

## LAND USE COMMITTEE – MEETING MINUTES

July 13, 2017

### Committee Members Present

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

### Committee Members Absent

Jonathan Reyes  
Carlos Suero

### Board Members Present

Shahabuddeen Ally, Chair CB12M  
Richard Lewis, 1<sup>st</sup> Vice Chair “ “  
Richard Allman  
Eli Bueno  
Robin Cruz  
Gerard Dengel  
Sara Fisher  
Barbara Frazier  
Elizabeth Lehman  
Jay Mazur  
Isidro Medina  
Ariel Miranda  
Debbie Nabavian  
Ayisha Oglivie  
Victor Pena

### Public Member Present

Vivian Ducat

### Public Member Absent

Staff: Ebenezer Smith

Guests: Kristin Norderval, Pat Courtney, Bill Buzby, Phil Simpson, Paul Hintersteiner, Aaron Scott, Zoya Kocur, Carole Mulligan, Victoria Sadoff, Peter Levy, Carla Hernandez, Lyana Fernandez, Alexandra Provo, Judith A., Alycea Ashburn, Thomas Hall, Bruno Birolli, Laurie Tobias Cohen, Emma Ashford, Sam Birmaher, Monique Buzzarte, Katie Goldman, Holly Oddo, Adele Bartlett, Jamie Halliday, Sky Pape, Florie Charles, Deborah Cardona, Randy Simon, Tamara Ewoldt, Lenny Garcia, Taina Montalvo Teller, Susanna Holder, Jessica Martinez, Harold Harris, Lisa Stukenborg, G. Warren Stiles, Jacqueline Merrill, Laura Kate Garner, Allegra LeGrande, Andrew Costello, Cheryl Cardran, Jason Resnikoff, Edwin Montaro, Jeffrey Wollock, Gretchen deChellis, Janet Harmon, Melanie Rodriguez, Sarah Leberstein, Brendan Krisel, Akina Yoshimura, Nancy Bruning, A. Romero, Dorothy Dohoney, Dana Gae Hanchard, Emily Davis, Martha Alexander, Pamela Lloyd, Amla Sanghvi, Lena Melendez, Abdenour Chenoufi, Mary Bassett, Paloma Lara, V. Ranelli, Sarah Pollack, Michelle Farinella, Suzy Parker, Paula Korsko, Candida Uraga, Jim Wilson, Belkis & Adele Godinez, Shawna Emerick, Mike Saab, Conrad Johnson, Jennifer Hong, Randy Jackson, Eric Dysart, Margaret Anderson, Stefan Kassabov, Sarah Ellmore, Fabia Perez, Sara French, Ingrid Nunez, Marisa Altamura, Jim & Holly Nedelka, Lucy Paulino, Gwendolyn Chambrun, Johanna Garcia, Nina Bernstein, Fred Mosher, Owen Waite, Aura Soraya Angulo, Connie Vasquez, Jessica Reynoso, Gloria Cabrera, Mariel De La Cruz, Judith Raices, Jeff Stettner, Shannon Park, Kathy Byrnes, Timothy Frasca, Melvin Cunningham, Norma Decandido, M. Pineda, Karla Kingsburg, Martia Gordon, K. Noni Murphy, A. Young, Chris Jacques, Paul Epstein, Josph Menchaca, Tiffany Lee, Miguel Ray, Sarah Keifer, Susan Haelen, Martin Ziga, Leah Holzel, Migdalia Santos, Edie Ricks, Diane Ninos, Robert Kleinbardt, Miguel Lora, Shana Harmongoff, Cheryl Pahaham, Edwin Marshall, Nova Lucero, Grace Ashford, Hannah Ellman, Olivia Westbrook, Bennett Melzak, Jessica Matei, Sheila Zukowsky, Charlotte Candau, David Thom, David Friend, Hailey Anderson, David Brodherson, Debra Klaber, Nancy Preston, Jennifer Bristol, and others whose names could not be read.

1. The meeting of the Land Use Committee (“Land Use” or the “Committee”) was called to order with quorum present at 7:05 PM. Community Board 12 Manhattan (“CB12M” or the “Board”) Chair Ally explained that the Board would normally be in summer recess in July, but a special Committee meeting was made necessary by the schedule requirements of the Uniform Land Use Review Procedure (“ULURP”) in response to the application for a zoning amendments for 112 and 114 Seaman Avenue and surrounding lots.
2. **Public Hearing on ULURP Application for 112-114 Seaman Avenue.**  
Chair Benjamin explained that the Board has taken up the issue of rezoning and affordability several times in the past, and has requested that the Department of City Planning (“DCP”) undertake contextual zoning in the district on numerous occasions. Copies of past resolutions were provided to attendees.

Richard Lobel of Sheldon Lobel PC made a presentation on the ULURP application submitted by Mike Saab (the “Applicant”), known to the community as the owner of the C-Town supermarket on Broadway.

- a. Sheldon Lobel is a law firm specializing in zoning law issues. It has represented numerous rezoning applicants, and helped to generate more than 700 affordable units.
- b. In an as-of-right scenario (with no rezoning), 26 market-rate units could be built on the 112-114 Seaman property. A rezoning to R7D would trigger the Mandatory Inclusionary Housing (“MIH”) requirement, and would make it possible to build 34 units, 8 or 9 of which would be permanently affordable. The 9<sup>th</sup> floor of the 9-story building would be set back, and a day care center would be located on the ground floor.
- c. The level of affordability would be MIH Option 1: 25% of the units at 60% AMI (\$51,546 for a family of three), with an overlying requirement of 10% of the units at 40% AMI (\$34,360). The affordable apartments would be distributed by lottery, with an expected 50% preference for area residents.
  - i. Community preference is being challenged in court and its future is unclear, but the Applicant is proceeding under the expectation that it will apply.
  - ii. Rent for a 2-bedroom unit would be \$859 at 40% AMI, and \$1,289 at 60% AMI.
  - iii. The income of 25% of the families in the community is under \$24,000. The Applicant selected the MIH option that provides for the lowest level of income possible: Option 2 is 30% of the units at 80% AMI, and the rarely-used Workforce Option allows for up to 130% AMI.
  - iv. Under MIH, the affordable units must be distributed throughout the building. The Applicant will also apply for 421a tax exemption, which does not require such distribution. The MIH rules would control on this point.
  - v. Affordable units are controlled by a regulatory agreement between the property owner and a nonprofit organization that administers the program. MIH/ZQA should not incentivize the creation of micro units.
- d. While many rezoning proposals are out of scale with the surrounding neighborhood, this proposal is in keeping with the actual surrounding built form. The maximum Floor Area Ratio (“FAR”, a measure of density) under R7-2 zoning is 3.44 – 4.00 (under the Quality Housing option), but the buildings adjacent to 112-114 Seaman Avenue, at 4.99 – 5.00 FAR, are larger than the current zoning would allow. Like many buildings in the area, these buildings predate the current zoning scheme, and are grandfathered in. R7D zoning, with a maximum FAR of 5.6, would allow the applicant to build in proportion to the neighboring buildings.
- e. The application is required to include adjacent buildings, to avoid being seen as spot zoning. Including those buildings would bring them into compliance, making it easier for buildings and even individual units to make changes in the future.
- f. Chair Benjamin noted that the Applicant claimed that the as-of-right scenario would not allow for larger units for families, but the unit distribution in the presentation lists only studios and 1-bedrooms. This would not provide a community benefit. Mr. Lobel replied that the breakdown of the units was still in flux, and it would be possible to incorporate more 1- and 2-bedroom units if the community asked for them, although that might reduce the total number of units.
- g. The proposed building does not go to the maximum height allowed under R7D zoning, so the current owner or subsequent owners could conceivably build a taller building. Mr. Lobel stated that the Applicant would be willing to impose a permanent restrictive covenant on the property to cap the height of the building.
- h. Off-street parking requirements would be waived because of the small number of units, and because the building would be close to public transportation. Chair Benjamin remarked that CB12M withheld support for MIH and Zoning for Quality and Affordability (“ZQA”) in an earlier resolution, and that one of the conditions that we asked to be addressed was the lack of parking requirements for affordable and senior housing – this is not consistent with the realities of our community.
- i. Both 110 and 116 Seaman have windows on the property-line walls adjacent to 112-114 Seaman. The new building would also be built to its property lines, and so those windows would be blocked in either the as-of-right scenario or by the proposed building. The city doesn’t grant the right to have windows alongside property lines. Each adjacent building has an airshaft along part of the property-line wall that would remain open.
- j. The application that is currently before the Department of City Planning (“DCP”) proposes up zoning to R8A, with a FAR of 6.02. The Applicant is changing the proposal to R7D, but the revised proposal has not been submitted to DCP. The subject of the Committee’s vote will therefore be the original R8A proposal. It is not necessary for the revised application to be recertified, because the new proposal is for a smaller building that would be encompassed by the Reasonable Worst Case Development Scenario described in the original application.

- k. Community members and residents of the adjacent buildings, which are rent-regulated, are concerned that the upzoning will incentivize landlord harassment and put them at risk. Mr. Lobel stated that these buildings are already so close to the maximum size that would be allowed under the rezoning that it wouldn't make sense for their owners to rebuild. Further, owners would have to include affordable units under MIH in order to take advantage of any density increase.
- l. Edwin Marshall, Senior Planner/Project Manager at DCP, confirmed that the Board needed to submit its comments by early August, and that the application under consideration was for a zoning map amendment to R8A, with a street wall height of 105 feet and a maximum height of 145 feet, and a zoning text amendment to 'MIH-designated area'.
- m. State Senator Marisol Alcantara commented that the project offers too little to the community, with a small number of units provided at levels that are not affordable to working-class residents such as firefighters and teachers.
- n. The Environmental Assessment Statement submitted with the application includes a Tier 3 shadow screening assessment that found no unacceptable impacts on Inwood Hill Park.

Public Comments:

- a. Graham Ciraulo, Northern Manhattan is Not for Sale ("NMN4S"): The rent-regulated units in the neighboring buildings are truly affordable housing, and it is unacceptable that they should be threatened. The landlord of one of the buildings has a bad reputation for building maintenance and harassment, so tenants are especially concerned.
- b. Dana Gae Hanchard: Has lived in 110 Seaman for 31 years, and would lose all windows and natural light except in the bedroom. Knows that something needs to be done with the property – raccoons are now fighting on the roof – but doesn't believe that the proposed building is right for the neighborhood, as it is not for families. Inwood buildings shouldn't dwarf the last mountains in Manhattan.
- c. Kristin Norderval: Has lived in 110 Seaman for 30 years, and would also lose all windows and natural light except in the bedroom. Notes that 30 units in the two surrounding buildings would lose their light, which is more than what will be built. Believes that the project will bring monumental change to what has been a very diverse building, and has collected 200 signatures opposing the project.
- d. Jeanie Dubnau, RENA, NMN4S: This project will accelerate gentrification and the loss of rent-stabilized tenants. Residential buildings in the area are being purchased at very high prices by speculative investors – for example, 522 W. 157<sup>th</sup> Street recently sold for \$15 million.
- e. Marshall Douglas, Northern Manhattan Community Land Trust, etc.: R7D zoning is for transit corridors, and includes mandatory ground floor commercial space. There are no buses on Seaman Avenue.
- f. David Thom, Inwood Owners Coalition: The proposed rezoning needlessly benefits a single developer who bought the property at the value that it holds under R7-2 zoning and is now trying to cash in. The application puts surrounding buildings at risk, and should be withdrawn. The FAR for the whole block is 3.86, so R7-2 zoning is sufficient.
- g. Dorothy Dohoney, 23-year resident of Cooper Street. Asks the applicant to listen to the community in which he makes a good living and is known for helping people.
- h. Suzy Parker, Inwood Preservation: The project serves only one owner at the expense of the entire community. Affordable units can be built using the 421a program; MIH is not the only option. Upzoning increases pressure to sell or redevelop properties. The rezoning of the Rheingold Brewery in Bushwick is an example of this.
- i. Pat Courtney, Inwood Preservation: MIH is supposed to create affordable units for lower income residents in higher income areas, not vice versa. It's the number of market rate units create that matters the most.
- j. Lynn Short, resident at W. 204<sup>th</sup> Street and Cooper Street: Inwood is special for its diversity, its low skyline, and the character of the neighborhood. Is confident that the applicant could create something that is in keeping with the neighborhood and still make money.
- k. [No name given]: Loves C-Town, doesn't like rezoning. Inwood doesn't need tall buildings. MIH raises rent on rent-stabilized apartments.
- l. Cheramie Mondesire: Inwood is under siege, and residents don't know whom they can trust. The community thought that the New York City Economic Development Corporation ("NYCEDC") was entering into an inclusive process with the community, but the subsequent rezoning plan shows that Inwood is seen as a commodity to buy and sell. Elected officials who supported the rebuilding of Inwood Library without knowing the details of the plan can't be trusted either. Hopes that the community can trust the Community Board.
- m. Monique Buzzarte, 31-year resident of 110 Seaman: Believes that there are existing programs for financing affordable housing, so it should not be necessary to ask for a rezoning. There are no assurances that deals

- made with a developer will be binding. Notes that Inwood business owners are among the 200 petition signers mentioned in comment c. above.
- n. Nancy Bruning, resident of northern Manhattan since 1999; Chirlane McCray, First Lady of New York City, has said that homelessness and fears of being displaced are contributing to a mental health crisis in the city. The amount of worry that the people in adjacent buildings will experience is not worth the 9 affordable units that will be created. Proposes the acronym 'RAIMBY' (Real affordability in my backyard) to describe the attitude of the community.
  - o. Nancy Preston, Moving Forward UNIDOS, etc.: Wants R7A zoning to protect the context of the neighborhood, with no upzoning. Development should be undertaken with careful attention to urban planning. Noted that the Chair of the City Planning Commission ("CPC"), in considering this application, said that affordable housing should not be built "at any cost".
  - p. Karla Fisk, Save Inwood Library: There are already too many predatory investors trying to get rid of rent-stabilized tenants, and upzoning would increase this pressure. Growth in the neighborhood should be smart, with attention to antiquated infrastructure and future water and utility needs, and should be decided by the community, not dictated by politicians.
  - q. Paloma Lara: Came to northern Manhattan for its strong community. Rezoning will affect minorities and lower-income residents. The Latino community should be preserved.
  - r. Candida Uraga: Instead of investing in luxury buildings that will displace neighborhood residents, the applicant should use the money to create a space where kids can learn to swim or play volleyball, etc., as the neighborhood lacks such facilities.
  - s. Randy Simon, resident of 116 Seaman: Expressed appreciation for C-Town, but asked that the quality of life in the adjacent buildings not be changed. The applicant should work with the community to develop an appropriate plan.

A motion was made by Steve Simon and seconded by Obie Bing to oppose the proposed rezoning for the following reasons:

1. The CPC Chair was opposed to the rezoning, stating that although there are "opportunities for appropriate rezoning, this isn't one of them";
2. The project will have a deleterious effect on neighboring residents whose windows are blocked;
3. The inclusion of neighboring buildings is a transparent attempt to hide spot rezoning; and
4. The project would undermine contextual zoning efforts and stand out like a sore thumb.
5. The project's design includes only studio and one-bedroom units.

The motion passed with the following votes:

Land Use Committee: 9 - 0 - 0  
 Other Board Members: 12 - 0 - 0  
 Members of the Public: 116 - 0 - 0

The full Board will vote on the resolution at the Committee of the Whole meeting on July 18.

Council Member Ydanis Rodriguez commended the Applicant for his work in the community, and commended the community for making their voices heard in the democratic process. The Council Member and the Manhattan Borough President support contextual zoning, and the Council Member hopes that all the members of the community will continue to listen to and respect each other, work together to control gentrification in Inwood, and help create a neighborhood for the community to live in for the next 100 years.

### 3. **EDC's Report and Next Steps re: Inwood Rezoning.**

Adam Meagher of NYCEDC presented the Inwood NYC 2017 Action Plan, a status report on the work that has been done in Inwood for the last two years.

- a. The city agencies involved with Inwood NYC have identified the following needs in the area:
  - i. Improved infrastructure.
  - ii. Preserving and creating affordable housing: rents are rising faster in Inwood than in other areas because no new housing is being built here.
  - iii. Creating a comprehensive zoning framework, including a special district with customized zoning.
  - iv. Job creation, etc.
- b. Although the Inwood NYC plan has not been finalized, various actions have already been taken to protect tenants and preserve affordable housing through tenant outreach and legal services. Other

actions include investment in parks and Workforce Centers, a commercial revitalization grant, and consideration of new development of the Inwood Library site.

- c. NYCEDC has noted community distrust of the process and of the prospect of rezoning. There is ongoing concern that rezoning will contribute to the loss of affordable housing and displacement.
- d. In response to community feedback, contextual zoning will be applied west of Broadway in the “upland core” to preserve the character of that area. The proposed zoning for this area is R7A, with a maximum height of 8 stories.
- e. The current zoning scheme is largely industrial in the area east of 10<sup>th</sup> Avenue, and mainly prohibits housing.
- f. NYCEDC sees an opportunity for significant housing development along the “Commercial U”, the area comprised of Dyckman Street east of Broadway, Broadway between Dyckman Street and W. 207<sup>th</sup> Street, and W. 207<sup>th</sup> Street east of Broadway. This zone contains several “soft sites”, properties with 1- or 2-story buildings that could be developed further. Under the current R7-2 zoning, there are no height limits on what could be developed on those sites, but practical considerations related to lot size and density requirements would determine the size of the buildings. NYCEDC proposes a uniform zoning scheme in this area to encourage predictable development that includes MIH affordable housing, commercial and office space, and community facility space. The proposed R7D zoning would have a maximum height of 11 stories. R8A areas at the intersection of W. 207<sup>th</sup> Street and Broadway and W. 207<sup>th</sup> Street and 10<sup>th</sup> Avenue would have a maximum height of 14 stories.
- g. The zoning proposals for the Sherman Creek, “upland wedge” and tip of Manhattan areas remain largely unchanged from last year, but the proposal for the upland wedge has been scaled back to R7D (11 stories). There is currently no plan for M1-5 development at the tip of Manhattan, but there is an opportunity for industrial space and job creation there. Waterfront access is also a priority in that area.
- h. This is not a final proposal. The city will release a draft scope of work, and 30 days later a scoping hearing will be held. The following step would be an Environmental Impact Statement, followed by the 7-month ULURP process. There are still many opportunities for community input.

#### Public Comments:

- a. David Friend, resident of the Sickles Street/Ft. Tryon East neighborhood: this neighborhood is part of Inwood, and is especially susceptible to landlord harassment and loss of rent-regulated apartments. Why isn't this area included in the contextual rezoning plan? Inwood does not end at Dyckman Street.
- b. Paul Epstein, Northern Manhattan Community Land Trust: Participated in community workshops last year, but NYCEDC never issued a report following that effort. This project is not ready for scoping, because there's been a lot of input from the community without a response, and there is concern that community input will be cherry-picked to support NYCEDC's agenda.
- c. Barbara Frazier, CB12M: 14-story buildings on Nagle/Dyckman would change the character of the neighborhood and set a bad precedent for tall buildings in that area.
- d. Ayisha Oglivie, CB12M: Rents in the district are increasing because of rent fraud and landlords incentivized to push people out, not because we need rezoning.
- e. Allegra LeGrande, climate scientist: New York City has more detailed flood zone maps than those provided by FEMA. Some of the proposed R8A zones will lie in a 100-year flood zone in the 2020s. Also, there are only 16,000 units in Inwood now – adding 12,000 new units will place an enormous strain on already burdened transit and infrastructure systems.
- f. Peter Levy: The city should buy the lot adjacent to the library and build horizontally rather than vertically. It is ironic that the Inwood branch received a \$20,000 award as one of the best branches two years ago, and now the city wants to tear it down.
- g. Graham Ciraulo: There is a clause in the C-Town lease that would allow the landlord to evict in order to develop the property. Upzoning the business district could cause us to lose our markets. Also, he demands that Karen Taylor be reinstated to the Board.
- h. Phil Simpson: The library was not the centerpiece of the rezoning project when it was introduced in January, but now it seems to be. Many people use the library as a cooling center – can no loss of services be guaranteed?
- i. Karla Fisk: There is so much wrong with the proposal, including the fact that there has been no report back from last month's charrette. A new library would take at least 5 years to build because of the brownfield adjacent to the property.
- j. [No name given]: Real estate interests run the city. Market rate development enriches the industry, but does not preserve affordable housing.
- k. Anna: No matter how much input there is from the community, the map shown by NYCEDC never changes. There is no outreach in Spanish. NYCEDC is disrespectful to the community.

- l. Bennett Melzak: Resident whose home is in a proposed 15-story area. There are no tenements in Inwood.
- m. Dana Gae Hanchard: Buildings that are too high near Inwood Hill Park will disrupt the bird migration corridor.
- n. Marshall Douglas: Keep in mind the flood zones on Dyckman, and the fact that the area east of 10<sup>th</sup> avenue is composed of construction rubble and muck dredged from the Harlem River.
- o. Debra Klaber: Buildings in the Harlem River area could go as high as 24 stories.
- p. Josh Karan: It is shameful that public housing is not a consideration in this opportunity to develop buildable land. This is wholly for private development.
- q. [No name given]: Trains and schools are already overcrowded. We need more transportation and more schools before we bring so many new units into the neighborhood.

Chair Benjamin thanked NYCEDC for the presentation, pointed out that it has received a lot of input on the rezoning proposal that the community would like to see reflected in the proposal, and the Committee looks forward to seeing how the proposal is informed by the comments provided.

The meeting was adjourned at 10:10 PM.

Submitted by Andrea Kornbluth.