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 12\(^2\) (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.” 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 Tyron 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.

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1 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 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
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,

[Signature]

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/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

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. 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

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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:

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<th>Committee Members:</th>
<th>For</th>
<th>Against</th>
<th>Abstaining</th>
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