

LAND USE COMMITTEE – MEETING MINUTES

June 3, 2015

Committee Members Present

Wayne Benjamin, Chair
Isaiah Bing
Osi Kaminier
Steve Simon
Andrea Kornbluth
Jonathan Reyes
Martin Restituyo

Committee Members Absent

Anita Barberis, Asst. Chair

Board Members Present

Barbara Frazier
Elizabeth Lehman
Richard Allman
George Fernandez

Public Member

Vivian Ducat

Public Member Absent

Staff: Debra Blow

Guests: William Candelario, Rita Gorman, Barbara Clark, Robert Clark, Niko Dando, James Gerken, May Yu - EDC, Sara Fisher, Gail Addis, Mike Saab, Martin Collins, Carole Mulligan, Lucian Reynolds – MBPO, Jamie Rojo - DCP

1. The meeting of the Land Use Committee (“Land Use” or the “Committee”) was called to order at 7:10 PM. Land Use Chair Wayne Benjamin welcomed guests and introduced three new Committee members - Andrea Kornbluth, Martin Restituyo and Jonathan Reyes.
2. Jamie Rojo of the NYC Department of City Planning (“DCP”) presented an overview of DCP’s proposed citywide “Housing New York: Zoning for Quality and Affordability” zoning text amendments (the “Text Amendments”). Ms. Rojo began by stating that the materials presented to the Committee are also available on DCP’s website. She also stated that the goal of the Text Amendments is to reform the New York City Zoning Resolution to address impediments to the production of affordable housing and that DCP is also reviewing neighborhood planning issues and mandatory inclusionary zoning. She further stated that the Text Amendments pertain to medium-density zoning districts (zoning in Washington Heights and Inwood is predominantly the R7-2 and R8, which is considered medium-density zoning) and elaborated on the goals of the Text Amendments, which include removing barriers to the development of affordable housing, encouraging better quality buildings, promoting affordable senior housing and relieving unnecessary parking requirements.

Ms. Rojo stated that DCP’s initial public outreach on the Text Amendments occurred in February 2015, then proceeded to the Borough level at Borough Board meetings from March through May 2015, initial outreach to community boards has taken place in May and June and the formal 60-day community board review period under ULURP is expected to commence in the fall.

A one-page, two-sided informational flyer prepared by DCP outlining the proposed changes included in the Text Amendments and the purpose of the changes was distributed at the Committee meeting. The changes are summarized in three categories - Senior Housing, Modernizing Rules that Shape Buildings and Reduced Parking Requirements. The changes related to Senior Housing include modernizing zoning definitions to accommodate today’s housing models and to recognize regulated housing types, rationalizing floor area ratios (“FAR”) to make them consistent, allowing flexibility for different types of senior housing and relaxing density restrictions, and reducing administrative obstacles and redundant special permits that burden the development of nursing homes. The changes related to Modernizing Rules that Shape Buildings include modifying building envelope regulations to accommodate best practices and affordable construction, allowing additional flexibility for higher FAR in buildings providing affordable housing for senior or through the Inclusionary Housing program, encouraging variety and better design by allowing the variation and texture that typify older buildings in many neighborhoods and providing improved controls for lots that are irregularly shaped or on sloped sites. The changes related to Reduced Parking Requirements include eliminating parking requirements for new affordable units and senior housing in subway accessible areas (areas within 10 blocks of a subway station), allowing

affordable housing developments with existing parking facilities near the subway to eliminate their parking facilities, reducing the parking requirements for affordable units and affordable senior housing in neighborhoods further from subway stations and creating a process to allow, where appropriate, affordable housing develops with existing underutilized parking facilities to be redeveloped.

In the course of Ms. Rojo's presentation several important questions, comments and concerns were raised. Chair Benjamin noted that the presentation made by DCP at its offices in February better explains and illustrates the intent and potential impacts of the Text Amendments on the design and construction of new buildings; Ms. Rojo advised that the presentation made in February is available on DCP's web site. Several questions were raised related to the definition of senior housing, the assumptions made with regard to the life-style of seniors and the type of housing that is appropriate for and desired by seniors, and why the Text Amendments include nursing homes, which are health care facilities, in its definition of senior housing. Guests present who are familiar with the nursing home industry noted that the New York State Department of Health ("NYSDOH") regulates the construction and operation of nursing homes and in recent years has expressed interest in reducing, not increasing, the number of nursing home beds in favor of assisted-living facilities and providing seniors with services in their homes. They questioned if DCP consulted with the NYSDOH in the course of preparing the Text Amendments. The analysis and demographic information used by DCP to support its recommendation for eliminating parking for senior and affordable housing was severely questioned; it was noted that Washington Heights and Inwood has a area median income (AMI) that is roughly 50% of the citywide AMI, so by definition it is a low- to moderate income community, but none the less there are many residents who own cars and must park them somewhere. The impact of eliminating parking requirement for new affordable and senior housing on the availability of on-street parking was questioned. The unintended consequences of eliminating required parking for new affordable and senior housing developed in Manhattan was also questioned. Concerns was expressed that DCP has not paid enough attention to the specific needs and character of neighborhoods in preparing the Text Amendments and should revisit the proposed changes after undertaking more detailed neighborhood level review. Ms. Rojo was asked to relay all of these comments and concerns to senior management at DCP.

3. Ms. Rojo and Lucian Reynolds of the Manhattan Borough President's Office ("MBPO") addressed questions concerning the prospect of a professional soccer stadium at Columbia University's Baker Field. Chair Benjamin stated that he forwarded to DCP various questions related to what is permitted by zoning and how use of a community-facility by for non-community facility use or by non-community facility users impacts the compliance of the community facility with zoning, but has not yet received a response other than DCP advising that it has not received an application from Columbia University for the stadium project reported on in the media. Ms. Rojo reiterated that DCP has not received an application from Columbia and therefore cannot comment on the proposal in the abstract. Chair Benjamin restated that many of the questions forwarded to DCP address what is and is not permitted under current zoning and that DCP should be able to respond to this type of question. Ms. Rojo and Mr. Reynolds stated that R7-2 zoning allows residential and community facility uses as-of-right, commercial uses are not permitted and a professional stadium is a professional use. Mr. Reynolds also stated that the Department of Buildings ("DOB") is the agency that has responsibility for enforcing use restrictions imposed by zoning and recommended coordination with DOB to determine if Baker Field is currently being used in a manner that does not comply with zoning (residents have reported use of Baker Field by the Red Bulls, an American professional soccer team, for several of their games). Chair Benjamin asked Mr. Reynolds to take the lead in follow-up with DOB and to coordinate with District Manager of Community Board 12-Manhattan, Ebenezer Smith. A resident questioned they type of zoning in the area of Yankee Stadium and Citifield, whether these professional stadiums are on park land, and if they are, what permits them to be located on parkland. Mr. Reynolds stated that the MBPO needs to investigate the zoning that relates to these stadiums as well as the zoning provisions that relate to locating commercial stadiums in order to better understand and determine the range of permissible uses at Baker Field.
4. After further discussion the meeting was adjourned at 9:10 PM