

LAND USE COMMITTEE – MEETING MINUTES

February 7, 2018

Committee Members Present

Wayne Benjamin, Chair
Andrea Kornbluth, Asst. Chair
James Berlin
Osi Kaminer
Jay Mazur
Jonathan Reyes
Steve Simon
Christopher Ventura

Committee Members Absent

Anita Barberis (excused)
Angelina Ramirez

Public Member Absent

Vivian Ducat

Board Members Present

Shahabuddeen Ally
Sara Fisher
Jason Compton
Isidro Medina
Ariel Miranda

Staff: Ebenezer Smith, Ely Silvestre

Guests: Valinn Ranelli, Bennett Melzak, (illegible), Jose Henriquez, (illegible), Federico Adez, David Munoz, Juan Lopez, Dave Thom, Jake Dell, Cheramie Mondesire, Kimberly Williams, Jay Nadler, Alastair Lamb (?), Bianca Guerrero, Zoya Kocur, Paul Epstein, Paul Hintersteiner, Abigail Savitch-Lew, Tom Hall, Alexandra Provo, Nina Bernstein, J. Hovy (?), P.O. Guzman, Elizabeth Ernish, Peter Psathas, David R., Johanna Garcia, Damion Allen, Michael Gernan, Robert Jackson, M. Caraballo, Martin Collins, Alex Melendez, Nayma Silver, Doris Sanchez, Graham Ciraulo, David Friend, Jennifer Bristol, (and other attendees who did not sign in).

1. The meeting of the Land Use Committee (“Land Use” or the “Committee”) of Community Board 12 Manhattan (“CB12M” or the “Board”) was called to order with quorum present at 7:05 PM. Chair Benjamin greeted guests and Committee members introduced themselves.

2. **Presentation: Restoration Work at Audubon Terrace Proposed by the American Academy of Arts and Letters (the “Academy”).**

Architect David Bae made a presentation on a proposed restoration project within the Audubon Terrace Historic District. This historic district is bounded by W. 156th and W. 155th Streets to the north and south, and by Broadway on the east. The brick surface of the upper and lower terraces between the 3 Academy buildings and the Church of Our Lady Esperanza is in disrepair, with bricks buckling and deteriorating. In some places, the bricks have been replaced by roofing membranes. The Academy is proposing the restoration of the herringbone-patterned brick surface using bricks approved by the Landmarks Preservation Commission (“LPC”), and two additional alterations:

- a) A new bench and planter, designed by Academy member Laurie Olin, will be added at the west end of the upper terrace. The planter will consist of zinc-clad boxes housing 8 fastigate oak trees. The 49’ bench will be made of IPE slats on galvanized steel stanchions.
- b) A small stairway connecting the upper and lower terraces will be shifted to the south so that it is centered between the church and the Academy’s east building, rather than running into the side of the church as it presently does. The present granite stairs and limestone balustrades will be reused and rearranged with better symmetry in the new location.

A motion to support this project was made by Jay Mazur and seconded by James Berlin. The motion was passed with the following votes:

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Committee	7	--	--
Board	2	--	--
Public	21	--	--

The Academy is hoping to present this matter to the LPC in March, following consideration by the full Board at the next General Meeting.

3. **Presentation: Inwood Rezoning ULURP Application**

Chair Benjamin explained that the Uniform Land Use Review Procedure (“ULURP”) application for the proposed Inwood rezoning was certified on January 16, and that CB12M is now in its 60-day review period,

which started on January 25. Multiple committees will cover the issue in their February meetings, and a public hearing is scheduled for February 22. Wrap-up meetings will be held by committees in March, and the final resolution will be voted on by the Land Use Committee on March 7 and by the full Board on March 20 in order to meet the 60-day deadline.

- a. Charlie Samboy, Assistant Vice President, Government and Community Relations of the New York City Economic Development Corporation (“NYCEDC”), opened with a personal story about growing up in an immigrant family in the South Bronx in Section 8 housing, and later finding himself in the odd position of earning too much to continue living with his family or to qualify for affordable housing lotteries in his neighborhood. He emphasized that NYCEDC does not intend its rezoning plan to be harmful to the neighborhood, but rather, as a means of creating policy to help people stay in the neighborhood.
- b. Rebecca Gafvert, NYCEDC’s Assistant Vice President, Development presented the “Inwood NYC Neighborhood Plan.” The presentation covered the following points:
 - i. The plan builds on past planning efforts, such as the 2011 Sherman Creek Waterfront Esplanade Master Plan, and is a comprehensive effort to ‘ensure that Inwood remains an affordable, attractive neighborhood for working families’ coordinated by eight city agencies.
 - ii. The plan involves ongoing bilingual community engagement that has honed in on frequently heard themes: the need for affordable housing and preservation and protection of existing rent-regulated housing stock, the need for upgraded infrastructure, the need for more community space, etc.
 - iii. Regarding affordable housing, rents in Inwood are rising faster than the NYC average, and little new housing has been created. There is too much demand and not enough supply.
 - iv. Measures to protect rent-regulated tenants include the establishment of a new legal services office at 5030 Broadway, the implementation of a Certification of No Harassment program, and a Neighborhood Pillars Program that will assist non-profit groups in acquiring buildings in order to keep them affordable.
 - v. Other forms of investment that are already underway include the Northern Manhattan Workforce1 Center, local business support, and community capacity grants, etc.
 - vi. Investments are also being made in park improvement (specifically in Highbridge Park), intersection design, Broadway Bridge upgrades, and sewer repairs.
 - vii. Rezoning is needed because the current zoning that was put in place more than 50 years ago does not allow for new housing in many areas and does not require affordable housing. Further, the lack of height limits could allow development that erodes the existing character of the neighborhood.
 - viii. The highly tailored plan includes the creation of special districts in the Sherman Creek, Tip of Manhattan, and Upland Wedge zones, and the addition of contextual zoning and changes to commercial districts in the Upland Core area.
 - ix. The Land Use Application includes the following actions:
(https://www.nycedc.com/sites/default/files/filemanager/Projects/Inwood_NYC/EIS/17DME007M_Final_Scope_of_Work_01122018.pdf)
 1. Zoning Map Changes;
 2. Zoning Text Amendments to create a Special Inwood District, Mandatory Inclusionary Housing (MIH) areas, and public waterfront access zones;
 3. City acquisition of certain waterfront lots and a future condominium with housing at a redeveloped public library;
 4. City disposition of certain waterfront lots and the site of the Inwood public library;
 5. Designation of the library site as an Urban Development Action Area/Urban Development Action Area Project (“UDAA/UDAAP”) to facilitate the development of affordable housing; and
 6. City Map Changes such as the closing of certain streets to facilitate the development of public open space along the waterfront.
 - x. The Upland Core, generally west of 10th /Nagle Avenues extending south to Thayer Street, will receive contextual R7A zoning to protect the neighborhood from one-off development proposals that could erode built character. Maximum building height with MIH would be 9 stories in this zone.
 - xi. The Commercial U (Dyckman and W. 207th Streets west of Tenth Avenue and Broadway between those streets) would receive R7D (115’ max height), R8A (145’ max) , C4-4D (145’ max) and C4-5D (115’ max) zoning to allow for MIH and to make greater density possible along these wider streets.

- xii. The Upland Wedge would receive C4-4D (165' max) zoning east of Broadway along the elevated 1 train line, and R7D (115' max) west of Broadway.
 - xiii. The Tip of Manhattan would receive modified M1-4 and M1-5 (265' max) zoning to encourage job-intensive uses, and C6-2 mixed use zoning with MIH (210' max).
 - xiv. Sherman Creek would receive R8A, R9A (295' max near waterfront, 175' max inland), R8 (245' max) and M2-4 zoning.
- c. Following the presentation, Chair Benjamin reminded Committee members that the Committee must carefully evaluate all 6 actions and make specific recommendations that will give the city and the Manhattan Borough President's Office ("MBPO") something to work with at the next stages of the ULURP review. Samboy confirmed that CB12M has four options for its response: Yes, Yes with Conditions, No with Conditions and No. The plan can be modified before the City Planning Commission ("CPC") vote, following the MBPO review, or by the City Council at the last stage of the review. Changes made by the City Council would be evaluated by CPC and then returned to the City Council for a final vote.
- d. Comments and questions:
- i. Committee member Andrea Kornbluth asked how height limits that exceed the heights of existing buildings by 2 – 5 times could be considered protection against the erosion of built character. Adam Meagher, NYCEDC Vice President, Development, focused his response on the Sherman Creek area, stating that an effort was made to strike a balance between affordable housing and preservation of character, leading to the creation of the upland R7A district. There would be greater density along the underutilized waterfront, but buildings would have a tower on base structure that increases light and harmony with surrounding areas. CB12M is welcome to comment on what the right balance should be.
 - ii. Chair Benjamin noted that under R7-2 zoning, the maximum Floor Area Ratio ("FAR") can go as high as 6.5 (from the standard 3.44 or 4 with the Quality Housing option), and asked whether a non-profit organization building a community facility could do the same thing under R7A. The response was that a community facility can only go up to 4.0 under R7A. Rev. Jake Dell of Holy Trinity Church later stated that a contemplated 195,000 ft² community facility on the site of the church would have to be reduced to 120,000 ft² under R7A, and NYCEDC responded that this project could be included in CB12M's recommendations. (Rev. Dell was also pleased by outreach by the community, the Committee and NYCEDC regarding this project.)
 - iii. Committee member Berlin commented that under R7-2, buildings are generally of a uniform height, and the proposed increases in density and height will not make the neighborhood more livable. Samboy responded that this plan is projected to develop gradually over a 15-year period and would not result in a sudden flood of new residents.
 - iv. Committee Member Osi Kaminer asked whether developers will be able to ask for variances to allow for even greater height and density. Meagher replied that developers always have the right to apply for variances, but given the city's investment in the rezoning project, it is unlikely that such applications would be granted.
 - v. Kaminer also asked whether the mixed-use zoning proposed for the Tip of Manhattan would allow for a vertical farm. NYCEDC did not know offhand.
 - vi. Board member Sara Fisher noted that much of the investment in parks featured in the presentation was decided well before the rezoning project, and asked for printed copies of the ULURP and DEIS materials. She also questioned the decision to not provide the DEIS in Spanish. Chair Benjamin advised Fisher to coordinate with District Manager Ebenezer Smith to obtain a hard copy if the DEIS.
 - vii. Committee member Steve Simon asked whether there will be any community facility spaces large enough to house a new school. Meagher responded that schools would be permitted by zoning and CB12M should make recommendations regarding the significant capital investments that would be made in Inwood. Chair Benjamin stated that we should review our District Needs Statement and itemize schools and other capital investments that the community needs.
 - viii. Simon also asked about the space set aside for potential institutional expansion in the Tip of Manhattan area, and Meagher explained that it is intended to facilitate growth and the creation of good jobs, possibly by NY-Presbyterian Hospital.
 - ix. In response to a community member's question about protecting small business, NYCEDC discussed NYC Department of Small Business Services ("SBS") initiatives to support small businesses and other programs such as 'Neighborhood 360'. CB12M is encouraged to include small business needs in its recommendations.

- x. A community member protested the mention of the Dyckman Houses as context for the taller buildings proposed for Sherman Creek, stating that public housing shouldn't be equated with luxury housing. NYCEDC stated that the plan is to build market-rate housing, not luxury housing. Chair Benjamin commented that CB12M will address the issue of affordability in Inwood, as it has done numerous times in the past.
- xi. Community member Bennett Melzak asked why the community should trust the developers and the Goldman Sachs and hedge fund alumni he said are staffing the administration, stating that the project is less about affordable housing than about developer profits.
- xii. A community member commented that it is disingenuous to say that people of color are being forced out of the neighborhood for making too much money. That is not happening in Inwood – the average income for Dominican residents is about \$30,000 and is not rising.
- xiii. Community members David Friend and Jennifer Bristol asked why the section of Inwood south of Thayer Street was not included in the proposal. This was an area where CB12M originally requested contextual zoning, as it has been the location of oversized one-off proposals. NYCEDC replied that it has already expanded the study area to the west, and can't do two rezonings at once.
- xiv. Friend also asked about the October forum hosted by our district's elected officials featuring Chinese investors discussing possible development over the MTA train yard at 207th Street and why this area is not included in the rezoning plan. Samboy said NYCEDC was present at the event, which was a discussion of the investors' ideas and concepts, and not an actual proposal. There is no development foreseen at the rail yard.
- xv. A member of 32BJ SEIU commented that the union supports good jobs and responsible development, and pointed out that developer Taconic Investment Partners has committed to paying prevailing wages.
- xvi. Chair Benjamin elaborated on affordability: by HUD and housing industry standards the cost of housing is considered affordable if it does not exceed 30% of household income. A household is considered rent burden when the cost of housing is more than 30% of household income. When rent is 50% of household income or more, that household is considered to be deeply burdened. The Area Median Income ("AMI") data for the greater New York City area, it does not accurately reflect affordability in Inwood or most of Upper Manhattan. As previously noted by CB12M, "Affordable" in Inwood would be about half of the citywide AMI. ,
- xvii. In response to a community member's question about why only a portion of a building will be designated as affordable housing, Samboy explained that there are constitutional limits on how the city can mandate affordable housing. Chair Benjamin added that only when land is publicly owned can the city mandate 100% affordable housing. Meagher added that the New York City Department of Housing Preservation and Development ("HPD") is working with private owners to provide resources that would allow them to build 100% affordable buildings.
- xviii. Community member Lena Meléndez commented that even though other rezonings in Williamsburg, etc. were not intended as displacement plans, they had the effect of disproportionately displacing Latino residents. Why wouldn't this happen in Inwood as well?
- xix. Community member Allegra LeGrande commented on the failure of the DEIS to address many of the concerns raised by the community, instead classifying these issues as "not within the scope of the study."
- xx. Community member Nayma Silver asked whether subsurface infrastructure upgrades could be done ahead of time and whether the rezoning proposal could be taken off the table and reconsidered in light of the fact that 65-75% of the community didn't give feedback. NYCEDC responded that its goal is to make infrastructure investments before development starts and that it has a statutory responsibility to complete the ULURP process now, but is still accepting community input.
- xxi. Community member Johanna Garcia, chair of the District 6 Community Education Council, commented that the proposal incentivizes displacement of tenants and small businesses, and asked why the DEIS discusses a hypothetical increase of 14,000 residents without mentioning schools. In fact, the DEIS implies that school attendance will go down. Chair Benjamin reiterated that school investment is among the capital requests to be considered by CB12M. NYCEDC spoke about capital investment commitments; Chair Benjamin stated that CB12M will work with the MBPO to ensure that these commitments are enforced..

4. **Presentation: White Paper on the Inwood Rezoning Proposal**

A presentation detailing problems with the Inwood rezoning proposal and proposing alternatives was made by Graham Ciraulo, Dave Thom and Paul Epstein.

- a. Community groups support the idea of rezoning in Inwood, but believe that this proposal is needlessly extreme and reckless, and could have devastating effects on the community. Community concerns have been brazenly dismissed, in favor of housing at any cost.
- b. For example, the Commercial U idea came into being with the creation of the R7A contextual zone. The community did not ask for this, and it puts local businesses at risk. The owner of C-Town has confirmed that his lease includes a clause that allows the landlord to terminate the lease if an opportunity for redevelopment arises. This may be the case for the other supermarkets located in the Commercial U zone as well.
- c. Several images with 3D depictions of possible new development were shown, and it was noted that the rezoning simply opens the door to these possibilities – all of what was shown could actually be built, or none or something in between.
- d. The Upland Wedge zone includes the Seaman-Drake Arch, which should be preserved. Buildings along Broadway could be taller than buildings on the hill above (Park Terrace East) at the northern end of the street.
- e. The omission of Inwood streets below Thayer Street leaves the door open for massive developments on Sherman and Nagle Avenues.
- f. The Sherman Creek area may be separate from other residential areas now, but the 207th Street bridge is already difficult to drive over. The addition of massive buildings here will further tax the roadway and the antiquated subsurface infrastructure.
- g. The Tip of Manhattan zone was originally slated for mixed-use development, but is now staying empty in anticipation of hospital expansion. These lots could be better used to create the same number of housing units as included in the proposal at much lower heights.
- h. The district needs historic districts and protection for soft sites such as the single-family houses on W. 217th Street. (The DEIS concluded that it didn't find any soft sites in the district.) The contextual zoning should have resulted in more of a patchwork (cf. the Boerum Hill and West Harlem rezonings) as originally requested by CB12M.
- i. This plan is needlessly aggressive and dense. C9 districts are not currently found above Central Park. The city evaluated a more moderate R7D plan for comparison, but concluded that it wouldn't provide enough housing. It did not consider any alternatives between these extremes.
- j. The theoretical maximum number of new residents could nearly double the population of Inwood, but the DEIS is based on an estimation of just one third of that number. The Reasonable Worst Case Development Scenario is based on arbitrary and understated figures, making it more of a best case scenario than a worst case scenario. A more realistic scenario would have resulted in a more realistic DEIS. The conclusions in the DEIS should not be relied on – in a Long Island City rezoning, for example, the RWCDS in the EIS anticipated the creation of just 300 residential units. Fourteen years later, 10,000 units have been created.
- k. Chair Benjamin stated that, as advised in January, CB12M will not be commenting on the DEIS for about 90 days. He suggested that focusing on the interesting six-point community plan, noting that it could result in constructive suggestions for CB12M's response. The six points are:
 - i. Protecting existing housing;
 - ii. Creating truly affordable, community-controlled housing;
 - iii. Protecting small businesses;
 - iv. Replacing crumbling infrastructure;
 - v. Providing jobs for the community, and
 - vi. Engaging the community.
- l. Questions and comments:
 - i. Committee member Berlin noted that the maximum number of stories for an R9A building is 16, but the presentation shows buildings of 25-30 stories. Thom explained that the fine print includes special language that modifies the height because of waterfront access, and Chair Benjamin added that special zoning districts have more flexibility to alter what is permitted and that the overlay of a special zoning district may account for the additional height.
 - ii. Community member Peter Psathas asked if building costs were considered in the proposal to create buildings with fewer stories. Thom replied that only FAR and MIH were considered. It was also noted that the proposed alternative would have the same number of units, so it would have the same impact on infrastructure. However, the lower heights ~~would have~~ would have less impact on the character of the neighborhood.

- iii. Recalling a point frequently made by the late Committee member Isaiah “Obie” Bing, Berlin said that the infrastructure problem is not insufficient power generation, it is inadequate power distribution.

5. **Old Business/New Business:** None.

The meeting was adjourned at 9:57 PM.

Submitted by Andrea Kornbluth.