

Land Use Committee Meeting – Minutes

May 5, 2021

Committee Members Present

Wayne Benjamin, Chair
Tanya Bonner, Asst. Chair
James Berlin
Rosy Perez
Steve Simon

Committee Members Absent

Omar Tejeda (Excused)

Board Members

Debbie Nabavian

Public Member Present

Vivian Ducat

Guests: Angela Bellisio (DCP), Ken Sargrestano (PANYNJ), Howie Levine (MTA), Annie White (DCP), Ryan Cote (DCP), Matthew Pietrus (DCP), Tim Noordewier (Sam Schwartz), Karen Frizzell (PANYNJ), Chris Lee (PANYNJ), Nasser Syed (PANYNJ), Rocco Cetera (PANYNJ), Gabriela Biel, Brian Anthony Phillips, Carlos Manzueta

1. The meeting of the Land Use Committee (“Land Use” or the “Committee”) was called to order with quorum present at 7:06 PM. Chair Benjamin greeted guests and Committee members introduced themselves.
2. **Inwood Affordable Housing Project Update.** Chair Benjamin provided an update on the Inwood Library Affordable Housing project stating that the NYPL representatives have advised that the contractor performing demolition was given instruction to coordinate with NYPL concerning the careful removal and storage of the library’s dedication plaque and ornamental gate. The plaque and gate will be incorporate in the new development project.
3. **Citywide Hotel Text Amendment.** Representatives of the Department of City Planning (“DCP”) presented the citywide hotel text zoning amendment (the “Hotel Text Amendment”). The Hotel Text Amendment would create a new special permit (the “Special Permit”) applicable everywhere hotels are permitted as of right to create a consistent framework of regulation . Prior to COVID, New York City experienced rapid growth of hotel development citywide and the creation of various, unrelated special permits, the most recent being the 2018 M1 Special Permit. While hotel development is concentrated in midtown and lower Manhattan, hotel development occurs citywide in locations that are at times in conflict with surrounding uses and create pedestrian and vehicular, access, traffic, and urban design conflicts. The Special Permit would require City Planning Commission (“CPC”) review and approval of new hotel developments.

The draft Environmental Impact Statement (“DEIS”) of for the Hotel Text Amendment estimates that, because of the provisions of the Special Permit, in 2035 the City will have a shortage of 47,070 hotel rooms, 18,970 fewer hotel jobs, \$1.3 billion in lost wages, and \$5.3 billion foregone direct gross output on the local economy. The Committee was advised that no measures are proposed in the DEIS to mitigate these adverse economic impacts.

The Committee inquired about DCP’s response to the comments provided by Manhattan Community Board 12 (“CB12-M”) in February 2021 in connection with the scoping for the DEIS which included: 1) The Special Permit application should require a detailed financial feasibility analysis with the application for a Special Permit and an independent review of the analysis; 2) The review of any application under the New Special Permit should include a thorough analysis of the socio-economic

impacts of the proposed hotel; 3) An additional ULURP review should be required for any proposed conversion to a homeless shelter, half-way house or other transient facility of any hotel, motel, tourist cabin or boatel developed pursuant to the New Special Permit; 4) The final text amendment should include a concise list of zoning districts where hotel development is permitted as-of-right, i.e.: is not subject to the New Special Permit; 5) DCP should publish a list of all comments received in response to the December 2020 draft scoping documents and a description of how the scope was modified in response to the comments received; and 6) ULURP applications should not be certified within 60 days of community boards going on hiatus for the summer and should not be certified or the ULURP time clock started while community boards are on hiatus during the summer.

The Committee was advised that DCP will comply with new Charter regulation with respect to the ULURP applications but that that DCP does not consider the financial feasibility of projects, projects subject to ULURP must undergo environmental review including socioeconomic impacts but does not commit to a thorough analysis of socioeconomic impacts, and the review required for the Special Permit is only applicable to the hotel development and not any subsequent conversion permitted as of right.

After further discussion, a motion was made (Berlin) and seconded (Simon) supporting the Hotel Text Amendment. The resolution passed with following votes.

	<u>For</u>	<u>Against</u>	<u>Abstaining</u>
Committee	5	0	0
Board Members	1	0	0
Members of the Public	1	0	0

4. **Zoning for Accessibility.** Representatives of the Department of City Planning (“DCP”) and the Metropolitan Transportation Authority (“MTA”) presented the citywide zoning for accessibility zoning text amendment (the “Accessibility Amendment”). The Accessibility Amendment is jointly proposed by the MTA and DCP and would establish a framework for coordinating the siting and provision of transit station improvements with new developments on adjacent sites, create an expanded transit improvement bonus program that would grant a floor area bonus for developments within all R9 and R10 zoning districts that provide transit station improvements, including accessibility improvements, and grant, pursuant to a Special Permit and a City Planning Commission Authorization, additional zoning relief, such as for floor area, open space, height, set-back, parking, use and streetscape, on such sites pursuant to other discretionary actions.

Currently, only 28 percent of rapid transit station and 64 percent of Metro-North and Long Island Railroad stations within city limits are accessible. The challenges to accessibility include narrow platforms and sidewalks, complex underground utility infrastructure, limited exit and egress passages, limited clearance between buildings and stations, and most stations require more than one elevator to achieve full accessibility.

Zoning tools currently available to promote accessibility include easements and transit bonuses. However, easement provisions exist in extremely limited areas of the City, there is no framework for coordinating easements outside of these limited areas and the MTA has missed many opportunities to locate station access, compliant with the American with Disabilities, in coordination with new construction projects and the transit bonus mechanism is only available in the highest density districts of the City, only applicable to zoning lots adjacent to the station, and adds time and risk to the development schedule.

The Accessibility Amendment would allow the MTA to work more efficiently with private developers to achieve accessibility sooner, modify existing easement requirements to create a system-wide easement requirement applicable to all developments and enlargements on zoning lots citywide of 5,000 square feet or more that are within 50 feet of a mass transit station and are located in Residential zoning districts at or above R5 with a commercial overlay, R5D zoning districts, Commercial zoning districts with a Residential equivalent of R5 or higher, C7 and C8 zoning districts, and all Manufacturing zoning districts, and require consultation with the MTA and the Chair of the City Planning Commission to assess the need for a transit easement. The Accessibility Amendment would also expand coverage of the transit bonus program, simplify the discretionary review and approval process, and incentivize new transit improvements for significant station improvements through a new floor area bonus of up to 20% and, pursuant to special permit, a height increase bonus of up to 25%.

The Committee noted that the late Edith Prentis, a former member of CB12-M was a dedicated advocate for accessibility. After further discussion, a motion was made (Simon) and seconded (Bonner) supporting the Accessibility Amendment in memory of Edith Prentis. The resolution passed with the following votes.

	<u>For</u>	<u>Against</u>	<u>Abstaining</u>
Committee	6	0	0
Board Members	1	0	0
Members of the Public	1	0	0

5. **Port Authority of New York and New Jersey GWB 178/179 Street ULURP Application.**

Representatives of the Department of City Planning (“DCP”) and the Port Authority of New York and New Jersey (the “Port Authority” or “PANYNJ”) presented the GWB 178/179 Street ULURP Application (the “GWB ULURP Application”). Actions proposed under the ULURP application are a procedural formality to update the City Map and formalize the street network resulting from the construction of the lower level of the George Washington Bridge in the 1950s, discontinue and close certain streets that were mapped but never built, align the City Map with the existing use of space, establish a turnaround at the Haven Avenue dead-end at the request of the New York City Department of Transportation, and update miscellaneous topographic features and legal grades as directed by the Manhattan Borough President’s Office

The Board of Estimate approved the Port Authority’s 1957 plan to expand the George Washington Bridge approaches and approved other actions required to implement the plan. The Port Authority constructed the ramps and has maintained the subject area since 1957. The City and Port Authority have operated since 1962 as if the Port Authority owns all the land on which the ramps are built. However, neither the City nor the Port Authority have located records of any formal transfer of the property on which the ramps are constructed.

The GWB ULURP Application was certified as complete by DCP on March 15, 2021. CB12M has a 60-day period to review and comment on the Application which commenced on March 24, 2021 and ends May 24, 2021. Since the deadline for comments occurs before CB12M’s May General meeting, any resolution passed by Land Use must be considered by the Executive Committee.

After further discussion, a motion was made (Berlin) and seconded (Simon) supporting the GWB ULURP Application. The resolution passed with the following votes.

	<u>For</u>	<u>Against</u>	<u>Abstaining</u>
Committee	6	0	0
Board Members	1	0	0
Members of the Public	1	0	0

5. **Old Business:** None
6. **New Business:** Peter Green, SaveRiverside.org provided an update on efforts to save 857 Riverside Drive and to expand the Audubon Park Historic District. A more detailed presentation will be made to Land Use at its June committee meeting
7. The meeting adjourned at 9:32 PM.

Respectfully submitted by Wayne Benjamin