

COMMUNITY BOARD 12 – MANHATTAN
LAND USE COMMITTEE – MEETING MINUTES [DRAFT]

Wednesday September 2, 2020

Committee Members Present

Wayne Benjamin, Chair
Christopher Ventura, Assistant Chair
James Berlin
Steve Simon
Omar Tejada
Rosy Perez

Committee Members Absent

Juan Guzman
Domingo Estevez

Board Members Present

Bruce Robertson
Maria Luna

Public Members Present

Vivian Ducat

Public Members Absent

Staff: Ebenezer Smith, District Manager

Guests: Peter Green- Upper Riverside Drive Residents Alliance, Annie White – DCP , Lara Merida – DCP, David Thom, Shawn Rickenbacker – CCNY Bond Center, Ryan Cote – DCP, Natalie Espino – MBPO, Tim Anderson – MBPO, Michael McCoy, Darrell Outlaw, Mariel De La Cruz – Office of the NYC Comptroller, Cynthia Auvurn, Kevi Hirson, Jerry Culligan, Lesley Doyel, Tamara Rivera, B and C Elkin, Natalia Forbath, Douglass Pardella, Scott Will, Frances Felske, Jay Sopanash, Evelin Collado, Naomi Nixon, Timothy Frasca, Fred Jewell, Tiffany Ernst, M. Matt, Loretta Henke

- 1) The meeting of the Land Use Committee (“Land Use” or the “Committee”) of Community Board 12 Manhattan (“CB12M”, or the “Board”), held via Zoom, was called to order at approximately 7:05 PM. Chair Benjamin greeted guests and welcomed Committee members. Committee members introduced themselves.

- 2) **Equity and Inclusion in City Planning**

Chair Benjamin stated that in June the Department of City Planning (“DCP”) issued a statement via email setting forth its stand with the Black community and commitment to equity and inclusion. In follow up he contacted DCP, and then the Manhattan Borough President’s Office (“MBPO”) and CCNY’s J. Max Bond Center for Urban Futures (the “Bond Center”) to invite representatives to join LU at its September meeting to discuss this matter in more detail. The statement issued by DCP reads as follows:

Message from the NYC Department of City Planning

The New York City Department of City Planning (DCP) stands with the Black Community within our agency and across New York City. We recognize that planning policies and zoning codes have acted for decades as bulwarks against fairness, inclusion and integration, and that they have played a large role in perpetuating racism and even violence against Black and Brown Americans.

Racism has long worked to directly undermine the health and vitality of New York City’s communities and workplaces. Externally, racism has stymied fair and inclusive planning in our city and across the nation. We are committed to unpacking and taking on institutionalized racism within the planning profession and examining our own role. Internally, we are committed to building a workplace that is free of racial bias, and has a workforce whose diversity reflects the diversity of our city.

Examples of how racism is built into American society are again painfully evidenced by the horrific slayings of George Floyd, Breonna Taylor, Ahmaud Arbery, Eric Garner and Amadou Diallo, among so many others going back centuries. This racism is reflected in the unconscionable and shockingly disproportionate toll that COVID-19 has had on Black families and communities across our city and nation.

*The outrage and sustained protests seen at home and around the globe are critical. It is not enough to be the most diverse city on the planet. We must erase bigotry, hate and institutionalized racism. We stand in solidarity with protestors around the world, but most especially with New Yorkers, including members of the DCP staff, who are participating in the protests and demanding change **now**.*

DCP was represented by Laura Merida, Annie White, and Ryan Cote. In the course of discussions DCP was asked to elaborate on how have planning and zoning policies acted as bulwarks against fairness, inclusion and integration and perpetuated racism and what can be done to address this; what is DCP’s approach to unpacking and taking on institutional racism within the planning profession; and how are other planning professionals addressing these questions? The Committee also inquired about the diversity of DCP’s professional planning staff. After initial discussion with DCP Tim Anderson, Urban Planner representing the MBPO and Shawn Rickenbacker, Director, Bond Center were invited to also comment on equity and inclusion in city planning.

In addition to touching upon how practices such as redlining served to create and reinforce discriminatory practices, other key considerations surfaced in the course of the discussion include the importance of DCP looking beyond planning professionals to also confer with communities and a broader range of experts including economists, and social scientists; to reflect honestly on what has and has not been achieved with respect to planning initiatives; to focus on how affordable housing development has suffered under government rules; the need for a radical rethinking of how city planning is approached; and questioning what systematic change could look like in urban planning and design.

Chair Benjamin stated that in 2007 CB12M, working with the City College Architecture Center, the predecessor of the J. Max Bond Center for Urban Futures at City College, completed the first ever comprehensive neighborhood planning and land use study for Washington Heights and Inwood. After completion of the study, CB12M passed several resolutions related to the findings and recommendations of the study in connection with planning concerns such as affordable housing, historic preservation, reforming the 421 a program and contextual zoning. He urged the Bond Center, DCP and MPBO to work with the Committee, the community and CB12M to update the study and facilitate implementation of its recommendations.

3) **Proposed Demolition of 857 Riverside Drive and Associated Development Project**

Chair Benjamin stated that in the past month or so a group of community residents in lower Washington Heights near the Audubon Park Historic District, identifying themselves by the name the Upper Riverside Drive Residents Alliance, have organized over concerns related to the proposed demolition of 857 Riverside Drive, and the construction of a 13-story residential condominium building containing 46 micro-units. Chair Benjamin also stated that Committee members Simon and Ducat, Board member Luna and he also learned of the development project over the summer and that DCP and the MBPO were immediately engaged concerning various zoning issues.

Peter Green, Upper Riverside Drive Residents Alliance briefed the Committee on concerns related to the project including the demolition of the property which was constructed in 1851 and that currently occupies the site, the height of the proposed new building and its impact on neighborhood context, the impact of construction on the foundations of adjacent buildings and the site's aging retaining wall, the size and potential sales price of the proposed units, and the impact of the building on the future affordability of the neighborhood. Further concerns included the accuracy of zoning calculations, and the questionable reputation of the developer.

After further discussion, Chair Benjamin summarized certain technical questions pertaining to the proposed project suggesting follow up by DCP and MBPO. They include the following questions:

1. Is the zoning calculation which the developer presented to DOB correct? Is the 13 story, approx. 31,000 sf building permitted as-of-right?
2. Is the street on which 857 RSD fronts, known locally as the "Lower Drive", considered a wide street or a narrow street for zoning purposes? It is, to our knowledge, considered narrow by NYC DOT. The street width impacts the zoning density/FAR that applies to the site.
3. Does the width of the street used in the zoning calculation consider only the width of the Lower Drive or is it a measurement made curb to curb from the western curb of the Lower Drive to the eastern curb of the Upper Drive? If the latter, is this correct (does it make any sense) given that there is a substantial grade change between the Upper and Lower Drives making the consideration of them as the same street less than reasonable. Furthermore, there is a landscaped embankment between the lower and the upper drive that is part of a city park. Should parkland be viewed the same as, for example, the Broadway malls which are part of the street right-of-way a, or should the parkland be excluded from the measurement of the street width as it is not under the jurisdiction of the Department of Transportation ?
4. Does the Sliver Law apply since the site is less than 50 feet wide? If it does, would not the building height be limited by the width of the street (hence the question on how street width is being measured)?
5. What is the condition of the site's retaining wall? What are soil and sub-surface conditions? Are there geo-technical issues?
6. What is the status of the application submitted to DOB to demolish the existing building? Have local elected officials contacted DOB's Commissioner and Borough Commissioner to apprise them of concerns with this project?

Reflection on the prior discussion of equity and inclusion in city planning, the Committee expressed concern with the continued lack of attention given to resolutions passed by the Board pertaining to Land Use and Planning matters in our area of Upper Manhattan. Circa 2008, when LPC was considering the boundaries for the now designated Audubon Park Historic District, the Committee recommended the inclusion of the Upper and Lower Drives in the district. That recommendation was ignored. Following the designation of Audubon Park, on more than one occasion, we have passed resolutions urging LPC to advance the designation of either an expansion of Audubon Park or adjacent, companion historic districts. Here again LPC has failed to act or even respond.

When Scott Stringer was Manhattan Borough President, CB12M undertook, with the assistance of a Planning Fellow from the MBPO, a Soft Site Analysis that suggested that areas of Washington Height and Inwood with R8 zoning, such as lower Washington Heights west of Broadway, were potentially vulnerable because the type and size of building permitted as-of-right differs significantly for the existing built form. 857 RSD is an extreme example of this issue, being basically a R1 structure in a R8 zone. Most buildings in this section (though not all, interestingly, because buildings like 790 RSD and 800 RSD are bigger than permitted under current zoning) are shorter and cover more site area than would a new structure. CB12M passed a resolution requesting that DCP undertake a study focused on a contextual rezoning of these Soft Sites and the R8 zones in general. To-date, DCP has not acted on this request.

The Committee stressed the need for support by elected officials, the need for coordination with the Building Department, and timely response from DCP and the MBPO of the above-noted technical questions to prevent the proposed project from moving forward absent a thorough review, possibly not in conformance with zoning, and absent an opportunity for greater advocacy for the preservation of 857 RSD to advance.

4) **Old Business - None**

- 5) **New Business:** Community Resident David Thom reported that a property near the Hurst House which is also owned by the 7th Day Adventist Church is to be leased the Amber Charter School. Renovation of the property is expected to be completed in approximately one year at an estimated cost of \$6 -7 million. The Hearst House, which CB12M requested LPC consider for landmark designation, is not leased to the charter school. Thom also spoke to the current derelict state of the Hurst House.

The meeting was adjourned at 9:05 PM.

Submitted by Wayne A. Benjamin