

LAND USE COMMITTEE – MEETING MINUTES

May 3, 2017

Committee Members Present

Wayne Benjamin, Chair
Andrea Kornbluth, Asst. Chair
James Berlin
Osi Kaminer
Jonathan Reyes
Steve Simon
Carlos Suero
Karen Taylor

Committee Members Absent

Anita Barberis
Isaiah Bing
Jason Compton

Board Members Present

Richard Allman

Public Member Present

Vivian Ducat

Public Member Absent

Staff: Ebenezer Smith

Guests: Timothy Frasca, Nova Lucero, Cheramie Mondesire, Josh Bass, Hilary Kay, Matthew Spady, Nancy Preston, Pat Courtney, Nina Bernstein, Nancy Bruning, Marshall Douglas, Orlando Rodriguez, Sara A. Fisher, Dana Gae Hanchard, Maggie Clarke, Lesly Almanzar, Joseph Benedith, Thomas Hall, Zoya Kocur, Erick Nunez, Gwendolyn R. Chambrun, Denise Rickles, Allegra LeGrande, Cliff Elkin, Carolina Pichardo, Jeff Dugan

1. The meeting of the Land Use Committee (“Land Use” or the “Committee”) was called to order at 7:01 PM. Land Use Assistant Chair Andrea Kornbluth welcomed guests, and Committee members introduced themselves. Quorum was achieved at 7:15.
2. **Update on a Request for Evaluation (“RFE”) submitted to the Landmarks Preservation Commission (“LPC”) for historic district designation in Inwood.**
Pat Courtney of Inwood Preservation and Volunteers for Isham Park presented highlights of an RFE submitted to LPC in 2016. Other RFEs for historic district designation in Inwood have also been submitted by the Inwood Owners’ Coalition (August, 2016) and Bruce’s Garden (2017).
 - a. Inwood was chosen as one of the Historic Districts Council (“HDC”) Six to Celebrate neighborhoods in 2011, the initial year of the program. HDC supports Six to Celebrate neighborhoods in their preservation efforts, including the research and preparation of RFEs, etc.
 - b. Under the Six to Celebrate program, community participants conducted a reconnaissance survey of every building and lot in Inwood. An aerial photo shows that Inwood can be demarcated as the area in northern Manhattan that has streets oriented at a 45-degree angle to the rest of the Manhattan grid. The survey area was originally intended to go as far south as Dyckman Street, but was extended to the south based on information discovered in the 1939 *WPA Guide to New York City*.
 - c. The proposed historic district consisted of farmland until the early 20th century, and then became a community of moderately-priced apartments following the arrival of the 1 train, as confirmed by the 1939 *WPA Guide*.
 - d. Many examples of sites of architectural and historical significance were noted, including:
 - i. Buildings designed by noted architects, such as the Packard Showroom building at Broadway and Sherman Avenue (Albert Kahn, 1927);
 - ii. Buildings with notable street-wall context, such Tryon Gardens on Arden Street and others;
 - iii. Buildings and structures in the Art Deco style, including 105 Arden Street, the substation at the west end of Dyckman Street, and many others. Art Deco design elements in buildings and parks including cast aluminum details, brickwork, flower motifs, etc.;
 - iv. Parks, including Fort Tryon Park (designed by landscape architects Clarke and Rapuano under the direction of Robert Moses), Isham Park (land donated by the Isham family over several years), and Inwood Hill Park (shaped by the creation of the Harlem River Shipping Canal; in 1992, City Council member Stanley Michels introduced legislation to name natural areas ‘Shorakapok’ in honor of the Lenape people who resided there);

- v. Tudor-style apartment buildings along Seaman Avenue;
 - vi. Historical buildings, including the Dyckman Farmhouse, the Solano & Monida building on Dyckman Street (Inwood's first apartment building, built in 1906), and the 215th Street IRT station, etc.;
 - vii. Streets where uniform building height enables notable views of the Cloisters, such as Cooper Street; and
 - viii. Civic structures such as P.S. 52 and the New York Public Library, etc.
- e. Ms. Courtney has served on the HDC Board of Directors for five years, and views historic designation not as an elitist activity, but as a means of protecting historical buildings from demolition, and preserving the community as development pressures mount.
 - f. Community Board 12 Manhattan ("CB12M") passed a resolution when the RFE was first presented asking that the LPC review it seriously. However, the LPC is not obligated to take any action beyond acknowledging receipt of the RFE. Only advocacy from elected officials and pressure from community members and property owners will move the proposal forward.
 - g. Chair Benjamin noted that Manhattan's street grid plan only goes up to 155th Street, and it was assumed when it was planned that the area north of 155th Street would remain undeveloped. This section of Manhattan was later designed by Frederick Law Olmsted (who designed Central Park) and his associate to incorporate the natural topography.
 - i. There have been calls for historic designation of the entire section north of 155th Street for this reason.
 - ii. It is also possible that the expense of removing or cutting through the mica schist that is prevalent in this area played a part in the decision to work with the existing topography.
3. **Update on the proposed designation of the Audubon Park West 158th Street Row Houses.** Matthew Spady, a local historian and community resident who has been working with other community residents including Vivian Ducat and Josette Bailey to expand the Audubon Park Historic District to include the 12 row houses on W. 158th Street west of Riverside Drive, or to establish a standalone district in this area, presented the latest developments in this effort.
- a. Overview: when the Audubon Park Historic District was established in 2009, the LPC did not include the 12 row houses on W. 158th Street, the northern border of the district, saying that they were not 'of a piece' with the apartment houses that comprise the rest of the district. CB12M supported the expansion of the District to include the row houses at that time, calling for 'expeditious' review by the LPC, but the LPC took no action.
 - i. The LPC had said that the row houses were too different from the apartment buildings to be included in the same district, but they did include the two Berler-Levy houses at the corner of Riverside Drive and W. 158th Street in the district, which is not an apartment building and is architecturally dissimilar to the apartment buildings included in the historic district.
 - ii. The LPC also stated that the row houses didn't relate to the main artery in the district, Riverside Drive. However, they are more closely related to Riverside Drive than other designated buildings, such as Audubon Hall and the Lafayette, etc.
 - iii. Adding W. 158th Street to the original RFE would have been very time-consuming. The effort to create the Audubon Park Historic District benefited from the timely support of then-Borough President Scott Stringer's "Take Me to the River" initiative.
 - b. In 2015, two of the houses were offered for sale along with air rights from the vacant lot behind eight of the houses. Alarmed community residents stepped up their efforts to expand the district, becoming a Six to Celebrate neighborhood for 2016, and receiving a Citizens Committee for New York City grant to support its community outreach activities. An RFE was submitted to LPC in April, 2016 along with over 100 letters of support. CB12M voted in May, 2016 to support the RFE with a letter to the LPC. Around that time, the LPC indicated that it would not add the matter to its calendar.
 - c. Community residents continued to advocate, submitting an additional 77 letters of support and enlisting the help of Council Member Levine. CB12M passed a resolution in November, 2016 endorsing the creation of a standalone district on W. 158th Street.
 - d. It was recently discovered that three of the row houses, numbers 636, 638, and 640, and the vacant lot currently used as a parking lot which lies behind a few the houses and which has for 47 years belonged to the owner of 638 West 158th street are currently in contract with a developer who is paying far more than the assessed value of the properties. According to the seller's broker, the developer is trying to buy as many of the houses as possible, and intends to build a very large

residential building. Because the area's R8 zoning allows for height factor development, there is no limit to building height other than the practical considerations of the building footprint. R8 zoning allows for a floor area ratio ("FAR") of up to 6.02; the area of the occupied portion of the lot is multiplied by the FAR to determine the square footage of the building. Adding more row houses to the lot accordingly increases the size of the building that can be built there as of right.

- i. The vacant lot has no street access, and must be combined with at least one row house for development. With one house, a building of about 30,000 square feet could be built (roughly about 35 units).
 - ii. Because the building can be built as of right, there would be no zoning change or variance to trigger the Mandatory Inclusionary Housing ("MIH") requirement. Unless the developer sought Housing Preservation & Development ("HPD") financing or other city incentives, there would be no requirement to include affordable housing.
 - iii. A building of the size that is apparently being considered would stress overburdened infrastructure and public service resources, and would exacerbate already bad traffic and parking conditions. It would also destroy the sense of place in the Audubon Terrace and Audubon Park historic districts, and set a precedent for future development.
- e. Current actions:
- i. Council Member Levine and Assembly Member Farrell are contacting the LPC.
 - ii. The core team of community residents is working with the media to bring attention to the matter.
 - iii. River Terrace, the Mitchell-Lama coop on Riverside Drive, owns 'Audubon Lane', a path adjacent to the vacant lot, and provides right-of-way to area residents and parking lot users. Their legal team is researching whether the restrictive covenant added to the deed when August Cordes sold the property in 1897 to John Leo is still in force. This covenant stipulates that only single- or double-family homes of brick or stone, set back from the street, can be built there, and further stipulates that the covenant can only be broken with the agreement of all owners of the eight houses on the lot.

4. **Update on Inwood rezoning by the New York City Economic Development Corporation ("NYCEDC") Inwood NYC Team.**

Charlie Samboy and Adam Meagher made a presentation on the current status of the Inwood NYC rezoning project.

- a. About two years ago, the Inwood NYC project began to speak with the community through visioning sessions, working groups, and other meetings with stakeholders. NYCEDC was ready to enter the scoping phase of the project in the summer of 2016, but the Manhattan Borough President's Office ("MBPO"), CB12M, and the community expressed a strong preference for contextual zoning, and so NYCEDC paused to reconsider the project.
- b. On March 31, the MBPO and Council Member Rodriguez sent a letter to NYCEDC asking for contextual zoning west of Tenth Avenue. The Council Member had not previously expressed strong support for this idea. Last week, NYCEDC agreed.
- c. NYCEDC recognizes that housing in Inwood has always been affordable for working families, and that it is important to the community that it stay that way. NYCEDC believes that taking no action toward a comprehensive housing plan will increase housing pressure, and ad hoc development will have a negative effect on the character of the neighborhood.
- d. Inwood NYC was not merely a rezoning plan – it was intended as a comprehensive plan for investment in Inwood's future, including affordable housing preservation and creation, preservation and strengthening of neighborhood character, creation of a public waterfront, and investment in infrastructure. Although the rezoning component of the project has been paused, investment continues in other segments:
 - i. A new Workforce 1 Career Center was established in Washington Heights. This Center specifically focuses on the immigrant community.
 - ii. Inwood groups received a Small Business Services ("SBS") Neighborhood 360° program grant to revitalize and beautify commercial corridors.
 - iii. A coalition of Washington Heights and Inwood arts groups received funding from the Department of Cultural Affairs ("DCLA") Building Community Capacity initiative to support and build cultural capacity in the community.

- iv. Highbridge Park received a \$30 million dollar Anchor Park grant for capital improvement. Phase 1 capital projects have been determined, and Phase 2 projects will be considered starting in June.
 - v. A bike lane was approved for a portion of Dyckman Street.
 - vi. A drainage plan for Inwood will be created.
- e. In terms of housing, rents are rising faster in Inwood than in other parts of the city. Vacancy rates are low, and less than 200 units of new housing have been created in the past 20 years. There is an acute housing crisis in Inwood, and tenants are facing pressure from problematic landlords.
 - i. A new Legal Services NYC office was opened at 5030 Broadway.
 - ii. A Tenant Support Unit was established to go door to door to inform tenants of their rights, and make them aware of the services available to them at the Legal Services NYC office.
 - iii. An initiative to remodel the Inwood library and build affordable housing above it is being considered and discussed with the community.
 - iv. HPD Tenant Workshops are being held to identify problem buildings and enforce rent and other housing regulations.
- f. Inwood's current zoning has been in place since 1961, and includes R7-2 residential districts, primarily west of Broadway, C4-4 and C8-3 commercial districts, districts with commercial overlays, and manufacturing districts east of Broadway.
 - i. Much of the Harlem River waterfront is inaccessible to the public.
 - ii. Part of the original plan for the eastern side of the project area was to bring new affordable housing, esplanades, public open spaces on the waterfront, and potential employers to the area, while consolidating Con Edison operations in the Sherman Creek area.
 - iii. There are many underdeveloped "soft sites" in the R7-2 zone that could see significant as-of-right development without any requirement for the inclusion of affordable housing (e.g., The Stack on Broadway).
 - iv. The area designated as the 'Upland Core' (including Dyckman Street to Isham Street west of Broadway, the area north of Isham Street west of Tenth Avenue, and the Park Terrace/Indian Road areas) is built out with apartment buildings and few soft sites. R7-2 allows for 3.44 – 4.0 FAR, with up to 6.5 FAR for community facilities. Buildings can be built as "quality housing", with a street-wall along the sidewalk, or as "height factor" buildings set back in the lot (e.g., the tower on Sherman Avenue south of W. 207th Street). The open space created by the setback is not necessarily public. Some buildings are larger than would be permitted under current zoning (e.g., the apartment building at Park Terrace West and W. 215th Street). There are also buildings in the zone that have ground floor retail, even though they are not zoned with a commercial overlay. Contextual zoning would limit new development in the Upland Core, add commercial overlays where the stores are, and generally preserve the existing form.
 - v. The U-shaped commercial zone created by Dyckman Street east of Broadway, Broadway between Dyckman Street and W. 207th Street, and W. 207th Street east of Broadway has greater development potential. The streets are wider and can support greater density (4.0 FAR). There are also good transit connections. There are several soft sites such as 1-2 floor banks and drug stores, etc. A zoning change in this area could apply contextual height limits, but allow development that included at least 25 – 30% affordable housing under MIH requirements. Here, active ground floors and minimum transparency requirements would be established.
- g. Moving forward:
 - i. An Action Plan in English and Spanish will be created in the next few weeks.
 - ii. Engagement with the community will continue; NYCEDC will attend the June Land Use meeting, and will also meet with CB12M in the fall.
- h. Discussion of Committee and community comments and questions:
 - i. Chair Benjamin commented that CB12M has asked the Department of City Planning ("DCP") for contextual zoning, and that we believed that we were next when the CB9M contextual rezoning was completed several years ago. Mr. Meagher stated that NYCEDC has a planning department, but it works with a larger team that includes several agencies, including DCP, and so NYCEDC is aware of CB12M's requests and zoning studies, etc.

- ii. Stores in buildings that are not in a commercial district or do not have a commercial overlay needs to meet the same construction safety standards (fireproofing, etc.) as stores in commercial or commercial overlay districts; these are Building Code, not zoning requirements.
- iii. The proposed contextual zoning map, which merely illustrates proposed principles and not specifics, does not appear to include the areas that were previously considered under the Inwood NYC plan. For the Sherman Creek area, NYCEDC will use other planning tools to determine the best use of the area. The area in the Upland Wedge west of Broadway may be included in the contextual zone.
- iv. On commercial corridors with C4-4 or similar zoning second floor spaces can be used for offices or community facility uses.
- v. Regarding the two houses at Seaman Avenue and W. 204th Street, CB12M received an initial notice of filing, but never received word that the application was certified for further consideration.
- vi. NYCEDC recognizes that North Cove is an important ecological site and community space, and that it should be preserved. Any building built next to it will have to incorporate protection of the cove into its design.
- vii. No specific zoning district designations have been proposed yet. Rather than apply a blanket designation, even a contextual zoning designation, that may not fit what exists, the more tailored patchwork approach taken by CB9M would likely produce results that create a better fit between the proposed zoning and the existing built form.
- viii. Preservation of existing rent stabilized housing should be a priority.
- ix. Rapidly increasing rents and housing pressures have led to the conclusion that additional affordable housing is necessary.
- x. Dyckman Street was selected as a recognized boundary to define the scope of the project, but the area could expand in the future. Many consider the Inwood boundary to be at Hillside Avenue.
- xi. The maximum density permitted under current zoning permitted at the Inwood Library site is 4.0 FAR for the residential use and 6.5 FAR for community facility use. A mixed-use building could contain density of up to 4.0 FAR in residential use and 2.5 in Community Facility Use.
- xii. Waterfront developers will be required to provide and maintain public waterfront space according to city plans. Therefore, waterfront access will be developed at the same time as the adjacent buildings.
- xiii. The area at the northern tip of Manhattan where commercial zoning is proposed is intended for institutional expansion, in order to provide job opportunities.
- xiv. Market conditions, existing leases, the purchase price, etc. are all factors that will determine what a developer builds. The existing zoning doesn't preclude uses such as movie theaters in commercial zones.
- xv. The Citizen Jane: Battle for the City movie was recommended as being relevant to the rezoning discussion.
- xvi. The proposed library project will be discussed at a joint meeting by the Youth & Education and Housing & Human Services committees on Monday, May 8.

The meeting was adjourned at 10:05 PM.

Submitted by Andrea Kornbluth.