

LAND USE COMMITTEE – MEETING MINUTES

May 2, 2018

Committee Members Present

Andrea Kornbluth, Asst. Chair
Anita Barberis
James Berlin
Osi Kaminer
Jay Mazur
Angelina Ramirez
Steve Simon

Committee Members Absent

Wayne Benjamin, Chair (Excused)
Jonathan Reyes
Christopher Ventura

Board Members Present

Public Member Present

Vivian Ducat

Public Member Absent

Staff: Paola Garcia

Guests: Paul Epstein.

1. The meeting of the Land Use Committee (“Land Use” or the “Committee”) was called to order with quorum present at 7:08 PM.
2. **New Business**

- a. **Discussion: Technical Memorandum Added to Inwood Rezoning Proposal.**

Community member Paul Epstein raised the issue of a Technical Memorandum (“Memorandum”) that was added to the Inwood Rezoning Proposal on April 19, after Community Board 12 Manhattan (“CB12M” or the “Board”) had submitted its comments on the Uniform Land Use Review Procedure (“ULURP”) application, and after the Board had discussed its responses to the Draft Environmental Impact Statement (“DEIS”). Mr. Epstein and other members of the Uptown United coalition discovered the Memorandum through a close review of the Manhattan Borough President’s Office (“MBPO”) ULURP application response, which refers to the Memorandum on page 25. The Memorandum is not marked as a new document on city websites, so it is not easy to find.

According to Mr. Epstein, the Memorandum includes some revisions that could be beneficial, such as the following:

- i. A zoning change for 5030 Broadway to allow for the self-storage business;
 - ii. Lots set aside for wholesalers in the Sherman Creek area; and
 - iii. Special provisions for landowners who grant easements near subway stations for the construction of elevators: the land affected by the easement will not be counted against the FAR for the property.

However, the Memorandum also contains a provision that is of greater concern, namely, a zoning change from ‘residential with commercial overlay’ to ‘commercial’ in the Commercial U area and on Dyckman Street west of Broadway. Though this modification does not significantly change proposed building heights, it could have the following effects:

- i. The commercial designation would not preclude the creation of housing, but it does not require it. Nevertheless, MIH is cited as the justification for taller buildings in this zone.
 - ii. While CB12M and the MBPO were very concerned with protecting small businesses, the new zoning would allow big box stores and nightclubs, etc. in this zone [by allowing Use Group 10 commercial use].
 - a. Certain sections of the Commercial U would be required to devote 50% of their street frontage to local retail and services (i.e., retail, etc., that serves the local community, not necessarily locally-owned businesses.) While this restriction could support local businesses, it is also possible that big box stores, etc., could use the 50% frontage for an escalator to enter a larger store on the second floor.

- b. Appendix A of the Memorandum states that this restriction does not apply to Broadway and Dyckman Street west of Broadway. Thus, big box stores and nightclubs could easily be built in these areas. Appendix A further states that adaptive reuse on Dyckman Street should be encouraged but does not restrict other uses. In response to a question from Committee member Jay Mazur, Committee member James Berlin and Mr. Epstein stated that the large supermarkets and banks that currently exist on Broadway are not considered big box stores.
- c. The MIH designation will allow for higher ceilings on the ground floor. Mr. Epstein believes that this is something that is generally required by big box stores, and not by small businesses. (Note: new retail spaces often have higher ceilings to accommodate utilities such as sprinklers, electrical conduits, and HVAC ducts, etc.)
- d. The language of Appendix A is somewhat ambiguous, and it isn't clear which non-local business uses are restricted. Mr. Epstein has contacted the NYC Economic Development Corporation ("NYCEDC") for clarification.

The DEIS was revised in response to the Memorandum, as follows:

- i. For the Sherman Creek area, a net reduction of eight housing units was noted.
- ii. In the Commercial U, no impact on neighborhood character was recognized.
- iii. The original DEIS assumed that 26 businesses would be displaced. This number has been raised to 39. However, while the DEIS only identifies 12 soft sites in the Commercial U area, MPBO staff who walked along the corridor counted 147 businesses on soft sites.

Comments:

- i. James Berlin commented that big box stores could well be a part of NYCEDC's agenda – they might do well in Inwood and pay more in taxes. Small businesses will bear the burden of this strategy. Also, newly constructed nightclubs could have better sound protection than retrofits in existing buildings.
- ii. Jay Mazur noted the irony of people defending Tenth Avenue nightclubs as local businesses, but opposing them on Broadway where the population is whiter.
- iii. Committee member Angelina Ramirez commented that people in the Dyckman Houses are upset that they were not consulted about the proposal that will allow Academy Street traffic to go through the complex. Jay Mazur noted that Stuyvesant Town has public streets going through it. (Note: Google Maps shows only footpaths going through Dyckman Houses at this time.)
- iv. Angelina Ramirez also noted that the land along Dyckman Street is owned in small slivers that are so lucrative for their owners (who generally don't live in the area) that it is less likely that developers will be able to assemble larger parcels. A number of buildings on W. 207th Street are owned by Avi Dishy, who has indicated that he is not interested in developing the sites. As to whether landlords will sell if the offer is attractive enough, Ms. Ramirez referred to a building on St. Nicholas Avenue at W. 182nd Street that has not housed residential tenants for about 25 years. That landlord makes enough money from the ground-floor businesses that he has turned down numerous offers to buy the building, including one for \$12 million.
- v. Committee members are disturbed by the changes made with the Memorandum, and by the fact that these changes were not announced to the public. A motion was made by James Berlin and seconded by Osi Kaminer strongly urging Board Chair Ally and Committee Chair Benjamin to formulate a resolution to address the issue of the Memorandum and the revisions to the DEIS at the next Executive Committee meeting.

The motion passed with the following votes:

Land Use Committee:	7 - 0 - 1
Other Board Members:	0 - 0 - 0
Members of the Public:	1 - 0 - 0

b. **CEQR**

Committee member Osi Kaminer suggested that the Committee should look into the City Environmental Quality Review (“CEQR”) manual, which was last revised in 2014, with those revisions implemented in 2016. Ms. Kaminer noted that the manual does not address such issues as solar power generation, etc., and suggests that it should be a live document that is periodically revised to reflect current technologies and concerns. Committee members should read the manual in order to have a fruitful discussion, but specific chapters can be assigned to each member to reduce the burden.

Committee member Steve Simon suggested that MBPO staff be invited to the next meeting to talk about their participation in a recent CEQR task force and present their findings and recommendations.

The meeting was adjourned at 8:02 PM.

Submitted by Andrea Kornbluth.