

# Important Resolution Notice

**For October 2016 ONLY**

*Due to a lack of a quorum at the General Meeting on October 26th, 2016 as defined by Article 10.07 Section (2) of the board's bylaws all proposed resolutions on that agenda were approved at the Executive Committee on November 21st, 2016. This action was later ratified at the next General Meeting on November 22nd, 2016 as required by Article 12.01 Section (4) of the board's bylaws\*.*

*\* Bylaws of COMMUNITY BOARD #12, MANHATAN as amended on March 22<sup>nd</sup>, 2016*



## Community Board 12 - Manhattan Washington Heights & Inwood

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

November 28, 2016

Hon. Margery Perlmutter, Chairman  
NYC Board of Standards & Appeals  
250 Broadway 29<sup>th</sup> Floor  
New York, N.Y. 10007

Dear Chairman Perlmutter:

At our Executive Committee Meeting on Monday, November 21, 2016, Community Board 12 Manhattan passed the following resolution with a vote of (13)In Favor; (0)Opposed; (0)Abstain opposing approval of the Revised Application submitted to the Board of Standards and Appeals on behalf of HAP Investments, LLC requesting multiple zoning variances to facilitate development of the proposed 16-story mixed-use building at 4452 Broadway. This Executive Committee action was ratified at the November 22, 2016 Community Board 12, Manhattan General Meeting.

**Whereas:** In May 2015, application number 104-15-BZ (the "Application") was submitted to the Board of Standards and Appeals ("BSA") by Rosenberg & Estis, PC, Attorneys at Law ("Legal Counsel") on behalf of HAP Investment, LLC ("HAP") requesting variances to multiple sections of the New York City Zoning Resolution to facilitate development of a mixed-use development project at 4452 Broadway (the "Project"). The Project as proposed consists of the development of an irregularly shaped, approximately 24,280 square foot site, 4452 Broadway, (Block 2170 / Lots 62 and 400), located at the southeast corner of the intersection of Broadway and Fairview Avenue (the "Site") , as a 16-story, 235,458 square foot mixed-used building containing 241 units of market-rate rental housing, approximately 14,919 square feet of commercial space on the ground floor and second floors and 18,834 square feet of commercial space on the cellar and two-sub-cellar floors. Total development costs are estimated at \$111 million; and

**Whereas:** The portion of the Site that is within 100 feet of Broadway is zoned R7-2 with a C2-4 overlay and the remainder is zoned R7-2 without a commercial overlay. The Project does not comply with zoning. The maximum residential density permitted under zoning is approximately 87,407 square feet (an average floor-area-ratio or FAR of 3.6); 221,267 square feet (133,860 square feet larger than-as-of-right) of residential space is proposed. The maximum street-wall height permitted pursuant to zoning is 60 feet; a street-wall height of 105.25 feet (42.25 feet taller than as-of-right) is proposed. The Project exceeds the maximum allowable density / floor area (an average of 3.6 vs. 9.7), and the maximum building height (80 feet vs. 165.25 feet) pursuant to zoning. It also does not comply with the minimum number of required parking spaces, i.e.: 50% of the total number of units (121 required vs. 50 proposed). Further, the location of floors occupied by commercial uses (C2-4 zoning does not permit zoning above the first floor; commercial space on the second floor is proposed) and the required accessory loading berths (no loading berth is required for the first 25,000 square feet of commercial space but a loading berth is required for the next 17,000 square feet of commercial space - a total of 33,034 in commercial space is proposed) are also non-compliant; and

**Whereas:** In September 2015 Community Board 12-Manhattan ("CB12M") passed a resolution opposing approval of the Application submitted to the Board of Standards and Appeals on behalf of HAP Investments, LLC requesting multiple zoning variances to facilitate development of a 16-story, 235,458 square foot, mixed-used building at 4452 Broadway

based first and foremost on its overwhelmingly adverse impacts on the neighborhood's essential character due to its excessive height and density and its insensitive, poorly considered architectural design, but, additionally, and as importantly based on the absence of any units that are affordable to average local residents and the on-street problems that will be caused by the reduction in the number of parking spaces and the elimination of a loading berth; and

Whereas: In August 2016 CB12-M received a copy of the revised Application (the "Revised Application") for the Project. The revisions include reducing the total floor area by approximately 40,000 square feet; reducing the residential FAR from 9.11 to 7.5 and the total FAR from 9.7 to 8.1; reducing the number of dwelling units from 241 to 206; shifting the bulk of the building to the east through a series of setbacks totaling nearly 80 feet; and reducing the building height from 165 feet to 160 feet; and

Whereas: Despite these reductions the Project fails to address the core objections raised in CB12-M's September 2015 resolution. At 160 feet tall its height remains excessive, and at an FAR of 8.1 its density significantly exceeds what is permitted as-of-right. The five-foot reduction in building height is a disingenuous response; the Project continues to be out of context with the existing neighborhood's urban fabric. The Revised Application does not contain any renderings so it can only be assumed that the insensitive architectural design presented in September 2015 remains substantially unchanged. The Revised Application does not make any provision for the inclusion of any units that are affordable to average local residents. The on-street problems that will be caused by the reduction in the number of parking spaces and the elimination of a loading berth remain unmitigated; now therefore

**Be It Resolved:** Community Board 12-Manhattan opposes approval of the Revised Application submitted to the Board of Standards and Appeals on behalf of HAP Investments, LLC requesting multiple zoning variances to facilitate development of the proposed 16-story mixed-use building at 4452 Broadway, calls upon the HAP Investments to materially revise the Project to fully address the core objections raised in its September 2015 and calls upon the Board of Standards and Appeals to require any revised application submitted for the Project to include design and program changes that reflect genuine consideration of these core objections.

Sincerely,

  
Shahaduddeen 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. Herman D. Farrell, Jr., Assembly Member  
Hon. Guillermo Linares, Assembly Member  
Hon. Ydanis Rodriguez, Council Member  
Hon. Mark Levine, Council Member  
Hon. Adriano Espaillat, State Senator