

LAND USE COMMITTEE – MEETING MINUTES

April 6, 2016

Committee Members Present

Wayne Benjamin, Chair
Andrea Kornbluth, Asst. Chair
Anita Barberis
Isaiah Bing
Osi Kaminer
Steve Simon

Committee Members Absent

James Berlin (Excused)
Jonathan Reyes

Board Members Present

Public Member Present

Vivian Ducat

Public Member Absent

Staff:

Guests: Rita Gorman, Lucian Reynolds, William Jeff, Pat Courtney, Timothy Frasca, Sandra Harris, Melanie Meyers, Hanna Gustaffson, Steve Archuleta.

1. The meeting of the Land Use Committee (“Land Use” or the “Committee”) was called to order with quorum present at 7:22 PM. Land Use Chair Wayne Benjamin welcomed guests, and Committee members introduced themselves.
2. Chair Benjamin explained that the presentation by New Yorkers for a Human-Scale City is rescheduled to the May Committee meeting due to a scheduling conflict. A presentation on Audubon Park’s ‘Six to Celebrate’ activities, specifically efforts to expand the Audubon Park Historic District to include the W. 158th Street brownstones, will also be made at the May meeting.
3. Lucian Reynolds of the Manhattan Borough President’s Office (“MBPO”) provided an update on the ULURP application for Sherman Plaza - 4650 Broadway that is now under review at MBPO. This application was the subject of a public hearing at the March Committee meeting, and a resolution opposing the change of zoning (R7-2 to R9) but not opposing the fill C2-4 (commercial) overlay was adopted by the full Board at the March 22 General Meeting. In accordance with the ULURP process, the Borough President must submit a recommendation to the City Planning Commission (“CPC”) by the end of April. Mr. Reynolds indicated that the Borough President’s recommendations are likely to be similar to those of the CB12M resolution. Among the factors being considered are the following:
 - a. Fort Tryon Park is one of six scenic landmarks in Manhattan and could be affected by shadows from the tall building;
 - b. The Environmental Assessment Statement (“EAS”) lacks detailed information and raises more questions than it answers;
 - c. As the first project under the recently adopted Mandatory Inclusionary Housing (“MIH”) program, this will set standards for future development – even if it were 50% affordable, MBPO would still have concerns regarding the effects of a project of this much bulk on an area with a very different context.

Chair Benjamin confirmed that the Committee had also questioned the EAS, as it claimed that the project would have no negative impact whatsoever in any category (shadows, parking, infrastructure, etc.). The EAS would be more plausible if it acknowledged potential negative impacts and discussed options for mitigation.

The question of infrastructure, including the area’s outdated subsurface infrastructure, should be addressed in more detail in the EAS. It was not addressed in detail in the CB12M resolution because ULURP application pertains only to two zoning issues, and the CPC, which is responsible for the review and disposition of ULURP applications, does not have jurisdiction over infrastructure questions and will not consider them.

Lucian Reynolds also noted that the input from the community boards and the borough president helps to set the tone for the CPC's questions to applicants. The CPC can approve the ULURP application and pass it on to the City Council for the next stage of voting (where Council Members would have the ability to swap and trade to shape the final proposal), vote the proposal down, or ask the applicant to revise its proposal in accordance with rational land use planning. Some applicants withdraw their applications at the CPC review stage if they think that the CPC will vote them down, as a 'no' vote at that point makes it much more difficult to obtain a subsequent 'yes' vote.

Although CB12M completed its part of the ULURP process with the submission of its resolution, the community board and individuals can still provide input by attending the public hearings that will take place at each stage of the process, and by sending in comments. In order for comments to be considered by the MBPO in its review of the Sherman Plaza ULURP application, they should be sent to Lucian Reynolds or MBPO before April 28.

4. Sandra Harris made brief comments concerning Columbia University's application to the Board of Standards and Appeals ("BSA") for a 10-year extension of a zoning variance to allow for the continued operation of a public parking lot and introduced Melanie Meyers, Esq., who presented the application. Ms. Meyers stated that the zoning variance was initially granted by the BSA in 2001 and renewed in 2007, allowing several lots located at 465-469 W. 165th Street and 458-464 W. 166th Street (the "Property") to be used as a public parking area. The Property is nearly 18,000 square feet and is zoned for residential use (R7-2), and cannot be used as of right for parking under current zoning.
 - a. The property is owned by Sand Realty and S&H Edgcombe Corporation, and is currently leased to Columbia, which is using it as a temporary parking facility, pending the completion of the new nursing school building. The nursing school will have a 150-space garage that will replace this lot.
 - b. The parking lot is used by Columbia (21 dedicated spots) and the surrounding neighborhood (roughly 50 spots), including the adjacent RENA Day Care Center.
 - c. Columbia has made certain improvements to the Property, including leveling the surface, painting new stripes, and installing a new parking attendant's booth and fence.
 - d. Columbia anticipates that construction of the new nursing school building will be completed in 2017, and its lease for the Property will end around that time.

Committee members and guests discussed the history of the Property and potential future uses:

- a. Buildings on the Property were in disrepair and were demolished around 1997. The Property was then used informally as a parking lot until the first variance was granted in 2001. The current Property owners may have operated the lot as an ongoing concern between 2001 and the time that Columbia leased it from them about two years ago.
- b. The Property was scheduled to be auctioned by the City after the buildings were demolished. Committee member Steve Simon, who was Chief of Staff to Council Member Stanley Michels at the time, recalls that the owners of the building in which RENA Day Care Center is located approached Councilman Michels and advised that obtaining ownership of the Property would enable them to build a playground for use by the center. Then-Borough President Ruth Messinger worked with Councilman Michels to ensure that the Property was not put up for sale at the auction, and it was instead sold to Sand Realty and/or S&H Edgcombe Corporation, each of which is controlled by members or principals of the Seavey family or the Seavey Organization, but the playground never materialized. (Note: RENA Day Care may currently have a play area on its roof.)
- c. As the Property was transferred to the current owners with the expectation that it would result in a community benefit, specifically the playground for the adjacent day care center, the Committee would like to know why the playground was never built. However, given the ongoing need for affordable housing in our area, residential development might be a better use of the property than an 18,000 sq. ft. playground. Current zoning could, for example, allow for a 70-unit building or an even larger mixed-use building including housing, parking and community space such as a smaller playground.
- d. Columbia applied for a 10-year extension even though its lease is expected to end well before that time because the last extension was for a 10-year term (the maximum allowable extension), and because a 5-year term is short, considering the cost and time involved in preparing the application.

The current extension expired in February 2016, but is still considered to be in effect because the renewal process was started in May 2015.

- e. The Committee agreed that extending the variance for the duration of the nursing school construction is reasonable, but concluded that a shorter term would be sufficient to meet Columbia's needs while giving elected officials and the Community Board time to consider a more productive use of the Property.
 - f. Design, financing and permitting for a new development project can easily take about two (2) years, or longer if Housing Development Corporation or other public-sector subsidy funding and tax credits are involved. A 5-year extension would provide a comfortable timeframe, but a 3-year extension might also be workable if outreach to the owners and elected officials begins right away.
 - g. Other considerations:
 - The owner is a well-established developer of affordable housing and could develop a suitable residential building there. There is also the risk that it could build a market-rate building as of right, but considering how it obtained the Property, such a project should be carefully scrutinized.
 - Lucian Reynolds pointed out that the adjacent day care facility is operated under the auspices of the Administration for Children's Services ("ACS") and may be nearing the end of its final 20-year lease with the City. If a new contract is not entered into, this building may no longer be a day care center in the future. The Committee will ask District Manager Smith and the Youth and Education Committee to follow up on this issue with DCP and ACS. [Subsequent to the LU meeting it was learned that a new five-year lease was approved by the city in December 2015.]
 - h. A motion was made by Osi Kaminer and seconded by Anita Barberis to support a 3-year extension of the variance. The motion passed by the following vote:
 - Land Use Committee: 5-1-1
 - Other Board Members: 0-0-0
 - Members of the Public: 0-0-0
5. Old Business: The Committee will ask District Manager Smith for an update on the status of BSA's consideration of the application for the 4452 Broadway development, which CB12 voted to oppose in September 2015.
 6. New Business: Cole Thompson, a local historian and realtor, will make a presentation on the Seaman-Drake Arch at the June Committee meeting.

The meeting was adjourned at 8:19 PM.

Submitted by Andrea Kornbluth.