

LAND USE COMMITTEE – MEETING MINUTES

January 9, 2019

Committee Members Present

Wayne Benjamin, Chair
James Berlin
Osi Kaminer
Nicholas Martinez
Jay Mazur
Steve Simon
Christopher Ventura

Committee Members Absent

Curtis D. Young

Board Members Present

Gerard Dengel
Sara Fisher

Public Member Present

Vivian Ducat
Andrea Kornbluth

Public Member Absent

Staff: Chair Lewis, Ely Silvestre

Guests: Paul Hintersteiner, Cliff Elkind, Frankie Cheung, Natasha Andjelic, Sarah Dougherty, Kimberly Williams, Karl Lehrke, Omar Tejada, Phil Betheil, Sarah Ellmore, Nancy Preston, Orlando Rodriguez, Laurie Silberfeld.

1. The meeting of the Land Use Committee (“Land Use” or the “Committee”) was called to order with quorum present at 7:09 PM. Chair Benjamin greeted guests and Committee members introduced themselves. Item 2 on the agenda was discussed first.
2. **Conversation with the Waterfront Alliance concerning the Pledge to Create a Better Waterfront.**
Sarah Dougherty of the Waterfront Alliance made a presentation on the organization and its Waterfront Edge Design Guidelines (“WEDG”) pledge initiative.
 - a. The Waterfront Alliance (“WA”) is located in South Street Seaport but works throughout the city and New York Harbor to advocate for resilient, revitalized and accessible coastlines. Its major activities include the annual City of Water Day festival, the Estuary Explorers program in Inwood, and the annual waterfront conference at Chelsea Piers. The organization has also worked on design for a resilient Harlem Greenway.
 - b. WA is currently reaching out to all 43 community boards that border a coastline to ask them to take the WEDG pledge. This is a Leadership in Energy and Environmental Design (“LEED”) -type program and communications tool designed to engage communities in advocating for improved waterfronts, providing a ratings system and guidelines for enhancing resilience and accessibility.
 1. To qualify for WEDG certification, developers and designers need to engage with adjacent communities beyond what is required by regulation or zoning. Future sea level rise projections should inform project design.
 2. Additional resources are available at WEDG.waterfrontalliance.org.
 3. WA doesn't take a ‘one size fits all’ approach to design, but shorelines designed for resilience are typically soft (as opposed to a hard concrete wall, for example), curvy, sloped down to the water line, and have restored wetlands.
 4. WA advocates for waterfront spaces shaped by a community’s needs, and has found in case studies that a more resilient design can also be significantly less expensive than a traditional design.
 - c. WA evaluated waterfront conditions in northern Manhattan in preparation for this presentation. Findings include the following:
 1. There are only 5 locations between Sherman Creek and Inwood Hill Park that provide direct access to the Harlem River, so access should be improved.
 2. The area currently has a relatively low flood risk because of its geography and parks, but many of the planned new developments will be in a flood plain.
 - d. Waterfront planning is becoming increasingly important as climate change contributes to the increased frequency and severity of costly extreme events. We are also losing our wetlands, making it harder to mitigate the effects of climate change.

- e. Expanding ferry service is one of WA's main advocacy platforms. Dyckman Street and the West Harlem piers are seen as good potential sites. WA will have a ferry expert attend relevant Community Board 12 Manhattan ("CB12M" or the "Board") committee meetings (Traffic & Transportation, Health & Environment, etc.) to discuss in further detail. CB12M has addressed the issue of bringing ferry service to the district in the past. Public Member Vivian Ducat noted that other sites between West Harlem and Dyckman Street should be considered as well: for example, pleasure boats used to leave for Bear Mountain from W. 156th Street.
- f. Chair Benjamin noted that Edwin Marshall of the Department of City Planning ("DCP") had presented enhanced waterfront zoning requirements to the Committee years ago. Ms. Dougherty replied that the city's recently released climate resiliency guidelines are not mandatory and don't apply to private projects, while the WA's guidelines are more comprehensive.
- g. The WEDG initiative may not affect the city's rezoning plan. WA suggests that the Committee refer to WEDG as projects are presented for review, but as Chair Benjamin points out, development in rezoned areas will be as-of-right and won't necessarily come before the Committee. The New York City Economic Development Corporation ("NYCEDC") is implementing the waterfront park portion of the rezoning plan. The DCP is no longer involved in the process at this stage. The waterfront sections will be developed as developers build on adjacent sites – depending on the lot and the amount of shoreline-adjacent frontage available, developers will be required to provide public waterfront space in exchange for density bonuses of up to 7.2 FAR ('floor area ratio'). Board Member Sara Fisher noted that such buildings could block sunlight and harm waterfront wildlife.
- h. WA promotes soft shoreline edges, as opposed to hard sea walls, but even if, as Committee Member James Berlin pointed out, there are sections of the Harlem River that require sea walls due to navigation channel requirements, there are still ways to plan for improved biodiversity and habitat conditions.
- i. WA brought a resolution that was passed by a community board in Brooklyn, and requested that the Board take the WEDG Pledge by considering and adopting the resolution. The Committee agreed that the Board should review the draft, modify as necessary, and look to pass a resolution that reflects its position on this issue in February.

3. Discussion with the Department of City Planning ("DCP") and the Manhattan Borough President's Office ("MBPO") on the density calculations for the current 4650 Broadway project.

In response to an article that appeared on YIMBY.com, the Committee requested that DCP and MBPO verify the potential size of the proposed development. The article stated that the site had 370,039 buildable square feet, on which 272 residential units, 140,000 sq.ft. of community facility, and 40,000 sq.ft. of commercial space would be built. Both DCP and MBPO confirmed that a building slightly larger than 300,000 sq.ft. could be built on the site as of right, so it is possible that the article transposed 307,039 and 370,039.

- a. Sarah Ellmore of DCP:
 - 1) Because this is an as-of-right development, it won't be reviewed by DCP – the filings will go directly to the Department of Buildings ("DOB"). Everything in the article is generally plausible: at 6.5 FAR with the community facility, the building could be up to 307,801 sq.ft.
 - 2) The community facility could be anything that serves the community, such as medical or daycare facilities, a nonprofit organization, a school, etc. Without the community facility, the maximum FAR would be 4.0. The maximum size of the community facility is defined in the applicable zoning rules.
 - 3) DCP hasn't checked to see whether the architect has filed this project. When it is filed it will be public information that is available on the DOB Building Information Search website, or through a Freedom of Information Law ("FOIL") request.
- b. Orlando Rodriguez of MBPO:
 - 1) By MBPO calculations, the total potential gross floor area is 306,637 sq.ft. With a community facility, the FAR for the total building envelope is 6.5, but the FAR can't exceed 4.0 for the residential units and 2.0 for the commercial portion, which is limited to the first floor under current zoning. This projection includes possible open space and Quality Housing bonuses.
 - 2) This project doesn't require Mandatory Inclusionary Housing ("MIH") because no upzoning has been requested. Without MIH, which mandates permanent affordability for up to 30% of the units built, any affordable units that may be included (the YIMBY article referred to a market-rate development) will only be affordable for the duration of any associated tax abatement or public-sector (e.g.: HPD, HDC, HFA) financing.
- c. Other questions/comments:
 - 1) At over 47,000 sq.ft., this is a large lot for Manhattan. With the community facility, it is possible to get a fairly large FAR. There are sky exposure plane requirements but no height limits under the current R7-2 zoning.

- 2) The Board has passed several resolutions over the past 10 years requesting contextual zoning for most of the district. With carefully tailored contextual zoning, we could have had appropriate height limits in that area that took Fort Tryon Park and the Cloisters into account. It is not clear what City Planning has done to act on any of these requests. All of the past resolutions were also submitted to Kenneth Knuckles, Vice Chair of the City Planning Commission, when he asked why CB12M had never expressed its interests in planning and zoning initiatives.
- 3) CB12M has also passed a resolution to protect rooftop sunlight exposure for potential solar installations. The large buildings allowed under R7-2 will block sunlight for nearby buildings.
- 4) The Sherman Plaza project, proposed in 2016, would have provided 175 permanently affordable units under MIH, and this as-of-right project might provide 91 units that are affordable during the city financing period. The Sherman Plaza project had requested upzoning in order to exceed FAR 4.0 in residential units.
- 5) If the article is correct, the price paid for this property seems very expensive relative to the previous sale price months earlier and market conditions.

4. **Presentation by Con Edison on Proposed New Sherman Creek Service Center**

Laurie Silverfeld, Real Estate Director of Con Edison (“Con Ed”), presented a project to consolidate Con Ed’s Inwood facilities in a new building constructed on Ninth Avenue between W. 202nd Street and W. 204th Street, with a bridge over W. 203rd Street (see attached).

- a. In addition to several lots that contain substation facilities, Con Ed owns 6 lots that are currently vacant, or used for parking or office space. In connection with the Inwood Rezoning, Con Ed has filed an application with the New York City Public Design Commission to build a 4-story parking and office facility on Lots 1 and 20, connected by a bridge over W. 203rd Street. Con Ed plans to sell the lots that it currently uses for operations (Lots 29, 21, and 51) and a vacant lot (15) that is zoned for residential use for housing development. Construction is expected to start at the end of this year, with operations starting in late 2021.
- b. Con Ed will also grant an easement on the east side of two of its substation properties to allow public access to city-owned waterfront properties. Eventually the pocket parks at the ends of the side street will be strung together as part of the city’s overall esplanade plan. The pocket parks won’t be altered or restricted by this building.
- c. Karl Lehrke of Helpen Architects explained key aspects of the building’s design:
 - 1) The 4-story facility, which will service the electrical grid on the north side of Manhattan, will contain 3 floors of fleet and staff parking along with management and field staff offices and warehouse space.
 - 2) Design elements include a decorative copper screen over the parking areas, a curtain wall on left side (when facing the building) across from potential housing, and shadowbox elevator towers.
 - 3) The project is expected to achieve LEED Platinum certification. Sustainable elements include a rooftop garden, 55,000 sq.ft. of solar panels providing about 70% of the building’s electrical requirements, and a proposed rain garden on the east side of Lot 1 that will blend project into the waterfront park.
 - 4) Vehicles will enter on W. 203rd Street for the most part, and go up a single ramp that leads to parking lots on both sides of the building. The exits will be on W. 202nd Street and W. 203rd Street, as W. 204th Street will be a residential street.
 - 5) The bridges and façade will be simple and elegant, without decorations or enclosures. The bridges will be made of precast concrete with a smooth white finish similar to that of the curtain wall, and will be well-lit to be safe and welcoming.
 - 6) The design represents a fresh approach to the area, and not an attempt to complement the architectural design of the W. 201st Street substation.
- d. Natasha Andjelic, a landscape architect, discussed streetscaping. Sidewalks on Ninth Avenue and on the side streets will be improved, with new concrete, curbs and lighting. There will be bike racks on W. 203rd street, and the number of street trees on Ninth Avenue between W. 202nd Street and W. 204th Street will be nearly doubled. The trees will have ornamental tree guards around them, and silva cells to provide more soil. The rain garden will be planted with riparian native plants. The view toward the pocket park on W. 203rd Street will be inviting and appealing, with simple bike racks on W. 203rd Street and open sight lines, but no temporary banners or signs.
- e. Regarding the project’s potential impact on traffic and parking, Con Ed analyzed work crew movement and the number of vehicles going in and out, and compared these figures with traffic patterns at its E. 16th Street and W. 38th Street facilities. Estimates show between 100 and 200 vehicles entering or exiting the building during morning and afternoon peak hours, but some of those are vehicles that are already based at this location. The extent to which this represents new traffic compared with current conditions is not clear. Con Ed will provide more information on this point.

- 1) The impact on traffic, including such problem areas as the University Heights Bridge, was estimated with reference to the Inwood Rezoning Environmental Impact Statement (“EIS”). Community members are concerned that the EIS underestimated traffic in the area, so that Con Ed’s analysis will also be skewed. Con Ed advised that it undertook supplemental traffic studies.
 - 2) Potential traffic calming and mitigation measures include signal timing changes and additional signals on Ninth Avenue. There will likely be an additional flow stopper at 203rd Street for vehicles making turns when they come out of the building, but that is the Department of Transportation’s responsibility.
 - 3) Con Ed has considered possible safety problems at the nearest school on W. 205th Street, but not at P.S. 5, which 59 vehicles will pass in the morning on their way to the Harlem River Drive. In its response to the EIS the CB12M Traffic and Transportation committee expressed concern about student and senior pedestrian safety. The Board of Education shares responsibility for safety. Con Ed is aware that W. 205th Street is closed during the school day, and will be using W. 204th Street.
 - 4) Some of the existing traffic problems in the area, such as trucks double parked at the wholesale warehouses, may be improved by the planned development.
- f. When selling property, Con Ed is obligated by § 70 of the Public Service Law to obtain market rate by a public process. The plan is to issue a request for proposals (“RFP”) in the first quarter of 2020, so that the lots can be sold right after they are vacated. Chair Benjamin stated that Con Ed should work with city agencies such as the Department of Housing Preservation and Development and the Housing Development Corporation to craft the RFP in such a way as to incentivize affordability. Con Ed will look into this possibility, as long as it is allowed by the Public Service Commission.
 - g. Con Ed is working on the logistics of pocket park access during the 18-24 month construction period, and will try to maintain access as far as it is safe and practical.
 - h. Regarding public waterfront access, the city demapped Academy Street east of Tenth Avenue to create parkland, and Con Ed will grant a 40-foot wide easement on the east side of its substation lots. Chair Benjamin noted that the district has been asking for this easement for the past 10-20 years in connection with the esplanade plan.
 - i. Con Ed identified the need to undertake this project years ago, as the closest facility is currently on E. 110th Street. This is intended to improve response time and productivity in northern Manhattan, and to respond to the city’s calls for increased housing and public space.
 - j. Con Ed submitted its application to the Public Design Commission on December 21, 2018, when the designs were ready, and was informed that they should present the plan to CB12M ahead of a hearing on January 22, 2019. Con Ed has no information on whether the Public Design Commission is on a particular review clock.
 - k. A motion was made by Steve Simon and seconded by James Berlin to formulate a resolution supporting the project and encouraging Con Ed to coordinate with HPD, etc. to incentivize affordability.

The motion passed with the following votes:

Land Use Committee: 9 - 0 - 0

Other Board Members: 0 - 0 - 1

Members of the Public: 3 - 0 - 0

5. Old Business.

Vivian Ducat expressed concern about the Hispanic Society’s possible plan to install a loading dock on W. 156th Street (December 2018 Committee meeting), as this is a residential street with a lot of traffic, and a loading dock might be noisy and not in keeping with the architecture of Audubon Terrace. Chair Benjamin commented that because it is in a Historic District, anything they build will have to match architecturally. This issue can be revisited if the loading dock plans solidify.

6. New Business.

Steve Simon proposed that the former Rite-Aid site on St. Nicholas Avenue at W. 163rd Street be addressed at the next meeting. The site is blighted and crumbling, there are supposedly issues with building there because it is over a subway.

The meeting was adjourned at 9:10 PM.

Submitted by Andrea Kornbluth.

Program – Overview

