

LAND USE COMMITTEE – MEETING MINUTES

April 5, 2017

Committee Members Present

Wayne Benjamin, Chair
Andrea Kornbluth, Asst. Chair
Anita Barberis
James Berlin
Isaiah Bing
Jason Compton
Osi Kaminer
Steve Simon
Carlos Suero

Committee Members Absent

Jonathan Reyes (Excused)
Karen Taylor (Excused)

Board Members Present

Richard Lewis

Public Member Present

Vivian Ducat

Public Member Absent

Staff: Ebenezer Smith

Guests: Nancy Preston, Pat Courtney, Jeffrey Wollock, G. Biel, Leah Durner, Nina Bernstein, Miguelina Aristy, Bennett Melzak, Karla Fisk, Nancy Bruning, Rosa Naparstek, Veanda Simmons, Asher Freeman, Clifford Elkind, Marshall Douglas, Sarah Ellmore, David Thom, Simon Kawitzky, Orlando Rodriguez, Sara A. Fisher, George Mihaltses, Christopher Platt.

1. The meeting of the Land Use Committee (“Land Use” or the “Committee”) was called to order with quorum present at 7:15 PM. Land Use Assistant Chair Andrea Kornbluth welcomed guests, and Committee members introduced themselves.

2. **Introduction of New Manhattan Borough President’s Office (“MBPO”) and Department of City Planning (“DCP”) Land Use/Planning Staff.**

Orlando Rodriguez (MBPO) and Sarah Ellmore (DCP) have been assigned to work with Community Board 12 Manhattan (“CB12M” or the “Board”). Both will be the point of contact for their respective offices, and will respond to Board and constituent questions in an advisory capacity. Both Mr. Rodriguez and Ms. Ellmore hold master’s degrees in urban planning. Ms. Ellmore also manages private applications and neighborhood studies. Mr. Rodriguez is an attorney, and worked at the Bronx Defenders prior to joining MBPO. He can be reached at orodriguez@manhattanbp.ny.gov.

3. **Inwood Library Project: Follow-up by New York City Housing Preservation and Development (“HPD”).**

Simon Kawitzky, HPD Assistant Commissioner for Neighborhood Development and Stabilization, presented an overview of the project and preliminary results of community engagement efforts. He emphasized that this work is still in its beginning stages, and that HPD is taking community concerns into account. A final draft is expected to be presented to the Board for public comment in May.

- a. Housing New York is Mayor de Blasio’s plan to create or preserve 200,000 units of affordable housing over the 10-year period beginning in 2014. Since 2014, the plan has financed the creation or preservation of 62,506 units. Of these, 27% are for 3-person households with incomes under \$40,000, and 5,000 are for the formerly homeless. The plan aims to create more homes for seniors, veterans, and the disabled.
- b. In Community District 12, 285 units have been created since 2003, but only one of these units was created in the last 3 years. 262 units have been preserved since 2014, but in comparison, over 3,000 have been preserved in Harlem.
- c. Community District 12 has seen a greater increase in rents than other parts of the city (a 25% increase since 2002, compared with 20% in other districts). When 41 homes became available at 552 Academy Street, 61,054 applications were submitted. The Housing New York plan is intended to relieve some of this rent pressure.

- d. The Inwood Library project is part of this effort. 100% of the units will be affordable, with no incentive for a developer to flip the land. HPD will be financing, underwriting, and monitoring the whole project.
 - e. HPD is discussing with the Department of Education (“DOE”) the possible addition of the adjacent school parking lot to the project area. This would make it possible to distribute the units over a wider area.
 - f. HPD hosted 3 open houses, attended by over 300 people. Over 700 people filled out an online questionnaire; because this questionnaire was made available through March 31, not all of the answers are included in tonight’s presentation.
 - g. The results of the community outreach efforts will initially be compiled in a draft Community Visioning Workshop Report that will be presented to CB12M and the public for review and comment; ultimately the final report will be included as part of the request for proposal (“RFP”) for the development project. Developers will be expected to tailor their proposals to the priorities and concerns outlined in the report.
 - h. Preliminary findings include the following:
 - i. Affordability level should focus on low-income families (\$24,500 - \$48,960, 30-60% AMI), with a smaller tier of moderate-income (\$62,250 - \$81,600, 80-100% AMI). There were also some votes to include middle-income homes (up to \$106,080, 130% AMI).
 - ii. Most participants voted to include homes for formerly homeless families and seniors.
 - iii. A weighted average was used to show that 84 people voted for an 8-story building with 70 units, 33 voted for an 11-story building with 90 units, 37 voted for 14-stories with 110 units, and 41 voted for 17 stories with 130 units. A number of problems with this methodology and the conclusions drawn from it were noted, including:
 - 1. The lowest-density as-of-right scenario was not offered as a voting option in the first workshop and the online questionnaire;
 - 2. There was no option to vote for no change to the library;
 - 3. The most popular option should prevail over the other options, rather than combining the totals of the other options, as that would essentially reframe the question to one of whether zoning should be changed. This was not the question that was presented to participants.
- Mr. Kawitzky stated that these concerns have been noted, and that the statistics will be revised in the next draft.
- i. Chair Benjamin noted that the current height factor zoning determines building density, and does not limit height. It would be practical design and construction factors that ultimately would limit / determine the height of the as-of-right building, and not the zoning.
 - j. Mr. Kawitzky pointed out that a zoning change would trigger New York City’s Mandatory Inclusionary Housing (“MIH”) requirement, and that this would enhance affordability protections by making 20 - 30% of the units permanently affordable by deed.
 - k. Community priorities on building design will be included in the report that is attached to the RFP. In addition to having art spaces and green/renewable energy features, the community has indicated a preference for a building that is in context with the surrounding neighborhood, and a library with an active ground floor, street access, and a lot of natural light.
 - l. Affordable housing projects are financed by a complex mix of city capital (including “Reso A” funds allocated by the City Council and Borough Presidents), tax abatements, developer equity, grants from foundations and organizations, and other tax benefits such as depreciation, tailored to meet the objectives of each project. A single project may have as many as 20 financing sources.
 - i. A major portion of the financing for affordable housing projects comes from federal low-income housing tax credits, which can be utilized by corporations that invest in the project.
 - ii. For an affordable housing project to be feasible on the Inwood library site, the property must be conveyed to an entity that can take full advantage of the tax credits and depreciation, etc. This could be a developer, a nonprofit developer, or possibly a partnership that includes a community land trust (“CLT”).

1. HPD has surveyed CLT groups to determine interest and evaluate whether the CLT model can enhance affordability. Experienced groups would be invited to partner with developers to submit a proposal.
- iii. The property is expected to be conveyed to a developer for \$1. The nature of a development project is determined by land acquisition costs; if a property is sold at prevailing market rates, housing built there will also be market rate. Chair Benjamin, citing examples of affordable housing projects in Harlem, explained that in such projects, the difference between the conveyance cost (\$1) and the appraised value of the property is treated as a subordinate second mortgage on the property. This mortgage would only become due if the developer violates the regulations that govern the affordable housing project.
- iv. The property would later be divided into two condominium lots, and the lot that included the library would be conveyed back to the city. The terms of that conveyance have not yet been determined.
 1. The new library would be city-owned, just as the current library is.
 2. These condominiums are legal structures created to separate the library and housing lots, and have no bearing on the apartments themselves, which are expected to be rentals.
- v. The project will be governed by a land disposition agreement (“LDA”) that includes a reverter clause that would allow the city to take back the project if the developer fails to complete it as planned, or otherwise fails to comply with the terms of the agreement. The housing condominium would be governed by the terms and restrictions of a separate regulatory agreement.
- vi. Construction of the project is anticipated to commence in 2020 and is estimated to take two years to complete.

George Mihaltses, the New York Public Library (“NYPL”) Vice President for Government and Community Affairs, and Christopher Platt, the NYPL Chief Branch Library Officer, provided general information about NYPL, some specifics about the Inwood branch, and an overview of evolving library usage.

- m. The NYPL was created in 1895. It currently operates in 92 locations throughout Manhattan, the Bronx and Staten Island (the Queens and Brooklyn libraries are separate entities, but they collaborate with NYPL).
- n. The Inwood branch started as a collaboration with the Dyckman Library in 1902, which developed into sub-branches in 1923. A 1946 City Planning study concluded that Inwood needed a new branch library, and on September 5, 1952, the Inwood branch moved into its current location at 4750 Broadway. Mr. Mihaltses commented that the NYPL has been keeping the interests of the Inwood community at heart for 115 years.
- o. The library is a well-loved place to gather, learn, and interact, but the way people use it is changing. Now, 20% of the books checked out are e-books. Reference librarians are asked more questions about technology than about reference items.
- p. Programming is becoming an increasingly important component of library use. The NYPL is the 3rd largest provider of English as a second language classes, and offers citizenship and conversation classes as well. More people are bringing their own devices to the library, and it’s not just a quiet space anymore.
- q. The library emphasizes programming for children and young adults, including tutoring, college prep, STEAM education, early literacy, family literacy, technical training and coding, etc. Close relationships with schools are also a priority, and in Inwood, school visits are up 68% from last year.
- r. NYPL is working on 118 capital projects, ranging from security system insulation to a \$20 million renovation of a landmarked Carnegie building on Staten Island. There are many examples of libraries that have are in mixed-use rather than standalone buildings, and all have higher numbers of visitors than the Inwood branch.
- s. Community priorities on programming will be reviewed and incorporated as the project moves forward. Currently, the Inwood branch works with 20 community organizations as programming partners.

- t. The library is committed to remaining open at a temporary site throughout construction. This will be somewhere nearby in a brick-and-mortar location – NYPL is aware that the trailer used during the 2001 renovation was not an adequate substitute. The site search will begin about a year before construction, so that buildout can start about 6 months before the library closes.

Committee and community member questions and comments were discussed as follows:

- u. The schedule presented is preliminary, and is based on HPD's experience with this type of block and plank construction project. The schedule would be similar even if they opted for modular, pre-fab construction. The schedule may be affected by necessary subsurface infrastructure improvements, and by any remediation that is shown to be necessary by future environmental testing of the library lot, and of the adjacent parking lot if an agreement is reached with the DOE. Migration of contaminants from the adjacent car wash lot could also be a factor. Site conditions will be disclosed when the environmental testing is completed. Veanda Simmons of the HPD confirmed that the timeline is not set in stone; the public will have additional opportunities to comment as the report is finalized, and during the Uniform Land Use Review Procedure ("ULURP") (which is required for a conveyance of city property regardless of whether or not the property is rezoned.)
- v. The search for a temporary library space will focus on the storefront district within 5-6 blocks of the current location, but the final location will depend on what is available at that time. The current librarians, who are well loved by the community, will continue to work at the temporary location. There may be less room for programing in the temporary space, but the library will try to work with community partners to use other spaces when possible.
- w. Affordable housing is a city priority, and none has been built in Community District 12 ("CD12") under the current initiative. The HPD can only be proactive about affordable housing creation when there is public land that can be used, and this is the only opportunity in Inwood. For this reason, it wouldn't be feasible to move the affordable housing project to the adjacent car wash lot or the privately-owned vacant lot located nearby on Broadway. The HPD has no financing vehicle for purchasing the car wash lot.
- x. At its February meeting, the Committee held an extensive brainstorming session with community members on the question of this project. Community members are invited to review the minutes from this meeting [note: these are not on the website as of today], and contact District Manager Ebenezer Smith with any additional comments.
- y. The value of the federal tax credits is already being affected by uncertainty regarding Trump administration policies, but the city has funding in its capital budget for the housing plan.
- z. The HPD is not presuming that the lot will be rezoned at this stage. Spot rezoning is not legal in New York, but if a decision was made to rezone, they could avoid illegality by including multiple lots or the entire block.
- aa. Chair Benjamin commented on behalf of Parks and Cultural Affairs Committee Chair Ritter that Fort Tryon Park is a designated scenic landmarked with protected view sheds. The impact of a tall building needs to be evaluated early in the decision-making process.
- bb. There is some question about the exact size of the current library, as tax lot maps list a 28,000 sq.ft. building, the workshop materials listed a 20,000 sq.ft. building, and the library believes it to be a 17,334 sq.ft. building. Mr. Mihaltses will confirm. The Inwood branch is already one of the larger branches in New York, and the renovation is expected to enlarge it slightly, to about 18,000 sq.ft. The space will be designed for greater usability than it currently has.
- cc. An Inwood group submitted a proposal to serve as a CLT for this project. These proposals were solicited by HPD just to gauge interest, and are not the final proposals from which a partner will be selected. Other options, such as the Mutual Housing Association and non-profit developers, etc., could also provide ways of achieving the goal of long-term affordability, so the HPD will have to determine the best partner for this project.
- dd. NYPL has funds for critical maintenance, but the city does not fund library improvements. This can't be done without some private capital. NYPL does not have the option of using the funding designated for this project by HPD and the Robin Hood Foundation to refurbish the existing library.

- ee. If the affordable housing were built on the car wash site, the entire building could be used for housing. However, it would be necessary to determine what level of affordability would be possible if privately owned land were used.
 - ff. The sale of the Donnell library building for \$59 million allowed NYPL to build a new branch at that location, build the Grand Central branch, and complete other capital repair projects. The NYPL's Building for You program is designed to engage the public in the library rebuilding process.
 - gg. There will only be 50% preference for CD12 residents, and even the 50% preference is being challenged in ongoing litigation. Because of this, some community members feel it is disingenuous to say that "Inwood is getting a new library and affordable housing". Chair Benjamin noted that even though the remaining 50% is open to anyone who qualifies, many applicants will come from neighboring districts. CDs 9-12 all have similar AMIs.
 - hh. If MIH is applied, 20 - 30% of the apartments will be designated permanently affordable in the property deed. The remaining apartments will be affordable for an extended period (generally 50 – 80 years) under the terms of the regulatory agreement. When developers submit their proposals, the proposed term of affordability will be among the competitive factors evaluated by the HPD. The HPD incentivizes long-term affordability by offering loans with interest that comes due if the loan is not refinanced with HPD at the end of the agreement. Even when property owners opt to pay the interest due and end the agreement, the apartments are still covered under rent stabilization regulations.
 - ii. There is concern that a rezoning could trigger a wave of rezoning applications in the area. An entire block of buildings was recently sold nearby, and if the owners believed that they could build large buildings, hundreds of stabilized apartments could be lost through harassment and buyouts. The HPD does have financing programs that are intended to preserve rent stabilized apartments by lending owners financing to rehabilitate older buildings under the terms of a regulatory agreement. HPD held a Tenant Resource Fair addressing tenant and landlord issues in CD12 on April 4, 2017.
 - jj. CB12 Vice Chair Richard Lewis commented that CB12 has been asking for action regarding two vacant buildings in the district for years, but nothing has happened. If rehabilitated, the buildings located at 2110 Amsterdam Avenue and 21 Arden Street could provide 26 affordable units. Chair Benjamin added that the Board has also been asking for a comprehensive plan to develop smaller, city-owned vacant lots. These infill lots could be clustered in a single RFP. HPD was planning to meet with the Housing and Human Services Committee regarding the two vacant buildings on April 6, 2017. Regarding infill development, HPD offers financing for green retrofits of smaller buildings.
4. **Loew's 175th Street Theater (United Palace) Landmark Designation: Update.**
The landmark designation of the Loew's 175th Street Theater was supported by two CB12 resolutions. Council Member Rodriguez had initially supported but was then opposed to the designation, saying that it would be a burden to the current owners. Upon further discussion with stakeholders, the Council Member decided to support the designation, and it was recently finalized by City Council.
5. **Announcement**
Inwood Preservation and Volunteers for Isham Park announced a presentation on the history of the Inwood Library on Sunday, April 9 at 2:00 at the library.

The meeting was adjourned at 9:30 PM.

Submitted by Andrea Kornbluth.