

LAND USE COMMITTEE – MEETING MINUTES

October 11, 2017

Committee Members Present

Wayne Benjamin, Chair
Andrea Kornbluth, Asst. Chair
Anita Barberis
James Berlin
Isaiah Bing
Jay Mazur
Angelina Ramirez
Jonathan Reyes
Steve Simon
Christopher Ventura

Committee Members Absent

Osi Kaminer (Excused)
Angelina Martinez (Excused)
Carlos Sueros (Excused)

Board Members Present

Sara Fisher

Public Member Present

Vivian Ducat

Public Member Absent

Staff: Ebenezer Smith

Guests: Lena Melendez, Ricardo R, Jeanne Ruskin, Valinn Ranelli, Phil Simpson, Fred Jewell, Al Wright, Allegra LeGrande, Rita Gorman, Cheramie Mondesire, Adam Meagher, Orlando Rodriguez, Cheryl Pahaham, Diego Robayo, Karla Fisk.

1. The meeting of the Land Use Committee (“Land Use” or the “Committee”) was called to order with quorum present at 7:09 PM. Land Use Chair Wayne Benjamin welcomed guests, and Committee members introduced themselves.
2. **Inwood Rezoning Environmental Impact Statement - Summarizing Comments on Draft Scoping.**
 - a. Background: The EIS draft scope of work (“DSOW”) was released in mid-August, 2017, when Community Board 12 Manhattan (“CB12M” or the “Board”) was on hiatus, with a mid-September deadline. That deadline was extended for a few days to allow for discussion at the CB12M September General Meeting. A motion was passed at that General Meeting requesting that the deadline for the submission of comments on the DSOW be extended until the end of October. The Mayor’s Office extended the deadline to October 13, 2017. As the deadline falls before the October General Meeting, CB12M has clarified that comments can be submitted by committees without a formal Board resolution. Community residents and interested parties are also free to submit comments on their own.
 - b. The EIS was necessitated by the Environmental Assessment Statement (“EAS”) issued in August 2017 with a Positive Declaration, i.e., a finding that there is the potential for significant adverse environmental impacts from the proposed rezoning. The EIS DSOW outlines the Proposed Actions (Zoning Map and Zoning Text Amendments), and covers 24 technical areas (“Tasks”) as detailed in the City Environmental Quality Review (“CEQR”) technical manual (Attachment 1). All the Tasks have been deemed to be relevant to the proposed project and will be included in the EIS evaluation. This EIS evaluates potential impacts over a 15-year period, rather than the usual 10-year period.
 - c. The Committee focused its discussion on Task 2 (Land Use, Zoning, and Public Policy), Task 7 (Historic and Cultural Resources), Task 8 (Urban Design and Visual Resources), and Task 19 (Neighborhood Character), with additional references to Task 3 (Socio-Economic Conditions), Task 13 (Energy), Task 16 (Greenhouse Gas Emissions and Climate Change), and Task 22 (Alternatives), as follows:
 - i. (*Land Use, Zoning, and Public Policy*) No reference is made to previous CB12M/Committee resolutions on zoning, nor to the Committee’s city planning study.
 - ii. (*Land Use, Zoning, and Public Policy*) The study area includes the actual rezoned area plus a quarter-mile periphery zone, but it was noted that there is inconsistency in the definition of

scope: in some places, the DSOW refers to 33 projected development sites and 40 potential sites, while in other parts, the study seems to be limited to just the 33 projected development sites.

Community members noted that a map of a much broader rezoning study area was shown at the China-U.S. Collaboration Forum hosted by Council Member Rodriguez on October 9, 2017, and called for a broadly defined study area for the EIS. Chair Benjamin noted that the Council Member's original rezoning proposal only included the area east of 10th Avenue, and grew in response to community comments. Now the rezoning proposal encompasses more than the community anticipated, so it is important to consider the possible consequences of asking for more.

Local community groups have submitted comments questioning the evaluation of only 33 tax lots when there are 188 tax lots in the rezoned area.

- iii. (*Greenhouse Gas Emissions and Climate Change*) A community member noted that climate change will affect all other Tasks, but the analysis techniques employed expressly don't include climate change. It was agreed that the effects of climate change should be specifically studied for all appropriate Tasks.
- iv. (*Historic and Cultural Resources*) There have been numerous applications to the Landmarks Preservation Commission ("LPC") for historic district designation in the project area, but none of these have been referenced in the DSOW. Area-wide impacts on historic and cultural resources should be considered, rather than limiting consideration to development sites.
- v. (*Urban Design and Visual Resources*) Though the DSOW states that "[a] detailed analysis will be prepared if warranted based on the preliminary assessment," this analysis should be required and not optional.
The impact on views *from* the Cloisters, and not just *of* the Cloisters, should be considered. Landmarks such as the Cloisters and other important resources that are located outside the study area but are visible from within it should be included.
- vi. (*Neighborhood Character*) This is difficult to consider as a standalone item, as it is closely related to socio-economic conditions and other factors. The DSOW states that a detailed analysis will be performed "[i]f the preliminary assessment determines that the Proposed Actions could affect the defining features of neighborhood character..." This analysis should be required, and not conditional.
- vii. (*Alternatives*) Several community groups included alternative proposals with their comments as a means of ensuring that these alternatives are also considered. Community members requested that Committee comments note that the community believes that proposed action is extreme in terms of additional density, and would like to see alternatives considered. Chair Benjamin commented that rezoning evaluations begin with a specific proposal, which is modified throughout the review process. Comments will be solicited again when the draft EIS is issued. However, as stated in the letter from the Mayor's Office, individuals and groups are free to submit their comments recommending alternatives.
- viii. (*Other*) Community and Committee members discussed City and Board outreach, and whether it has been sufficient. Considering the high proportion of low-income and immigrant residents in the area and the meager representation of such residents at meetings on this issue, more should be done to engage a more diverse section of residents, businesses, and interested parties. A community member noted that attending Board meetings can present an economic hardship for some residents in terms of transportation and child care costs, etc.

Chair Benjamin stated that he has asked the Manhattan Borough President's Office to assist in identifying any shortcomings in CEQR methodologies to ensure that they are taken into consideration in the course of reviewing the draft EIS.

Committee member Steve Simon noted that the Board should have been better prepared to discuss the DSOW at the September General Meeting.

Committee member James Berlin suggested that consideration of communications and data transmission infrastructure be added to Task 13 (Energy).

Steve Simon moved that the Committee should formally accept the comments made at the Committee meeting, and take all necessary steps to ensure that they are submitted to the City on time and in full. All Committee members voted in favor of this motion.

3. **Presentation by Historic Districts Council (“HDC”).**

Diego Robayo, HDC’s new Spanish Language Fellow, made a brief presentation to introduce himself and review the services offered by HDC. HDC focuses on communities whose history and culture are at risk due to development, etc., and assists with community outreach, education, and advocacy. HDC supports landmark and historic district designation efforts, and helps communities share their preservation concerns with elected officials. Hispanic culture is very significant in Northern Manhattan, and Mr. Robayo is available to help Spanish-speaking communities with their preservation concerns.

Both Inwood and Audubon Park (West 158th Street) have been participants in HDC’s Six to Celebrate program, which identifies and supports neighborhoods with particular cultural value.

Discussion:

- Inwood was a Six to Celebrate neighborhood in 2011, and has submitted various requests to the LPC. These requests have been supported by CB12M, but no action has been taken. This creates the impression that LPC won’t consider Inwood applications while the rezoning proposal is on the table, but Matthew Spady confirmed that no action has been taken with regard to the proposed West 158th Street Row House district either.
- The current mayoral administration may be more interested in promoting MIH north of 96th Street than in preservation efforts there.
- The Audubon Park Historic District was designated in just six years, while the application for the Loew’s 175th Street Theater that was landmarked last year was initially filed in 1970.

4. **Briefing on Proposed Northern Manhattan Community Land Trust (“NMCLT”).**

Cheryl Pahaham of the NMCLT Working Group introduced the organization and its activities. The NMCLT was formed earlier this year by members of Northern Manhattan is Not for Sale who were interested in a more creative and impactful response to current land use pressures than protesting. The Working Group submitted a statement of interest to NYC Housing Preservation and Development (“HPD”) that was well received, but NMCLT was not one of the 12 groups receiving money for training because it is not yet incorporated.

NMCLT will be a democratic membership organization, with most membership classes being eligible to take an active role in governance. Members must generally live or work in the community (Marble Hill, Inwood, Washington Heights, and parts of Harlem), complete training, and put in a minimum number of volunteer hours. There will be a public meeting from 11:00AM – 4:00PM on November 4 to provide information on land trusts and what they do, and to review NMCLT’s bylaws. Representatives from the East Harlem Land Trust and another Harlem land trust will also discuss their experiences.

NMCLT plans to own land and lease it to entities that can build or develop it. Land can be acquired by bidding on public projects, as the East Harlem Land Trust does, or by accumulating private funds. It will work with HDFCs and mutual housing associations, but currently, it is primarily focused on its Inwood Library RFP submission, which is due in November.

Detailed plans for working with HDFCs, seeking out small city-owned vacant lots, and other aspects of land trust operation will be worked out as the organization grows and develops.

5. **Update on Proposed West 158th Street Row House Historic District**

Matthew Spady and Vivian Ducat made a presentation on current developments, as follows:

- a. Background: The twelve row houses numbered 626-648 West 158th Street were omitted from the Audubon Park Historic District when it was created by LPC in 2009. CB12M urged LPC to revisit the issue expeditiously.
- b. Since 2015, local residents have been working to expand the historic district to include the row houses, which are the oldest structures in the district. Neighbors are concerned that one or more

houses could be sold along with the vacant lot behind the houses, allowing for disproportionately large development. Currently, two of the houses (previously thought to be in contract) are in pre-foreclosure and are listed for auction.

- c. The group has argued that the historic district should be expanded because the houses are located within the historic Audubon Park Historic Park footprint; they are historically significant in that they represent a distinct stage in the urbanization of Manhattan north of 155th Street which the grid had never anticipated. The 158th Street row houses, like the later apartment buildings of Audubon Park represent a response to the expansion northward of New York City's rapid transit system. The 12 row houses on 158th Street are the oldest buildings in the Audubon Park district.
- d. The effort has been supported by numerous architectural historians, community organizations, hundreds of community members, elected officials, particularly NYC Comptroller Scott Stringer, and CB12M, but LPC has refused to add the proposed expansion to its calendar.
- e. Reasons for refusal include time constraints, different building typology, being separate from the "Riverside Drive corridor", altered façades, a loading dock across the street, etc. As there are many historic districts in New York City with the same conditions, these reasons sound more like excuses.
- f. Area residents continue to meet with elected officials and explore other options for ensuring that the houses and the architectural and cultural heritage of the area are not lost. Attempts are being made to meet with the Mayor. Further, lawyers evaluating the situation have determined that a restrictive covenant on the vacant lot is still in effect: this covenant stipulates that the first building on the lot must be a 1- or 2-family house made of brick or stone, and can only be lifted with the agreement of all owners of the first eight houses from the west. (However, it doesn't stipulate the length of time the first building must exist, so it would only function as a deterrent to a determined and well-funded developer.)

6. **New Business**

A motion was made and seconded to modify and accept the following Land Use Committee budget items:

- 1. A request for the Department of City Planning to hire professional planning staff to work with CB12M to formulate, implement and fully analyze a contextual rezoning plan for Washington Height and Inwood; and
- 2. A request that HPD implement a planning initiative for Washington Heights and Inwood whereby city-owned lots and vacant buildings are identified and made the subject of a scattered site request for proposals and allocate City capital funds to these sites to facilitate infill development of affordable housing.

The motion passed with the following votes:

Land Use Committee:	8 - 0 - 0
Other Board Members:	1 - 0 - 0
Members of the Public:	- 0 - 0

The meeting was adjourned at 9:41 PM.

Submitted by Andrea Kornbluth.

**INWOOD REZONING PROPOSAL – SCOPING FOR ENVIRONMENTAL IMPACT STATEMENT
POINTS FOR OCTOBER 11, 2017 LU MEETING**

Mayor’s Office Response to CB12M’s Resolution Requesting an Extension

The October 2, 2017 letter from Hilary Semel, Assistant to the Mayor, to CB12M Chair Shah Ally, Esq. in response to CB12M’s resolution asking for an extension until October 31, 2107 to the deadline for commenting on the Inwood Rezoning Draft Scope of Work states:

1. The purpose of the draft scope of work is to layout the framework for the Environmental Impact Statement (EIS) analysis and the technical procedures to be followed in the preparation of the EIS
2. At CB12M’s request the deadline was extended from September 25th to September 29th, i.e.: after the September 26th General Meeting to allow the full Board to vote on a resolution
3. Comments submitted on the draft scope of work should focus on the EIS methodologies, not positions on the rezoning itself
4. Comments on the draft scope of work can be submitted by residents and interested parties
5. Comments on the draft scope of work do not require a resolution on behalf of the Board
6. Board members are encouraged to submit comments as residents and interested parties
7. The deadline is extended to Friday, October 13, 2017

Inwood Rezoning - Proposed Actions

The Inwood Rezoning Proposal draft scope of work outlines Zoning Map and Zoning Text Amendments as Proposed Actions to be implemented under the rezoning. The intent of the Zoning Text Amendments is to:

1. Establish a Special Inwood District
2. Apply the Mandatory Inclusionary Housing Program to areas of the rezoning where zoning changes are promoting new housing
3. Establish a Waterfront Access Plan

The Zoning Map Amendments, as illustrated in Figure 8 of the in the Description of Proposed Actions (after page 20), include replacing:

1. M1-1, C8-3 and R7-2 zoning districts with R7A zoning, a contextual zoning district, mapped over much of the proposed area in the Upland Core and Sherman Creek sub-districts and approx. a two block area of an existing M1-1 district in Sherman Creek and an existing C8-3 district south of Inwood Hill Park.
2. R7-2 zoning district with R7D zoning, a contextual zoning district, on portions of Broadway and West 207th Street

3. M1-1 and M1-3 zoning districts with R8 zoning on four full or partial blocks along the Harlem River Waterfront between West 204th Street and the North Cover in the Sherman Creek sub-district
4. M1-1, R7-2 and C8-3 zoning districts with R8A zoning, a contextual zoning district, along sections of 9th and 10th Avenues, and West 207th Street and at the intersection of Broadway and West 207th Street
5. M1-1 and M1-3 zoning districts with R9A zoning, a contextual zoning district, on portions of West 201st, 203rd, 206th and 208th Streets
6. C4-4, R7-2/C1-4, C8-3 and C8-4 districts with C4-4D zoning, a contextual zoning district, along full or partial blocks in the Upland U, portions of two blocks at the intersection of Nagel Avenue and Dyckman Street and portions of three blocks at the intersection of Dyckman and Broadway
7. C4-4 zoning district with C4-5D zoning, a contextual zoning district, along Dyckman Street approx. from Vermilyea Avenue to Post Avenue
8. M1-1 and M3-1 zoning districts with C6-2 zoning on two blocks on the northern tip of Manhattan
9. M2-1 and M3-1 zoning districts with M1-4 zoning in the northern tip of Manhattan
10. M1-1 and M3-1 zoning districts with M1-5 zoning in the northern tip of Manhattan
11. M3-1 zoning district with M2-4 zoning on two full blocks between West 202nd and 204th Streets between 9th and 10th Avenues

The Zoning Map Amendments also include:

1. Replacing or eliminate portions of existing C1-3 and C1-4 commercial overlays with new C2-4 commercial overlays to support the development of residential development and commercial use,
2. De-mapping portions of public streets in the Sherman Creek area to facilitate the creation of public open space and consolidation of Con Ed operations, and
3. Designation of two city owned properties as an Urban Development Action Area (UDAA) and approval of the proposed UDAA
4. Incentivizing the creation of waterfront open space by allowing private property owners along the waterfront to merge with small city-owned waterfront lots

EIS Analysis Framework

- The Build Year section (page 29) of the Analysis Framework for the Inwood Rezoning Proposal's draft scope of work notes that an EIS typically the examines the impacts of rezoning-related developments over a 10-year period but since it may take longer for the full extent of development to occur under the Inwood rezoning the EIS will consider a 15-year period.
- In order to assess the possible impacts of the rezoning the EIS develops a Reasonable Worse Case Scenario for the current "No Action" and the proposed "With Rezoning"

conditions for the 15 year analysis period with the incremental difference between the two serving as the basis of the analysis of the EIS.

- The City Environmental Quality Review (CEQR) Technical Manual's standard methodologies are used to determine the "With Action" and "Without Action" conditions and the amount and location of future development
- The EIS will analyze projected development sites for all technical areas of concern and also evaluate the effects of the development sites for site-specific effects. Based on the preliminary screening and the August 2017 Environmental Assessment Statement (EAS) for the proposed rezoning, all of the CEQR technical area warrant assessment and are included in the EIS.

- The CEQR technical areas to be assessed in the EIS include:
 1. Description of the Proposed Actions (including a statement of purpose, need and key considerations shaping the proposal)
 2. Land Use, Zoning and Public Policy
 3. Socio-Economic conditions (including direct and indirect displacement)
 4. Community Facilities and Services (including schools, libraries and child care centers)
 5. Open Space
 6. Shadows
 7. Historic and Cultural Resources (architectural and archaeological)
 8. Urban Design and Visual Resources
 9. Natural Resources
 10. Hazardous Materials
 11. Water and Sewer Infrastructure
 12. Solid Waste and Sanitation Services
 13. Energy (including the use and conservation of energy, actions that may significantly affect the transmission or generation of energy, anticipate additional demand)
 14. Transportation (including traffic operations and mobility, public transportation facilities and services, pedestrian elements and flow, on and off-street parking, the movement of goods and the safety of roadways for all users)
 15. Air Quality
 16. Greenhouse Gas Emissions and Climate Change
 17. Noise
 18. Public Health
 19. Neighborhood Character (including land use patterns, scale, building design, presence of notable landmarks, and other physical features)
 20. Construction (including temporary impacts on transportation systems, air quality, noise, community facilities, and other technical issues)
 21. Mitigation (measures to mitigate significant adverse impacts identified in Tasks 2-19)
 22. Alternatives (development options that would tend to reduce action-related impacts)
 23. Summary of EIS chapters (including unavoidable adverse impacts, growth-inducing aspects of the proposed action, and irreversible and irretrievable commitments of resources)
 24. Executive Summary

Appendix 2: Comments

Task 2: Land Use, Zoning, and Public Policy

- The District-wide Neighborhood Planning and Land Use study completed by CB12 and City College as well as previous CB12M resolutions and related studies on rezoning should be among the public policies described. The EIS should evaluate whether the project is consistent with the thrust of these studies and resolutions. .
- The evaluation should look broadly at potential impacts throughout the study area rather than limiting the scope to specified sites. As such, it should include both the 33 projected development sites and the 40 potential development sites.

Task 3: Socio-Economic Conditions

The effect of commercial displacement should also be considered in conjunction with the analysis of potential changes to Neighborhood Character.

Task 7: Historic and Cultural Resources

- CB12 resolutions supporting historic designation and applications / requests for evaluation for historic designation of individual buildings or districts should be used to identify potential historic resources. The evaluation of potential impacts on these resources should be area-wide, and not limited to development sites.

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Task 8: Urban Design and Visual Resources

- The draft scope of work (DSOW) states that “[a] detailed analysis will be prepared if warranted based on the preliminary assessment.” This detailed analysis must be required, and not optional.
- Potential impacts on view corridors both *of* the Cloisters and *from* the Cloisters must be evaluated.
- Potential impacts on Visual resources that are located outside the study area but are visible from within it must be analyzed.

Task 13: Energy

The proposed analysis framework is inadequate with respect to assessing and analyzing potential impacts on the study area’s utility infrastructure, other than for Water and Sewer. The analysis to be undertaken pursuant to Task 13 – Energy must be expanded to include a thorough assessment of the condition and capacity of the existing power and telecommunications utility infrastructure that serves the study area to satisfy current demand and an analysis of the potential impacts on these utilities during the 15-year study period generated by the “No Action” and “With Rezoning” scenarios.

Task 16: Greenhouse Gas Emissions and Climate Change

The analysis of potential effects of climate change must be closely coordinated with all other related tasks to be analyzed under this EIS.

Task 19: Neighborhood Character

The DSOW states that a detailed analysis will be performed “[i]f the preliminary assessment determines that the Proposed Actions could affect the defining features of neighborhood character...” This analysis must be required, and not conditional.

The Neighborhood Character analysis must be closely coordinated with the Land Use, Historic Resources, Urban Design, and Socioeconomic analyses.