

COMMUNITY BOARD 12- MANHATTAN
LAND USE COMMITTEE- MEETING MINUTES

Wednesday, June 2, 2021

Committee Members Present

Wayne Benjamin, Chair
Tanya Bonner, Assistant Chair
James Berlin
Rosy Perez
Steve Simon
Omar Tejada

Committee Members Absent

Board Members Present

Sally Fisher

Public Members Present

Vivian Ducat

Public Members Absent

Staff: Paola Garcia, Community Coordinator

Guests: Andrew; Lythia Becht (NYC Department of City Planning); Andy Cantu (NYC Department of City Planning); Ryan Cote (NYC Department of City Planning); Lorial Crowder (CLOTH); Patrick Desir (Columbia University); Erich Ely (Columbia University); Steven Figueroa (Columbia University); Karla Fisk; Tim Frasca; Olivia Freeland (Columbia University); Sandra Harris (Columbia University); Tyler Hinckley (Perkins+Will); Fred Jewell; Agustin-Mendez Josias; Ellen Lehman (Fried Frank); Noah Lichtman (Columbia University); Edward McArthur (Columbia University); Melanie Meyers (Fried Frank); Julie Novalie (Columbia University); Nancy Preston; Matthew Ryan Orama (Columbia University); Shawn Rickenbacker (CCNY/CUNY); John Rumely; Maria Ryden; Stephen Sefton (Perkins+Will); Matthew Spady; Cassandra Wetzel (GeoEnvironmental, Inc.); Alec Zebrowski (Perkins+Will)

1. The meeting of the Land Use Committee (“Land Use” or the “Committee”) of Community Board 12 Manhattan (“CB12M” or the “Board”) was called to order at 7:03 p.m. Committee Chair Wayne Benjamin noted this would be the last Land Use meeting before the summer hiatus, and that the Committee will be returning in September. Benjamin welcomed back Committee and Board Member Omar Tejada. Tejada said it was great being back and thanked the Board for the support during this challenging time in his life. The other Committee members also introduced themselves.
2. Discussion with Shawn Rickenbacker, City College New York J. Max Bond Center – Creating an online digital platform for Washington Heights and Inwood

Benjamin said this is a continuation of a conversation started within the Committee last December. Rickenbacker mentioned that a customized online planning platform was created for Manhattan Community Board 9 and, after discussions with Land Use about updating CB12M’s 2007 planning study, suggested it would be more useful to have an online planning platform customized for Washington Heights and Inwood instead of a static document so the Board could explore issues in real-time. This presentation offered an opportunity to explore this in-depth.

Rickenbacker, who is Director of the J. Max Bond Center (the “Bond Center”), explained that it is an applied research center at City College, and is comprised of faculty and student researchers (graduate and undergraduate), and focuses on spatial and social equity through data and policy analysis. The Bond Center tries to draw upon the expertise that lies within communities as they manage land use and development issues. The Bond Center started working with CB9 in 2019 because they were interested in addressing rapid development within their district. The work with them involved seeking ways to be proactive in monitoring and engaging some of the development trends. They discussed producing a model of tracking urban spatial information using a Geographic Information System (“GIS”) platform. Agustin, a Bond Center graduate

researcher, said GIS is offered by parent company Esri as a nonprofit package to certain groups, and the CB12M would qualify as one of those groups. ArcGIS is the industry standard for GIS systems and is used by many businesses and city agencies, including City Planning, real estate, healthcare, and emergency management. The Bond Center would guide the CB12M through the application process so we can begin to use the system, and tutorials are available, and the platform can be used on a mobile device. Rickenbacker said the Bond Center would customize the tools for the needs and goals of Land Use and the CB12M according to what is most useful. Some of the things that can be done with the system include making maps, sharing maps and applications, collaboration, and data analysis. Primary data sources used are city agency databases, for example, City Planning, Landmarks, or the Building Department, but customized data can also be uploaded for target analysis.

Rickenbacker provided a snapshot of how they were able to utilize GIS with CB9 for targeted analysis. CB9 has a high number of HDFCs (Housing Development Fund Corporation cooperatives) and requested a map to show their location. Using GIS, the Bond Center mapped all HDFCs in CB9 and integrate records from the NYC Department of Finance to provide an idea of where they stood in terms of taxes and financial solvency and to also see what their community could look like as-of-right. Rickenbacker said the tool could also be used to help CB12M understand the impacts of project and rezoning proposals. He said the tool can help to democratize data and get it in the hands of the community, and this can bolster its capacity to be responsive in a way traditional, historical documents could not consider the fluidity of communities.

Benjamin asked if quick visualizations within the platform are possible, for example, if one is looking at something as-of-right even if one is not a planning expert. Rickenbacker said yes. Bonner mentioned potential challenges of the Board inputting data and keeping the platform information up to date. Rickenbacker said GIS does not rely on data analytics, and that the user is not entering data. Instead, the platform is going to another site and retrieving that site's data. He said 80%-90% of data is coming from outside sources, and if that outside source is not available, only then would the Bond Center create and input the data.

Omar Tejada asked about the cost of the platform. Rickenbacker said the cost depends on the number of licenses needed. He said the cost for a nonprofit quarterly with multiple licenses is approximately \$2-\$3,000 maximum. But Rickenbacker feels CB12M could manage with one license, with a designated person providing training to other CB members and staff. He said working with the platform would be less costly than paying students to draft a plan, and that the quality, flexibility, and longevity of how you would be able to use the data would far outweigh the cost.

Steve Simon asked if the tool could be used to develop a contextual zoning plan. Rickenbacker said it could isolate lots and buildings to examining a contextual planning strategy. Simon also asked if any other boards are using the tool, and Rickenbacker said the Center is currently in conversations with Manhattan Community Board 10 as well.

Rosy Perez asked if the system could be used within the CB12M's website. Rickenbacker said it is a cloud-based service that can be linked to the website, but users would access CB12M's account directly on the Esri platform, which could be password protected.

Benjamin inquired about the next steps if the Board is interested in acquiring the platform. Rickenbacker said the Bond Center would need to meet with representatives of CB12M to determine its goals for using the online planning platform, document the as-is conditions and any specific areas of concern, and then develop the maps based on this information and data. Rickenbacker said the process took about six months with CB9.

Benjamin sees Land Use being the point to move this along but sees the process starting at the Executive Committee level

3. Presentation by Sandra Harris on Plans for Columbia University Sports Center in Inwood

Harris introduced the Columbia University team in attendance for the presentation.

Stephen Sefton started the presentation: “New Tennis Center and East Docket Replacement Project” The project, located at the Baker Athletic Complex, which is adjacent to Muscota Marsh, a green space adjacent to Inwood Hill Park. The current site is utilized by the Columbia University varsity tennis teams, as well as by local club members. Visuals were shown of the project location.

Existing Conditions and New Features

Sefton said an assessment of the existing built spaces was used as the basis for replacement decisions. The current site lacks accessibility, lacks sufficient locker rooms and storage space. Because the site is elevated and due to the era in which the site was built, accessibility is a challenge.

Sefton discussed the project’s space program which includes indoor and outdoor, roof level courts, and said the new facility will be LEED certified. Sefton stated that the footprint of the new building is a bit shorter than the current building, which will allow for the development of green space with accessible paths. Olivia Freeland gave an overview of the construction timeline. She estimated a 16- month construction timeline, with demolition between June 2, 2021, and August 3, 2021, and a project completion date of October 12, 2022.

Simon asked what is the boundary line between Columbia’s property and the Parks Department property (and disclosed he works for the Parks Department). Sefton said the Baker Athletic Complex property line runs along the waterfront, and that the project does not impinge on Parks Department property. Benjamin asked if the Muscota Marsh is considered part of this property. Ellen Lehman said most of the property is owned by Columbia, and the rest is on city-owned property.

Vivian Ducat asked about the access of the public to this site. Erich Ely stated that all home matches are open to the public and are not ticketed events. He said the club will operate the same way as now, which is anyone can purchase a membership. It is also the intention for the summer tennis camp programs to continue to run. James Berlin commented that the building is magnificent but quite massive in comparison to the tennis bubble.

Sally Fisher asked what is the guarantee the new facility will be open to the public. Harris explained that there were some agreements in the previous community agreement that had recently expired, but that there was a re-commitment of the agreement, and that a letter was sent to the Board Chair and local elected officials outlining the agreement and intentions to continue amenities that have been extended in the past. Benjamin asked that this document be shared with the Committee. Bonner asked about the membership rates, and if they will be affordable for the community. Benjamin believes there was a discounted community rate before. And Ely said there was, and he has no reason to believe this will not be the case for the new facility.

East Dock Replacement Project

Cassandra Wetzel, a principal in charge of the design and reconstruction of the dock, led this presentation.

The dock, which is currently closed, is located adjacent to the old clubhouses and Muscota Marsh. It will be utilized by the Columbia University Varsity Crew Teams, as well as by local community clubs and users. The Dock, after the Parks Department performed an inspection and Columbia also studied it was permanently closed in September 2020 due to it being deemed in an unsafe condition. Wetzel said the new structure will be larger to allow more access.

Simon asked when the dock be available for use once again. Julie Norvalle said it is anticipated that construction will begin in October and be completed by December, pending permit approval.

Perez asked for specifics on the safety issues that warranted the dock closed. Wetzel said the floating dock had exceeded its useful life, and it was requiring an abundance of maintenance. It also was not safe for people to go out there until it was repaired or replaced. And she said the repair was going to be the same amount of work as the replacement, so they moved forward with the replacement. Rosy asked that this information be shared with the community, as people think it was just closed because Columbia wanted to – and not because of safety reasons. Harris said information about the safety concerns was shared with the community. Benjamin said it was the Parks Department that provided an initial report saying the dock was unsafe. Fisher asked if anything can be done temporarily so people have access to the dock for the summer. Novalle said they have gone down that path with the Parks department about temporary docks and was told it would take the same amount of regulatory review.

4. Presentation by SaveRiverside.Org – Proposal to Expand the Audubon Park Historic District

Matthew Spady, of the Upper Riverside Residents Alliance (“URRA”), led this presentation/discussion. Spady explained that they are a grassroots organization dedicated to preserving, celebrating, and maintaining the neighborhood character of Riverside Drive from West 155th Street to West 161st Street.

The organization had made an original request in 1999 for 13 buildings (including 12 beaux-arts apartment houses) to be designated as historic landmarks. Spady said in 2007, CB12M completed a comprehensive planning study. The study included a section on historic preservation which highlighted Audubon Park as a potential historic district. In 2009, the Landmark Preservation Commission (LPC) designated only a portion of the area the Board recommended for the Audubon Park Historic District. But Spady said URRA is encouraged by the Equity Framework released by the LPC and the support of elected officials and plans to submit a Request for Evaluation (RFE) at the end of June.

Spady also noted that north of 155th Street is lacking representation in landmark designations, with only 16 individual designations, one institutional historic district, three residential historic districts (all among the smallest in NYC). The organization is presenting LPC with an opportunity to rectify this inequity in representation in Northern Manhattan. Spady said most of the buildings are remarkably preserved. These buildings include 857 Riverside Drive - the only building surviving from a former community of abolitionists.

Benjamin said the organization is doing the work the LPC has failed to do. Berlin stated that he finds the architecture of the big Mitchell-Lama building, i.e.: River Terrace, awful. Benjamin stated architectural tastes and approaches change over the years and documenting these changes is consistent with the intent of documenting the history of the area’s urbanization. Spady reiterated that LPC designation can be for architectural, cultural, or historical significance.

URRA is seeking support from the CB12M for its new RFE. After further discussion, Berlin moved the motion to support the RFE. Ducat seconded.

The Committee vote was as follows:

	<u>For</u>	<u>Against</u>	<u>Abstaining</u>
LU Committee			
Members	7	0	0
Board Members	1	0	0
Members of the Public	3	0	0

5. Presentation by City Planning – Citywide Physical Culture Establishments Text Amendment

This presentation was led by Andy Cantu of DCP. Cantu said the purpose of the Text Amendment is to provide health amenities to more communities and eliminate red tape. A BSA special permit is currently required to open and operate most exercise and health-related businesses, including gyms, spas, and licensed massage therapy. But even with a special permit, gyms are not permitted along many local retail streets that allow compatible service and retail amenities such as salons, restaurants, and drug stores. Additionally, Cantu said the Physical Culture or Health Establishment (PCE) special permit process can be costly and lengthy for small businesses. The permit often takes more than six months to be granted, and costs between \$30,000 and \$50,000 in fees for the process. This also prevents desired businesses from moving into local retail streets already struggling with vacancies. Special permits for gyms, spas, and massage are also disproportionately in the Manhattan core, in Western Brooklyn, and Queens.

During the 1970s zoning rules that regulate development limited where these activities are allowed; this was done to combat sex-trade related businesses. A special permit was required for all such uses as a means of verifying the legitimacy of the operator through a criminal background check. The growth in the number of legal commercial gyms and spas was not anticipated. Today, they are valued, in-demand, neighborhood services. The regulation of massage therapists has also changed and are now considered health professionals and are licensed and regulated by the State.

The Text Amendment proposal removes the BSA special permit for physical culture or health establishments (773-36). Cantu said the Board has until July 22nd to submit a recommendation.

Fisher asked how many of these facilities are in CB12. Cantu said he is working on getting that information. Simon asked if these facilities will be able to use what is now residential apartments? Lythia Becht said hypothetically it would be possible to convert, but that licensed massage therapy studios are most prevalent in ground-floor spaces where you would see doctor's offices. Becht does not think there is a risk of residential units above the ground floor being converted to gyms or spas, as commercial uses above the second floor are not allowed in the city.

6. Presentation by City Planning – Citywide Fresh II Text Amendment

Ryan Cote of DCP led the presentation. Cote said the Text Amendment will update the existing Food Retail Expansion to Support Health (Fresh) Program under the NYC zoning resolution 63-00. FRESH was created in 2009 to encourage the construction of supermarkets in neighborhoods where studies have demonstrated a lack of fresh foods. Fresh zoning incentives are obtained through a certification process by the Chairperson of City Planning Commission, and include:

- Additional FAR
- Modified regulations for M1 Districts
- Additional Height
- Reduction in required parking

Cote said that since 2009, 27 fresh applications for zoning incentives have been approved. None have been submitted in CB12, some have been submitted and approved in Central and East Harlem, there is a concentration of applications submitted and approved in Brooklyn. An updated analysis in 2018 showed many neighborhoods remain underserved by fresh food stores.

The Proposal will update the existing program that provides greater incentives for neighborhood grocery stores to locate in underserved neighborhoods in the city.

The Fresh II update includes:

1. Expansion of the FRESH program
2. Prevent saturation of fresh supermarkets – Since 2009, there has been a concentration of applications in specific areas. The proposal would require that within a ½ mile radius, the sum of additional residential floor area not exceed 40,000 square feet.
3. Modification of glazing requirements for conversions – DCP proposes to waive the glazing requirements for fresh conversion projects. New buildings will still have to meet the glazing requirements, as this is only for conversions.
4. Other clarifications/modifications
 - Definition of Fresh Store
 - Restrictive Declaration

If supermarkets are as-of-right, they do not need to do any of these restrictions as presented. Cote said the Board’s ULURP referral clock ends on July 27th.

The Committee voted on the two text amendments after both presentations were concluded.

The Citywide Physical Culture Establishments Text Amendment resolution passed based on the following votes.

	<u>For</u>	<u>Against</u>	<u>Abstaining</u>
LU Committee			
Members	7	0	0
Board Members	0	0	1
Members of the Public	2	0	0

The Citywide Fresh II Text Amendment passed based on the following votes.

	<u>For</u>	<u>Against</u>	<u>Abstaining</u>
LU Committee			
Members	7	0	0
Board Members	1	0	0
Members of the Public	2	0	0

7. Old Business: None

8. New Business: None

A motion to adjourn was made by Perez and seconded by Berlin. The meeting adjourned at 10:08 p.m.

Minutes prepared by: Tanya Bonner