175 / Lot 1) (the "Site"); and
- Whereas: the Dyckman Job Center has been relocated and P/A plan to redevelop the Site as a 17-story mixed-use building of approximately 433,000 gross square feet generally consisting of 156,676 square feet of residential space (approx. 160 condominium units), 123,203 square feet of community facility space, 24,700 square feet of retail and 127,203 square feet of parking (approx. 211 spaces) (the "Project"); and
- Whereas: the Project's gross square footage, uses, bulk and height are permitted as-of-right under the Site's R7/C2-4 zoning; and
- Whereas: P/A was approached by the Code Enforcement office of the Department of Housing Preservation and Development ("HPD") and the Internal Affairs office of the NYC Police Department ("NYPD") each seeking 60,000-70,000 square feet of office space in the Project to facilitate the relocation existing operations; and
- Whereas: the Site's zoning limits the amount of office space that can be built to approx. 25,000 square feet and offices of city government are not considered community facility uses under zoning therefore HPD and NYPD cannot occupy the community facility space as-of-right but the Mayor's office has the power to over-ride zoning to provide city agencies with relief from provisions of zoning in order to allow them to locate needed facilities; and
- Whereas: pursuant to meetings facilitated by Mayor's office with P/A, HPD, NYPD and the office of Manhattan Borough President a mayoral over-ride of zoning was discussed in order to permit HPD and NYPD to occupy the community facility space in the Project as office space and P/A was requested to contact Community Board 12-Manhattan ("CB12-M") to obtain comment on the proposed zoning over-ride; and
- Whereas: P/A met with the Land Use Committee of CB12-M ("LU" or the "Committee") on May 2, 2007 and June 6, 2007 to review the Project and discuss the proposed zoning over-ride; and
- Whereas: it is the consensus of the Committee that locating HPD and NYPD in the Project will result in positive economic and related benefits for the area; now therefore be it
- Resolved: that Community Board 12-Manhattan does not object to the Mayor's office over-riding zoning at 4650 Broadway in order to allow the Code Enforcement office of the Department of Housing Preservation and Development and the Internal Affairs office of the NYC Police Department to occupy community facility space in the Project as office space; and be it further
- Resolved: that the above resolution does not pertain to or give consent for any other office of city government or general office use not permitted by zoning to occupy the subject space.

The Resolution was approved with the following vote:

	<u>For</u>	<u>Against</u>	<u>Abstaining</u>
Committee Members:	7	0	1
Board Members:	1	0	1
Members of the Public:	0	0	0

ZONING CHANGE MAP

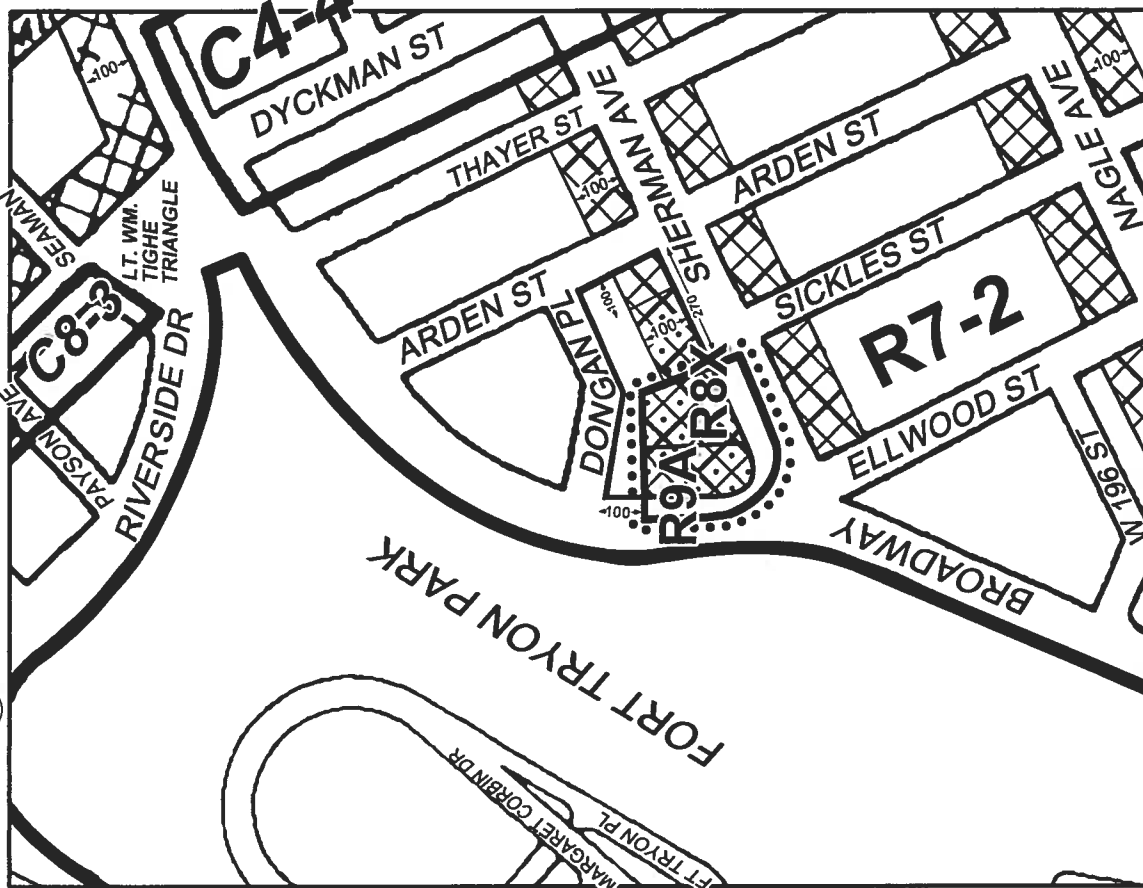
C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5 600' RADIUS
 NOTE: Where no dimensions for zoning district boundaries appear on the zoning maps, such dimensions are determined by Article VII, Chapter 6 (Location of District Boundaries) of the Zoning Ordinance.



CURRENT ZONING MAP

ZONING CHANGE MAP

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5 600' RADIUS
 NOTE: Where no dimensions for zoning district boundaries appear on the zoning maps, such dimensions are determined by Article VII, Chapter 6 (Location of District Boundaries) of the Zoning Ordinance.

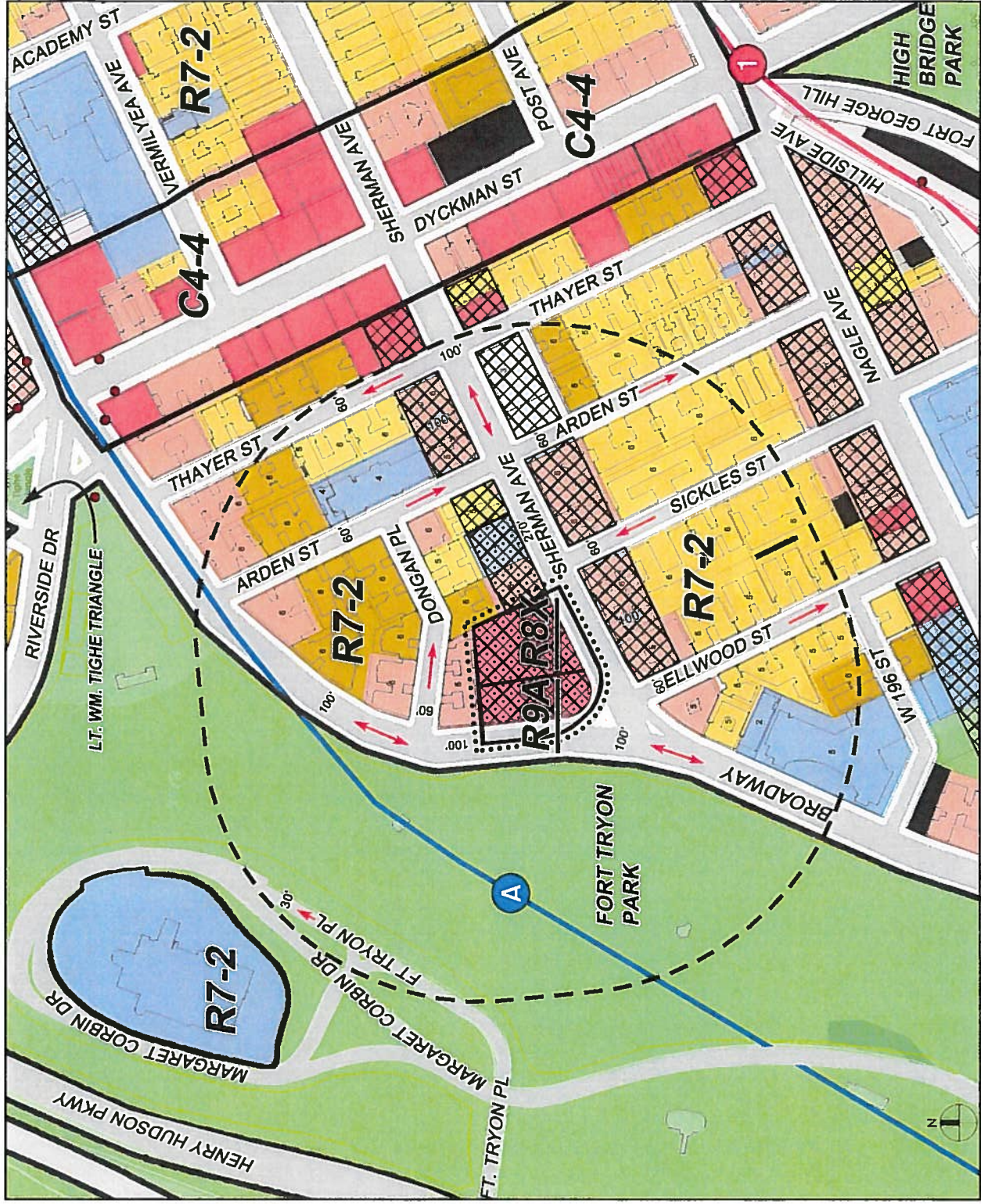
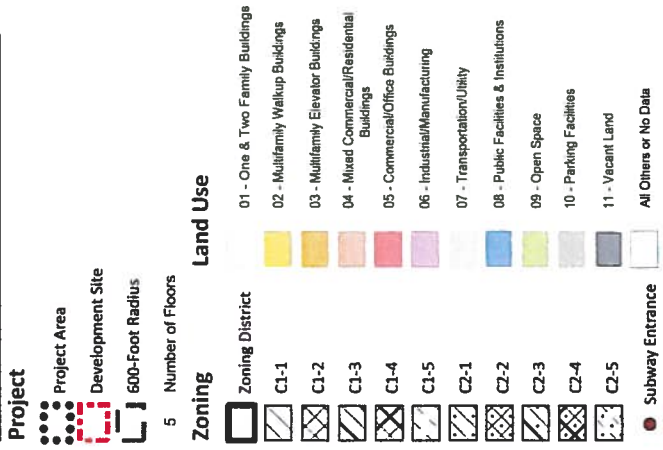


PROPOSED ZONING MAP - PROJECT AREA IS OUTLINED WITH DOTTED LINES
 R7-2 AND R7-2 / C2-4 DISTRICT IS REPLACED WITH A R9A & R8X / C2-4 DISTRICT

Area Map

Broadway & Sherman Ave

Manhattan-Block 2175-Lot 1





Community Board 12 - Manhattan Washington Heights & Inwood

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Shahabuddeen A. Ally, Esq., Chairperson
Ebenezer Smith, District Manager

May 24, 2016

Hon. Carl Weisbrod, Chairman
NYC Planning Commission
120 Broadway, 31st Floor
New York, New York 10271

RE: Resolution offering no objecting to the revised ULURP Application for Sherman Plaza -
Application No.: C 150438ZMM, 4650 Broadway, NY, NY, Block 2175/Lot1

Dear Chairman Weisbrod:

At the General Meeting of Community Board 12- Manhattan held on Tuesday, May 24, 2016, the Board passed the following resolution offering no objection to the revised ULURP Application for Sherman Plaza – Application No: C 150438ZMM, 4650 Broadway, New York, New York, Block 2175/Lot1, with a vote of (26) In Favor; (4) Opposed;(0) Abstaining.

Whereas: On March 22, 2016 Community Board 12- Manhattan (“CB12M”) passed a resolution opposing the residential rezoning and establishment of a Mandatory Inclusionary Housing area proposed at 4650 Broadway, New York, NY for the Sherman Plaza Project (the “Project”) under Uniform Land Use Review Procedure (“ULURP”) application number C 150438ZMM (the “Application”), but supporting the proposed extension of an existing C2-4 commercial overlay over the entire lot. A revised application (the “Revised Application”) for the Project was submitted to the Department of City Planning on May 20, 2016. The revisions made in response to CB12M’s resolution and comments from the Manhattan Borough President made in the course of its review of the Application. The Revised Application will be considered by the City Planning Commission at a public hearing on Wednesday, May 25, 2016; and

Whereas: The Project is an approximately 470,000 square foot mixed-use 23-story building with 30% of the units being affordable at an average area median income

(“AMI”) of 80% . To achieve the proposed building density, the site’s current R7-2 zoning was to be changed to R9. Under current zoning an as-of-right residential building on the site can be a maximum of approximately 306,000 square feet. R7-2 zoning does not impose height limits. An as-of right building built to the maximum permitted density would be at least 10 stories, but could be taller. A prior mixed-use development proposal for the site was 18-stories tall; and

Whereas: CB12M objected to, among other things, the Project’s scale – both with respect to neighborhood character and in relation to the scenic view shed of Fort Tryon Park and the Cloisters, the percentage of affordable units proposed and the targeted area median income level for the proposed affordable units; and

Whereas: The project proposed in the Revised Application (the “Revised Project”) is a 15-story, approximately 369,786 square foot mixed-use building with 50% of the units being affordable at income levels from 40% AMI (\$31,080 for a family of three) to an average 80% AMI. The site is proposed to be rezoned to a mixed contextual zoning district, R9A/R8X, that imposes a maximum height limit of 175 feet or 17 stories. The Revised Project is 155 feet or 15 stories; and

Whereas: The Revised Application and the Revised Project reflect attention to the concerns outlined in CB12M’s resolution and reiterated by the Manhattan Borough President’s Office in the course of its review of the Application, although not all of the concerns raised are addressed. Now, therefore, be it

Resolved: Community Board 12-Manhattan does not oppose the Revised Application provided that the final design of the Revised Project is 155 feet tall or less, and be it further

Resolved: Community Board 12-Manhattan urges the applicants to review design options to further reduce the height of the Revised Project and urges the City Planning Commission to consider allowing greater lot coverage than generally permitted as-of-right under zoning to help facilitate a reduction to building height (a recent article in the New York Times observed that a significant number of residential buildings in Washington Heights and Inwood have greater lot coverage and more units than permitted by current zoning); and be it further

Resolved: Community Board 12-Manhattan urges the elected officials that represent Washington Heights and Inwood to work with City Hall, Con Edison and other parties as necessary to make upgrading the subsurface utility infrastructure in Washington Heights and Inwood, inclusive of fiber optic broadband, a priority in order to more fully satisfy existing service demands and future demands of new development projects; and be it further

Resolved: Community Board 12-Manhattan urges the Department of City Planning and the City Planning Commission to ensure that the environmental impacts of the Revised Project, including but not limited to impacts on Fort Tryon Park and the Cloisters and related to the potential presence of hazardous subsurface materials, are carefully assessed; and be it further

Resolved: Community Board 12-Manhattan urges the Department of Housing Preservation and Development and the elected officials that represent Washington Heights and Inwood to ensure that the distribution of affordable units in the Revised Project include a significant percentage, preferably 50%, of family-size, i.e.: two and three-bedroom, units.

Sincerely,

A handwritten signature in black ink, appearing to read 'Shahabuddeen A. Ally'.

Shahabuddeen A. Ally, Esq.
Chairperson

CC: Hon. Bill de Blasio, Mayor
Hon. Gale Brewer, Manhattan Borough President
Hon. Letitia James, Public Advocate
Hon. Charles Rangel, Congressman
Hon. Bill Perkins, State Senator
Hon. Adriano Espaillat, State Senator

Hon. Herman D. Farrell, Jr., Assembly Member
Hon. Guillermo Linares, Assembly Member
Hon. Ydanis Rodriguez, Council Member
Hon. Mark Levine, Council Member