

LAND USE COMMITTEE – MEETING MINUTES

February 3, 2016

Committee Members Present

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

Committee Members Absent

Anita Barberis
Jonathan Reyes

Board Members Present

Barbara Frazier
Ayisha Oglivie

Public Member Present

Public Member Absent

Vivian Ducat

Staff: Deborah Blow

Guests: Tom Julius, Robert Yuricic, Martin Collins, Manuel Belliard, Aron Gooblar, Paul Travis, Pat Courtney, Council Member Mark Levine, Marlon Evora, Rita Gorman, Rose Ann Hermann, Carmen De La Rosa, Council Member Ydanis Rodriguez, Rebecca Carel, Jeff Dugan, Tiffany Lee, Rosanna Vargas, Lisa Lim

1. The meeting of the Land Use Committee (“Land Use” or the “Committee”) was called to order at 7:10 PM. Quorum was present at 7:22 PM. Land Use Chair Wayne Benjamin welcomed guests, and Committee members introduced themselves.
2. West 158th Street Brownstones: Update
Following the presentation made to the Committee by Matthew Spady on efforts to expand the Audubon Park Historic District to include the W. 158th Street brownstones in December, Audubon Park was selected by the Historic Districts Council (“HDC”) as one of its 2016 Six to Celebrate neighborhoods, along with Clay Avenue in the Bronx, Crown Heights South and East New York in Brooklyn, Richmond Hill in Queens, and Yorkville in Manhattan. HDC supports the preservation efforts of its Six to Celebrate neighborhoods, and will provide consultation and advocacy with regard to the Request for Evaluation (“RFE”) that Audubon Park’s Riverside Oval Association is now compiling for submission to the Landmarks Preservation Commission (“LPC”).

Northern Manhattan neighborhoods have participated in the Six to Celebrate program several times since the program’s inception in 2011, and Pat Courtney, an HDC Board member and district resident, noted that it is a specific goal of the program to look beyond the neighborhoods that usually receive attention.
3. Status of Proposed Zoning Text Amendments (Zoning for Quality and Affordability (“ZQA”) and Mandatory Inclusionary Housing (“MIH”))
 - a. Developments to date:
 - i. As community boards throughout New York City voted against the proposed amendments, CB12M passed a resolution in November 2015 that applauded the goals of the amendments, but did not support them as written. That resolution listed eight concerns regarding effects on the neighborhood, affordability and community preference, design considerations, the role of the community board, and a loophole that would allow the Board of Standards and Appeals (“BSA”) to waive the affordable housing requirement, etc.
 - ii. On December 11, Manhattan Borough President Gale Brewer gave conditional approval to the MIH plan, and conditional disapproval to the ZQA plan. Conditions for MIH approval included tightening the BSA loophole, affordability and nature of affordable units, and reconsideration of the one-size-fits-all approach throughout the city, etc.

- iii. On February 3, the City Planning Commission (“CPC”) voted to approve both MIH and ZQA, with relatively minor changes, including some attention to the BSA waiver.
- b. In accordance with ULURP procedures, the matter will now move to the New York City Council for review and a vote. Council Members Levine and Rodriguez commented on the issue, and discussed next steps:
 - i. Public hearings will be held at City Hall on February 9 and 10, from 9:00 am to about 9:00 pm each day. Members of the public who wish to speak are encouraged to arrive early.
 - ii. The City Council will vote on the text amendments in April, and negotiations on various revisions are currently taking place with the Mayor’s office. The CPC would be able to sign off on changes adopted by City Council if no new environmental review would be required. According to Council Member Levine, MIH is currently in a better position to pass than ZQA.
 - iii. Both Council Members stated that they are guided by Community Board input, and that they share our concerns regarding true affordability for our area, where the average income is \$37,000.
 - iv. In addition, Council Member Levine described the challenges of striking a balance in the face of potential financial and legal challenges. For example, if the new rules are too strict, real estate interests could bring a regulatory takings claim against the city (i.e., a claim that regulation deprives property owners of the economically reasonable use or value of their property). Chair Benjamin pointed out that the 50% community preference concept is already facing a legal challenge from rights groups.
 - v. Council Member Rodriguez noted that the problems our community may perceive with respect to zoning changes are actually good problems to have, because we are a top priority for the current administration, and both of our Council Members work closely with the administration. He intends to create a planning committee with CB12 and community leaders, and convey the committee’s input to the administration.
 - vi. Council Member Rodriguez also stated that he doesn't support an 80:20 affordability scheme, and advocates for 50% affordable units when developers receive extra resources from the city. Chair Benjamin remarked that the Committee has asked the New York City Economic Development Corporation (“NYCEDC”) several times why HDC bond programs are not used to achieve a 50:50 split, etc., but has never received a response.
 - vii. The Council Members and Chair Benjamin discussed the importance of advocating for the right type of development for our district. Several successes have been seen in Harlem, including both 100% affordable rentals and affordable ownership models. These were largely a product of the Koch/Dinkins eras, and also reflect a time when federal funding was available and the city owned a lot of property that could be devoted to housing. Under Mayor Giuliani, income targets were lost, and middle- and market-rate development prevailed. Under Mayor Bloomberg, just 250 affordable units were built in northern Manhattan. How HPD policy on affordability will evolve under the current administration remains to be seen.
 - viii. Council Member Rodriguez also stressed the importance of affordable housing preservation. Northern Manhattan experienced a net loss of 14,000 people between 2000 and 2010, many of whom left because they couldn't afford to live in the neighborhood anymore. He is working with landlords to ensure that they make the repairs necessary to keep the district’s high proportion of rent regulated buildings in good shape for the next 30-40 years.
- c. Committee and community members questioned and commented as follows:
 - i. How many people are expected to be brought into the district through MIH/ZQA, and can the infrastructure support the increased population density?
(Council Member Levine) MIH and ZQA are citywide initiatives, and are separate from upzoning, which does add density.
 - ii. There are 100% affordable buildings on Sherman Avenue and Nagle Avenue – why can’t this model be expanded on as the appropriate model for our community?

(Council Member Rodriguez) Other communities have gotten 3-4 times the number of 100% affordable developments. Our community should make use of available space, such as the Isabella parking area.

- iii. Northern Manhattan has the oldest infrastructure in New York City, with gas lines that are 150 years old, and water lines that are 137 years old and are made of unlined iron. Con Ed only works on emergencies here, and won't be building out the natural gas infrastructure for another 4-6 years. Buildings are paying Con Ed to get upgraded gas lines, even though they should not have to. It is not enough to just change our zoning; commensurate infrastructure upgrades should also be mandated, and capital allocated for that purpose.

(Carmen De La Rosa) These issues should be raised at the Inwood NYC meetings, because that is a complete neighborhood study that includes transportation, infrastructure, etc.

4. Proposed Development at 4650 Broadway

a. Background

The developers, Washington Square Partners and Acadia Realty Trust, were present for an initial informal conversation in response to the article that was published by New York YIMBY. Their application was recently certified by the Department of City Planning, and the required public hearing will likely take place in March, with the requisite 10-day notice.

This site was purchased by Acadia in 2006, and in 2007, the Committee reviewed a proposal that called for a mayoral override of current zoning, and not an upzoning. That proposal featured a 17-story building that would house two city agencies, retail, and market rate housing. At the time, the Committee asked that a bond program be considered to allow for some affordable housing. The city ultimately decided not to proceed with that project.

The building is currently a parking garage, but it was originally a Packard showroom designed by architect Albert Kahn. The Committee looked into landmark status for the building in the past, but the LPC was not interested.

b. Scope of the proposed project

- i. The current zoning is R7-2, and the developers are proposing R9 with a commercial overlay. There is no other R9 district in the area.
- ii. Under the current zoning, a 306,000 sq. ft., 16-18 story building could be built as-of-right.
- iii. The proposed building is 22% larger: 374,000 sq. ft., 23 stories, and 240 feet high (above street level). It will contain about 370 rental units, of which about 111 will be affordable. (Under the applicable bond program, the city decides the makeup of the affordable units, i.e., the number of studios, 1BRs, 2BRs, etc.)
- iv. The application was certified under affordability option #2, or 30% affordable units. All residents will use the same entry and lobby, and will have access to the same amenities. Preference will be given to Community District 12 residents for 50% of the affordable units.
- v. The building was designed to keep the bulk of the tower away from surrounding buildings. The base structure is similar in height to that of the surrounding buildings.

c. Discussion of Committee and community member questions and comments:

- i. Around 2006, CB12 and City College conducted a study of the neighborhood's zoning and built form, checking for potential historic districts, etc. Contextual zoning and appropriate upzoning remain an important concern.
- ii. The as-of-right building is depicted as not including affordable housing, but this is not mandated by zoning. HDC bonds would allow other combinations.
- iii. The developers state that the building will not be visible from the Cloisters, and that it will not block views of the Cloisters. However, a resident of a high-floor apartment in one of the towers on Hillside Avenue estimates that her view will be severely affected.
- iv. The developers looked into the option of building two smaller towers on the site (cf. The Renaissance on Malcolm X Blvd.), but concluded that such a design would reduce usable

residential area and would not be economically feasible. They noted that they are required to demonstrate that their design is the most efficient use of HPD & HDPC resources.

- v. Council Member Rodriguez stated that he had previously met with the developers, and let them know that he would not support a project with less than 50% affordable units. Community Board 12 also views 30% affordability as a floor, and not a ceiling.
 - vi. The affordable units will be permanently affordable, and new tenants will be subject to income limits. The market rate units will also be stabilized.
 - vii. The building is on a bird migration route, and the glassy façade could be dangerous to eagles and other birds.
 - viii. Remediation work was completed five years ago: two underground gas tanks and one aboveground oil tank were removed. Test pits have also been completed.
 - ix. The building will be built on a bedrock foundation, but the construction specifics have not yet been decided.
 - x. The building will not be visible from New Jersey.
 - xi. The developers will not seek LEED certification, but will do all they can to build a sustainable building.
 - xii. The developers will need to upgrade the infrastructure for their building and surrounding buildings.
 - xiii. The developers should demonstrate how they arrived at the current design. For example, situating the courtyard on the corner would reduce bulk on Broadway, but would move the bulk next to the surrounding buildings.
5. Old Business: The Committee is still waiting for an update regarding the proposed development at 4452 Broadway.
 6. New Business: A Committee member suggested that maps that show altitude changes would be useful for official purposes such as selecting polling sites. When the Hudson Heights polling location was moved from P.S. 187 to P.S. 48, for example, it would have looked very close on a standard flat map, but the hill in between the two sites creates considerable hardship for many voters.
 7. After further discussion, the meeting was adjourned at 9:18 PM.

Submitted by Andrea Kornbluth.