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Community Board 12 - Manhattan Washington Heights & Inwood

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November 29, 2021

Hon. Marisa Lago, Director
New York City Department of City Planning
120 Broadway
31st Floor
New York, NY 10271

Re: Opposing the FRESH Food Store Application submitted for 4650 Broadway

Dear Director Lago:

At the Executive Committee Monday, November 15, 2021, Community Board 12 Manhattan, Executive Committee, passed the following resolution with a vote of 13 in favor, 0 opposed, 0 abstentions, 1 not voting, opposing the FRESH Food Store application for 4650 Broadway. Community Board 12 Manhattan ratified this resolution at its General Meeting on Tuesday, November 23, 2021, with a vote of 31 in favor, 0 opposed, 1 abstention, 0 not voting. Community Board 12 Manhattan objects to the misuse of the FRESH Program to benefit this poorly considered development project and urges the Chair of the City Planning Commission not to approve the application. Community Board 12-Manhattan requests that all elected officials who represent Washington Heights and Inwood immediately contact the Chair of the City Planning Commission to urge her not to approve the application.

Whereas: On October 25, 2021, an application was submitted to the Chair of the City Planning Commission for certification under the Food Retail Expansion to Support Health ("FRESH") Zoning Program on behalf of AQOZFI Inwood, LLC. The application was forwarded to Manhattan Community Board 12 ("CB12M") on the same date. Community Board 12-Manhattan ("CB12M") has 45 days, i.e., until December 9, 2021, to provide its comments on the application, and

Whereas: The FRESH food store is part of a proposed 19-story, approximately 274,000 square foot, mixed-use development project (the "Project") located at 4650 Broadway, on Broadway and Sherman Avenue. In addition to the food store, the Project would include 222 residential units, approximately 77,000 square feet of community facility space containing medical offices and a charter school, and off-street parking for 111 vehicles; and

Whereas: The application was presented to CB12M's Land Use Committee at its October meeting, at which various questions were raised concerning the development project. A more detailed presentation on the Project was made to Land Use at its November 2021 meeting; and

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- Whereas: FRESH Zoning Text Amendment, a joint initiative of the Department of City Planning and the NYC Economic Development Corporation, provides zoning and financial incentives to encourage grocery stores to locate in underserved areas and is applicable to new construction and renovation of existing buildings. It was enacted after a 2008 study by the NYC Department of Health and Mental Hygiene, DCP and EDC found many low- to moderate-income neighborhoods across the city are underserved by grocery stores offering a full line of products, including fresh fruit and vegetables, fresh meat, dairy, and other food items. The study demonstrated an association between the density of retailers offering opportunities for healthier food purchases with the level of obesity, diabetes, and other health conditions and identified Washington Heights and Inwood among the underserved areas; and
- Whereas: To qualify for the FRESH zoning incentives, a store must be a minimum of 6,000 square feet; a minimum of 50% of the store's floor area must be dedicated to food products intended for home preparation, consumption, and utilization; a minimum of 30% of the store's floor area must be devoted to perishable goods, and a minimum of 500 square feet must be dedicated to fruits and vegetables. The zoning incentives provided by FRESH allow for additional floor-area-ratio ("FAR") in mixed residential and commercial buildings. The FAR incentive provides for one extra square foot of residential floor area for each square foot of a FRESH food store up to a maximum of 20,000 square feet for any individual store; and
- Whereas: The site is in an R7-2 zoning district with a C2-4 overlay that extends 100 feet into the area from Sherman Avenue. R7-2 zoning does not impose a maximum building height. The maximum permitted FAR is 6.5 for most community facility uses. Up to 3.44 FAR may be residential (utilizing Height Factor/Open Space, or 4.0 utilizing Quality Housing). Up to 2.0 FAR in the portion of the site covered by the overlay may be commercial. The site is 47,354 square feet in area, which, at 6.5 FAR, would permit a building to be a total of 307,801 SF of floor area; and
- Whereas: The proposed building will contain 274,235 SF of floor area (or 5.79 FAR) including 178,718 SF of residential floor area (3.44 FAR + .33 of reallocated FAR = 3.77 residential FAR), 18,930 SF of commercial floor area (.40 FAR), 76,587 SF of community facility floor area (1.62 FAR). The reallocated of floor area to the residential component of the Project by the use of the FRESH Program allows for the unit count to be increased by 22 units or 10% of the Project's 222 units; and
- Whereas: However, the use of the FRESH Program allows the Project's residential component to be enlarged beyond the 3.44 FAR permitted as-of-right. The Project's design approach is insensitive to its neighborhood context and its proximity to and visual impact on Fort Tryon Park and The Cloisters. Fort Tryon Park is a city, state, and national landmark. The Cloisters is a city landmark and a National Register-listed building located in Fort Tryon Park. This development compromises that scenic landmark quality, as would any similar subsequent developments built close to the park. No sensitivity is shown, or consideration is given to how it relates to the surrounding community, what shadows will be cast or how scenic vistas will be impacted. The extent to which the Project would overshadow the park and interrupt the visual landscape and views both from and of the playground sets an undesirable urban design precedent for other potential development sites along the Broadway side of the park; and

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shadows will be cast or how scenic vistas will be impacted. The extent to which the project would overshadow the park and interrupt the visual landscape and views both from and of the park sets an undesirable urban design precedent for other potential development sites along the Broadway side of the park; and

Whereas: Most pertinent to this application is the fact that there are several full-service supermarkets on Broadway, Sherman Avenue and Nagle Avenue that sell fresh produce in the immediate vicinity of this site. The supermarket is the smallest component of the project and is not the primary reason for the use of the FRESH Program. The FRESH Program, in this case, is not being used to further the purpose of the program, i.e. provide the neighborhood with a new grocery store that will fill a gap offering fresh produce, but to simply to take advantage of the zoning bonus provisions of the program that allow the SF allocated to the store to be reallocated within the project; now, therefore be it

Resolved: Community Board12-Manhattan strongly objects to the misuse of the FRESH Program to benefit this poorly considered development project and urges the Chair of the City Planning Commission not to approve the application; and be it further

Resolved: Community Board12-Manhattan requests that all elected officials who represent Washington Heights and Inwood immediately contact the Chair of the City Planning Commission to urge her not to approve the application.

Sincerely,



Eleazar Bueno
Chairperson

cc: Hon. Bill de Blasio, Mayor
Hon. Jumaane Williams, Public Advocate
Hon. Scott M. Stringer, Comptroller
Hon. Brian Benjamin, State Senator
Hon. Robert Jackson, State Senator

Hon. Al Taylor, Assembly Member
Hon. Carmen De La Rosa, Assembly Member
Hon. Ydanis Rodriguez, Council Member
Hon. Mark Levine, Council Member
Hon. Gale Brewer, Manhattan Borough
President