

LAND USE COMMITTEE – MEETING MINUTES

January 9, 2018

Committee Members Present

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

Committee Members Excused

Isaiah Bing
Jay Mazur
Angelina Ramirez

Board Members Present

Shahabuddeen Ally
Domingo Estevez
Barbara Frazier
Richard Lewis

Public Member Present

Vivian Ducat

Public Member Excused

Staff: Ebenezer Smith

Guests: Jeanne Ruskin, Humberto de Leon, Edna Fernandez, Eddy Garcia, Angel Reynoso, Cheramie Mondesire, Karla Fisk, Y. Rivas, Nayma Silver, Nancy Bruning, Graham Ciraulo, Valinn Ranelli, Allegra LeGrande, Roberto Sanabria, Jeanie Dubnau, Tom Lewis, Vilma Luciano-Colon, Jennifer Hidalgo, Milagros Medina, Michael Hano, Marta Rivera, Reyna Guzman, (illegible), Ramon Calo, Paloma L, Yantza Holguin, Jairo Taveras, Venustiano Almonte, Juan Arias, Alsacia De Jesus Roman, Bennett Melzak, Keisy Duran, Pianca Liriano, Euridicis Bonilla, Jessica Martinez, Franklin Billini, Lucas Almonte, Orlando Rodriguez, Denise Rickles, Dodie Dohoney, Gwendolyn R. Chambrun, Charlie Samboy, Lena Meléndez, A.M. Goodridge.

1. The meeting of the Land Use Committee (“Land Use” or the “Committee”) was called to order with quorum present at 7:05 PM. Chair Benjamin greeted guests and Committee members introduced themselves. A moment of silence was observed for Community Board 12 (“CB12M” or the “Board”) member and former Chair Pamela Palanque North, who passed away on January 4. In addition to her Board service, Ms. North was an outspoken advocate for the community, serving as the CB12M representative at Upper Manhattan Empowerment Zone (“UMEZ”), the president of the Board of Trustees of the Morris-Jumel Mansion, and more.
2. **Committee Review of the Reference Materials Provided in 2017 for the Inwood Rezoning.**
Chair Benjamin explained that the Uniform Land Use Review Process (“ULURP”) application for the proposed Inwood rezoning is scheduled to be certified on January 16. CB12M will have 60 days to review and comment on the application, beginning on January 25. The February and March Committee meetings will therefore focus on rezoning issues, and Chair Benjamin and the Committee thought that it would be useful to review and discuss the proposed zoning districts, etc. in order to have a clear understanding of the concepts going in to the ULURP review process.

Comments and questions are noted as follows:

- a. Committee member James Berlin observed that the rezoning plan will essentially create a new neighborhood that is separate from Inwood and out of character with the existing neighborhood.
- b. Committee members Vivian Ducat and Osi Kaminer asked whether aesthetic factors such as building materials could be specified in the new zoning laws. Charlie Samboy of the New York City Economic Development Corporation (“NYCEDC”) stated that zoning designations do not mandate particular design considerations; there is no way to use zoning to ensure that a building is made out of red brick, for example, and not out of glass. The city can create Special Purpose Districts with more of a focus on urban design considerations, but this would extend primarily to setback requirements, and not to building materials.
- c. Several comments were made regarding proposed building heights. Committee member Andrea Kornbluth noted that in the “upland wedge” area on Broadway between W. 215th Street and W. 218th Street building potentially as tall as the buildings on top of the hill behind them were described as contextual. CB12M member Barbara Frazier commented that zoning allowing 17-story buildings on the corners of Dyckman Street at Broadway and at Nagle Ave is proposed, and that the only explanation given is that the buildings

could be taller than the surrounding buildings because they are near the subway. Committee member Steve Simon commented that the R8 and R9 districts proposed for the eastern waterfront area could allow buildings as high as 24 – 29 stories next to the University Heights bridge, which is already heavily congested.

- i. Chair Benjamin suggested that in areas where we determine that the proposed designation would create excessive height or density, we can propose alternatives. For example, for the ‘upland wedge’ zone (proposed district R7D), we can propose that the section be contextual with the existing streetscape on Broadway. We can also propose lower zoning for other areas, and provide the reasons for our recommendations.
- d. The proposed rezoning is not limited to a single building. It is a revision of the neighborhood zoning laws that were last revised in 1961. The 1961 law is based on ‘height factor’ zoning, which imposes no height limits. In contrast, more current zoning regulations are ‘contextual’, and do impose height limits.
- e. The rezoning proposal and related documents can be found in English and Spanish on the NYCEDC website: NYCEDC.com/InwoodNYC.
- f. Community member Karla Fisk pointed out that the materials on the NYCEDC website, while very well written, are essentially a sales document that omits any mention of the severe changes that many will face under the rezoning plan in favor of stressing the perceived benefits.
 - i. Chair Benjamin and Committee member Jonathan Reyes replied that CB12M and the community have commented extensively on the rezoning proposal and the related Draft Scope of Work for the Environmental Impact Statement (“EIS”). However, the Draft EIS has not yet been released, so we have no information about how potential negative effects are being addressed.
- g. Spanish-speaking community members stated that more information needs to be presented in Spanish. Community member [I DIDN’T CATCH HER NAME] volunteered to interpret this meeting for Spanish-speaking attendees.
- h. Community member Allegra LeGrande asked when the community would receive the benefits that it was told it would receive (terms of park space, community space, etc.) in exchange for the dramatic increase in density. She also noted that the analysis of various important impacts (traffic, etc.) has been based on historical data, and as such, is not rigorous enough to determine the true impact of the plan. Finally, she stated that rezoning could be an opportunity to plan for climate change and increased sustainability, but the process that we have seen so far does not include that level of planning.
 - i. Chair Benjamin pointed out that at the December Committee meeting, the opportunity for CB12M and the community to direct significant city investment by creating a sort of ‘mini’ District Needs Statement was discussed.
 - ii. Committee Member James Berlin commented that there is nothing in zoning law to require any sort of environmental considerations, but other city laws and regulations might cover those considerations.
- i. A community member commented that though many meetings have been held and many letters have been sent, we aren’t seeing many changes to the original plan.
 - i. Chair Benjamin replied that the addition of the R7A contextual zoning area is a big change. Also, CB12M has already commented on the Draft Scope of Work for the EIS, and the Board and the community will have additional opportunities to comment on the draft EIS and the ULURP application as we move through the review process.
- j. Charlie Samboy of NYCEDC confirmed that while CB12M has 60 days starting on January 25 to comment on the ULURP application, the period for commenting on the draft EIS is 10 days after the City Planning Commission (“CPC”) hearing. That hearing takes place after the community board and borough president comment periods, so CB12M has about 100 days from January 25 to formulate a response to the draft EIS.
- k. Community member Jeanie Dubnau commented on the affordability of the proposal. Most of the units created will be market rate, which will increase pressure on rent stabilized tenants and contribute to displacement. Further, the income data used to calculate rent in the affordable units does not reflect the true median income of the neighborhood. The percentage of market rate units should be decreased, preferably to zero, but at most only 10% of the apartments should be for households earning between \$80,000 and \$100,000/year, as they make up only 10% of the community. Also, affordability thresholds should be lowered.
 - i. CB12M has frequently commented on the affordability question.
- l. Community member Nayma Silver asked about the origin of the rezoning proposal, and whether we could ask the city to deploy the funds it has for necessary infrastructure and services, etc. without going through the rezoning.
 - i. Chair Benjamin stated that this proposal was originally spearheaded by Council Member Rodriguez as an economic development project focused on the area east of 10th Avenue. The focus area has gradually expanded, and this has made some people happy and others unhappy.

- ii. Committee member Jonathan Reyes pointed out that the Committee and the Board have been asking for contextual rezoning and affordable housing for years. However, as noted by Chair Benjamin, previous requests were for contextual rezoning to start in the area between W. 181st Street and Dyckman Street; this was the area that had the most proposals for buildings that exceeded zoning limitations, and the area that was addressed in the 2007 Neighborhood Planning and Land Use study commissioned by CB12M.
- iii. Chair Benjamin reiterated that we need to focus on the stated goals and objectives of the proposal, and whether rezoning is the best way to achieve them. For example, the question of whether small businesses could be better supported by the numerous programs offered by the New York City Department of Small Business Services (“SBS”) than by rezoning should be examined.
- iv. Community member Graham Ciraulo commented that he had been in favor of expanding the focus area following the Sherman Plaza application for an 18-story building next to Fort Tryon Park, but didn't appreciate the fact that the city used the expansion as an opportunity to dramatically upzone parts of the commercial zone.
- m. Community member Bennett Melzak commented that this proposal is not affordable for the existing community, that it puts tenants at risk, and that our elected officials, who calls themselves progressive, need to do more to protect tenants.
- n. Committee member Vivian Ducat asked whether infrastructure improvements would be made before the buildings start going up.
 - i. Chair Benjamin clarified that a rezoning plan only creates the legal framework for building of the designated density to be built. It is not a development plan for any particular building.
- o. Committee member Steve Simon asked if his understanding that the community would still receive the negotiated benefits even if no buildings were actually built is correct. EDC will review the matter and respond back to CB12.
 - i. Chair Benjamin mentioned that the city has established an online Commitments Tracker, which will include a column noting which projects have been funded. Funding will be rolled out gradually over a period of several years.
- p. Community member Michael Hano commended the community members who prepared an extensive and detailed response to the Draft Scope of Work for the EIS, and asked about the ownership of the lots that will be upzoned – are these owners lobbying for zoning changes? Ownership information is available on the city’s Department of Finance website.
- q. Community member Lena Meléndez stated that she is terrified of the effects of rezoning, quoting an East Harlem activist who said that rezoning there would benefit developers and not residents, and Council Member Antonio Reynoso, who said that rezoning in Williamsburg would (and did) displace Latino residents.
- r. Charlie Samboy of NYCEDC could not confirm whether the proposal that is expected to be certified on January 16 is the same as the most recent proposal. No information will be available until the proposal is certified and distributed.
- s. Community member Keisy Duran asked about future opportunities for public commentary. Chair Benjamin explained that with a ULURP application, community boards are required by law to hold a public hearing. This will take place in February or March, but the date has not yet been set.

The meeting was adjourned at 9:10 PM.

Submitted by Andrea Kornbluth.