



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

**Community Board 12 - Manhattan**  
**Washington Heights & Inwood**

530 West 166<sup>th</sup> St. 6<sup>th</sup> Floor, New York, NY 10032

Phone: (212) 568-8500, Fax: (212) 740-8197

Website: [www.nyc.gov/mcb12](http://www.nyc.gov/mcb12)

March 29, 2016

Hon. Carl Weisbrod, Chairman  
NYC Planning Commission  
120 Broadway, 31<sup>st</sup> 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 6<sup>th</sup> 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 if 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,

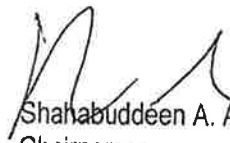
**Be It**

**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 Rodríguez, Council Member  
Hon. Mark Levine, Council Member