



CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIRMAN

REVISED NEGATIVE DECLARATION¹
Supersedes the Negative Declaration Issued on January 19, 2016.

Project Identification

CEQR No. 16DCP072M
ULURP Nos. C150438ZMM, N160164ZRM
SEQRA Classification: Type I

Lead Agency

City Planning Commission
120 Broadway, 30th Floor
New York, NY 10007
Contact: Robert Dobruskin
(212) 720-3423

Name, Description and Location of Proposal:

Broadway-Sherman Avenue Rezoning (Sherman Plaza)

The Applicant, Acadia Sherman Avenue LLC, is seeking a zoning map amendment from R7-2/C2-4 and R7-2 to R9A/C2-4 and R8X/C2-4 affecting the property located at 4650 Broadway on Block 2175, Lot 1 (the "Project Site") in the Inwood neighborhood of Manhattan, Community District 12. The Applicant also seeks a zoning text amendment to Appendix F of the New York City Zoning Resolution to establish a Mandatory Inclusionary Housing Area (MIHA) coterminous with the boundaries of the Project Site. The proposed actions would facilitate a proposal by the Applicant to construct a 15 story, 155' tall, approximately 431,725 gross square foot (gsf) mixed-use building containing approximately 350,871 gsf of residential uses (413 dwelling units), 15,000 gsf of community facility uses, 25,000 gsf of retail uses and an approximately 40,854 gsf, 174 space cellar level accessory parking facility accessed through a curb cut located on Sherman Avenue. Approximately thirty percent of the residential floor area (up to 207 dwelling units) are expected to be allocated as affordable dwelling units for low, moderate, and middle-income families. The development's affordability program, including the Area Median Income (AMI) breakdown, will be determined by the Applicant in conjunction with the New York City Department of Housing Preservation and Development (HPD) and the New York City Housing Development Corporation (HDC) at a later date.

¹ Since Certification of the project on January 19, 2016, and in response to comments received during the public review process, the Applicant has modified the proposed rezoning from an R9 zoning district to R9A/C2-4 and R8X/C2-4 zoning districts. The proposed text amendment to establish the MIHA remains unchanged. This Revised Negative Declaration is reflective of the revised actions, as described in the supporting statement of this document.

Currently, the Project Site is developed with a two-story, 135,773 gsf mixed-use building containing a 400-space commercial parking garage and office uses. Originally constructed in 1928 as a showroom for the Packard Motor Car Company, the building at the Project Site was designed by the architect Albert Kahn, known primarily for his role in modern factory design.

The existing R7-2 zoning district currently mapped on the Project Site permits community facility uses (Use Group 3 and 4) at a maximum Floor Area Ratio (FAR) of 6.5. Residential uses (Use Group 2) are limited to a maximum FAR of 3.44 per "Height Factor" regulations and a maximum FAR of 4.0 under the optional "Quality Housing" regulations. Under Height Factor regulations, building heights are controlled by a sky exposure plane that requires the building wall located above a height of 60 feet to set back at least 1-foot for every 5.6 feet in height, if situated along a wide street; and to set back at least 1-foot for every 2.7 feet in height, if situated along a narrow street. Open space requirements set forth in the Zoning Resolution help inform and determine building bulk. The optional Quality Housing regulations applicable to R7 districts establish overall height limits, and generally result in buildings that are bulkier in form and lower in height than Height Factor buildings. The Project Site is also partially zoned with a C2-4 commercial overlay mapped to a depth of 100' along Sherman Avenue. When mapped in an R7-2 district, C2-4 commercial overlays permit commercial uses (Use Groups 5 through 9) at a maximum FAR of 2.0.

The proposed R9A zoning district would be mapped to a depth of 100 feet east of Broadway on the Project Site, and the remaining eastern portion of the parcel would be mapped with an R8X zoning district. R9A and R8X zoning districts are contextual districts governed by Quality Housing bulk regulations that set an 175' height limit and allow high "lot coverage" developments. The proposed R9A zoning district permits residential uses at a maximum FAR of 8.5 for buildings that include permanently affordable housing under the MIH program; community facility uses are limited to an FAR of 7.5. The proposed R8X zoning district permits residential development at a maximum FAR of 7.2 for buildings that include permanently affordable housing under the MIH program; community facility uses are limited to an FAR of 6.0. The proposed C2-4 commercial overlay would be mapped on the entire Project Site and would permit commercial uses at a maximum FAR of 2.0. Commercial uses are limited to the first two floors in the R9A portion of the Project Site, and to the first floor in the R8X portion of the Project Site. As currently proposed to be mapped, a maximum overall FAR of 7.8 would be permitted to be developed on the Project Site.

As explained in the Supporting Statement of this document, as of January 2016, the Applicant had originally proposed to rezone the Project Site to R9/C2-4, which would have permitted the development of a 27-story, approximately 415,587-gsf mixed-use building. In response to the comments received on the original application, the Applicant revised the rezoning to reflect the current proposal. The proposed text amendment to establish the MIHA was not changed. A Revised EAS prepared on June 20, 2016, considers the revised proposal.

The Revised EAS considers development in the future with the proposed actions (the "With Action Scenario") that maximizes the FAR, base heights and building heights permitted under the R9A/C24 and R8X/C2-4 zoning districts. It should be noted that since the rezoning proposal would allow a range of building typologies, for the purposes of presenting a conservative analysis, the With Action

Scenario considered in the Revised EAS differs from the Applicant's proposed project in terms of bulk and height. The With Action Scenario consists of a 17-story, 175 foot tall development, compared to the Applicant's proposed 15-story, 155 foot tall development. The With Action Scenario development program, which is nearly identical to the building program proposed by the Applicant as part of the proposed project, consists of a 431,725 gsf mixed-use building that includes the following uses: approximately 350,871 gsf of residential space on floors 2 through 17 at an FAR of 6.96 (413 dwelling units) 30 percent of which would be permanently affordable for families with incomes averaging at 80 percent AMI pursuant to the MIH program; approximately 25,000 gsf of ground floor retail space at an FAR of 0.53; approximately 15,000 gsf of ground floor community facility space at a FAR of 0.32; and an approximately 40,854 gsf below-grade parking garage containing 174 spaces.

Absent the proposed actions, the Applicant intends to develop the Project Site with a 14-story, 292,951 gsf mixed-use building that would include approximately 169,183 gsf of residential uses (199 market rate dwelling units), 25,000 gsf of commercial uses, 57,914 gsf community facility uses, and a 40,854 gsf below-grade parking garage containing 174 parking spaces. This development, which could be built on an as-of-right basis pursuant to the existing R7-2 Height Factor zoning regulations, is analyzed as the future No Action Scenario in the Revised EAS. It should be noted that for the purposes of presenting a conservative analysis, the Revised EAS also considers a second No Action Scenario alternative. The second No Action Scenario, which is consistent with the No Action Scenario analyzed in the original (January 2016) EAS, consists of a 10-story, approximately 292,249 gsf mixed-use building, including approximately 172,066 gsf of residential uses (202 market rate dwelling units), 40,968 gsf of commercial uses, 51,915 gsf of community facility uses, and a 27,300 gsf below-grade parking garage containing 122 spaces. As indicated in the Revised EAS, the 14-story development is considered the primary No Action Scenario, since it was found that the Applicant's desired as-of-right building program, as originally envisioned, is unable to be accommodated within a 10-story building envelope given current market trends and open space requirements applicable to Height Factor building developments.

The analysis year for the proposed project is 2018.

To avoid the potential for significant adverse impacts related to hazardous materials and noise, an (E) designation is proposed to be assigned to the Project Site. The (E) designation number is E-374.

The (E) designation text related to hazardous materials is as follows:

Task 1-Sampling Protocol

The applicant submits to 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 (E) designation text 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.

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

Statement of No Significant Effect:

The Environmental Assessment and Review Division of the Department of City Planning, on behalf of the City Planning Commission, has completed its technical review of the Revised Environmental Assessment Statement, dated June 20, 2016, prepared in connection with the ULURP Application (Nos. C150438ZMM, N160164ZRM). The City Planning Commission has determined that the proposed actions will have no significant effect on the quality of the environment.

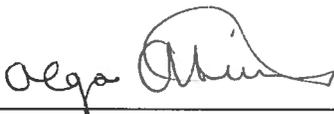
Supporting Statement:

The above determination is based on an environmental assessment which finds that:

1. An Environmental Assessment Statement (EAS) was completed on January 15, 2016 and a Negative Declaration was issued on January 19, 2016, for the Applicant’s original application dated January 19, 2016. The original application included a zoning map amendment to rezone the Project Site to an R9/C2-4 zoning district (the “R9 Rezoning Proposal”) and a zoning text amendment to establish a Mandatory Inclusionary Housing Area (MIHA) coterminous with the boundaries of the Project Site. In response to comments received during the public review process, the Applicant modified the proposed rezoning to map R9A/C2-4 and R8X/C2-4 zoning districts on the Project Site. The proposed text amendment to establish the MIHA remains unchanged. A Revised EAS was prepared that considers the revised application. As discussed in the Revised EAS, the revised application is not expected to result in any significant adverse environmental impacts, and the conclusions identified in the January 15, 2016 EAS and January 19, 2016 Negative Declaration would remain unchanged.
2. In a letter dated June 15, 2016, the Landmarks Preservation Commission (LPC) determined that the project site located at 4650 Broadway does not appear to be eligible for listing on the State or National Register or as a New York City Landmark.
3. The (E) designation related hazardous materials and noise would ensure that the proposed actions would not result in significant adverse impacts.
4. No other significant effects on the environment which would require an Environmental Impact Statement are foreseeable.

This Revised Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law 6NYCRR part 617.

Should you have any questions pertaining to this Revised Negative Declaration, you may contact Yasmine Robinson (212) 720-3321.



Olga Abinader, Deputy Director
Environmental Assessment & Review Division
Department of City Planning

Date: June 20, 2016

Carl Weisbrod, Chairman
City Planning Commission

Date: June 20, 2016

