

LAND USE COMMITTEE, COMMUNITY BOARD 12-MANHATTAN

July 13, 2017

RESOLUTION: OPPOSING THE ULURP APPLICATION FOR THE PROPOSED SEAMAN AVENUE REZONING

- Whereas:** Sheldon Lobel, PC (the “Applicant’s Representative”) on behalf of Saab Associates LP (the “Applicant”) submitted an application (“Application No.: C 160392 ZZM / 160393 ZRM” or the “Application”) to the Department of City Planning (“DCP”) seeking zoning map and zoning text amendments (the “Seaman Avenue Rezoning”) under the Uniform Land Use Review Procedure (“ULURP”) affecting the properties located at 110, 112, 114 and 116 Seaman Avenue and 175 Payson Avenue New York, NY (Block 2248, Lots 109, 111, 112, 117 and 7501) (the “ Properties”) to facilitate the development of an 11-story, 40,500 square foot, residential building at 112 and 114 Seaman Avenue (the “Project”). The Project would contain 40 residential units, including 10 affordable units with affordability targeted at a maximum household income of 60% of area median income or AMI. The Application seeks to rezone the Properties from R7-2 to R8A and to establish a Mandatory Inclusionary Housing (“MIH”) area. The Application was certified by DCP on June 5, 2017. The period for Community Board 12-Manhattan (“CB12M”) to review and comment on the Application began on June 14, 2017 and ends on August 14, 2017; and
- Whereas:** The current R7-2 zoning permits a maximum residential density or floor area ratio (“FAR”) of 3.44 with no height limits or an FAR of 4 under the Quality Housing option, which imposes a height limit of 80 feet or approximately eight to nine stories; and
- Whereas:** The Applicant owns 112 and 114 Seaman Avenue (Block 2248 / Lots 111 and 112) (the “Applicant’s Property”) but it does not own 110 and 116 Seaman Avenue or 175 Payson Avenue. The Applicant’s Property consists of two lots totaling approximately 5,200 square feet. Each lot is improved by one 2.5-story residential building. The sites included in the Application that are adjacent to the Applicant’s Properties are seven- to eight-story residential apartment buildings; and
- Whereas:** R8A is a contextual zoning district designation that permits a maximum FAR of 6.02 or 7.2 with inclusionary zoning. With MIH, R8A districts permit a maximum street-wall height of 105 feet and a maximum building height of 145 feet – roughly 14 to 15 stories. Although the Project does not rise to the maximum height permitted, if the Application is approved the Applicant or any subsequent owner, should the Applicant decide to sell its properties prior to redevelopment, would not be prohibited from revising the Project’s design to maximize its height; and
- Whereas:** Although the Application was certified by DCP, comments made by the chair of the City Planning Commission, Marisa Lago, strongly suggest that the application should not be approved. In her remarks at the Commission’s review session on June 5, 2017 Chair Lago said, “The Department [of City Planning] believes that the requested up-zoning is an inappropriate departure from the area’s current uniform and consistent character of six- to eight-story buildings. The Commission is committed to producing affordable housing under MIH, but only seeks to advance rezoning proposals that are appropriate for the neighborhood scale. It is not housing at any cost. Our city presents many opportunities for appropriate rezonings to encourage residential development, but unfortunately the application that’s currently proposed is not one of them”; and

- Whereas:** A revision to the Application is proposed in response concerns raised by Chair Lago and community residents. In a letter to Chair Lago dated July 7, 2017 the Applicant expressed its intent to revise the Application to request R7D zoning instead of R8A, reduce the height of the Project to nine-stories and the unit count to 34 (the “Revised Project”). R7D is a contextual zoning district designation that permits a maximum building height of 100 feet or approximately 10- to 11-stories; and
- Whereas:** CB12-M’s Land Use Committee (“Land Use” or the “Committee”) held a Public Hearing (the “Public Hearing”) on Thursday, July 13, 2017 to obtain comments on the Application. The Revised Project was presented by the Applicant’s Representative at the Public Hearing. Although the scale of the Revised Project is more consistent with the area’s existing urban fabric its development still raises a number of concerns including the affordability level of the affordable units, the proposed unit types and allocation, impacts on on-street parking, and the potential for stimulating market activity that causes displacement; and
- Whereas:** The Revised Project will adversely impact the quality of life of the rent-regulated tenants in the neighboring buildings whose apartments have windows facing the Applicant’s Properties as the proposed construction will block those windows, eliminating access to light and air; and
- Whereas:** The Revised Project only includes studio and one-bedroom apartments and not any larger units to accommodate the overwhelming majority of families that make up the Inwood community. One of the reasons cited in the Application for requesting the rezoning is that the as-of-right zoning would not allow for the development of a building with sufficient family-size units; and
- Whereas:** The Application does not describe how the Project or the Revised Project will target the affordable units so that affordability is not concentrated at the upper limits of household income and monthly rent rates. Further, the Applicant has not discussed efforts made to seek financing under City programs that might provide for a greater number of affordable units; and
- Whereas:** The inclusion of the properties that are not owned by the Applicant appears to be a transparent attempt to legitimize what is tantamount to an application for spot zoning; and
- Whereas:** At the Public Hearing community residents expressed unanimous opposition to the Application; and
- Whereas:** Despite the Applicant’s expressed intent to revise the Application to request rezoning to R7D instead of R8A, the Application has not been formally revised and submitted to DCP for review and comment. The zoning actions on which CB12-M must comment by August 14, 2017 remain as outlined in the Application. The requested rezoning would allow for a building up to 14-stories, which would be out of scale with the neighborhood and more than double the current maximum FAR; and
- Whereas:** The current effort to undertake a comprehensive contextual zoning plan for Inwood would be undermined if the Application is approved, whether the new zoning designation is R8A with MIH or R7D with MIH; now, therefore, be it
- Resolved:** Community Board 12-Manhattan is strongly opposed to the Application for the Seaman Avenue Rezoning.

THE RESOLUTION PASSED WITH THE FOLLOWING VOTES:

	<u>For</u>	<u>Against</u>	<u>Abstaining</u>
Committee Members:	9	0	0
Board Members:	12	0	0
Members of the Public:	116	0	0