

LAND USE COMMITTEE – MEETING MINUTES

December 3, 2014

Committee members Present

Wayne Benjamin, Chair
Anita Barberis, Asst. Chair
Isaiah Bing
Osi Kaminer
Arlene Schulman
Steve Simon

Committee Members Absent

Jason Miller
Tamara Rivera

Board Members Present

Betty Lehmann

Public Member

Vivian Ducat

Public Member Absent

Staff: Debra Blow

Guests: Rita Gorman, Jamie Rojo (DCP - Manhattan), Jonathan Reyes (OMB / Community Resident)

1. Prior to calling the meeting of the Land Use Committee (“Land Use” or the “Committee”) to order, the Committee spent some time discussing Sherman Creek, affordable housing and power generation capability in our community, including the micro-grids proposed by Con Edison citywide that can bring our community into the 21st century.
2. The meeting was called to order at 7:15pm. Land Use Committee Chair Benjamin began the meeting by welcoming committee members and guests.
3. The Committee discussed a pending action proposed by the Landmarks Preservation Commission (LPC) to remove from consideration for historic designation 96 buildings that have been calendared, some for 20 years or more, but not designated. One of the proposed buildings, and the only building in Community District 12 (“CD12”), is the United Palace Theater, designed by noted theater architect Thomas Lamb and located at Broadway and 175th street. The United Palace was calendared in 1970. At the meeting to be held on December 9th LPC plans to issue “No Action” letters to clear its calendar of the backlog. The Committee only learned of LPC’s proposed action a few days ago; the December 9th LPC meeting will take place before the meeting of CB12’s Executive Committee, therefore there is insufficient time for any comment the Committee may have on the removal of the United Palace from the LPC calendar.

The Committee expressed understanding of LPC’s desire to clear the backlog of calendared properties but believes it would be appropriate to allow for a more transparent process that allows community boards and other stakeholders time to comment on this proposed action.

Chair Benjamin noted that in 2007 CB12M sent copies of the City College District-wide Neighborhood Planning and Land Use study to various city agencies, one of which was the LPC. The study includes a section on historic preservation that identifies several buildings in CD12, including the United Palace, that might be considered for designation. He also stated that CB12M has requested on several occasions that LPC provide an update on the status of its efforts to consider the designation of new properties and districts in CD12 but to date no update has been provided; a status update meeting would have been and still would be an ideal opportunity to discuss why there has been no action on the United Palace’s designation since it was calendared for consideration in 1970.

Wayne stated that per his discussion of this matter with CB12M Chair George Fernandez he understands that Manhattan Borough President Gale Brewer sent a letter to LPC expressing concern about the transparency of its process and recommending that the proposed action be delayed to afford interested parties time to comment. The Committee agreed that Mr. Fernandez should join Borough President Brewer in this request.

4. Chair Benjamin presented the Advanced Land Use and Zoning Overview prepared by the Manhattan Borough President's office. He stated that much of the material included in this overview was covered in the Zoning 101 Overview held at the November Land Use meeting. Topics that were discussed in more detail in the Advanced overview include Zoning Lot Mergers, Inclusionary Zoning and Large-Scale Developments. The Advanced zoning presentation will be posted to CB12M's website.
5. Dan Cohen of the Housing Partnership presented the West Harlem/Washington Heights Affordable Housing Zoning Proposal to the Committee. Mr. Cohen stated that he is a resident of West Harlem and a member of Community Board 9, but is present tonight in his capacity with the Housing Partnership. The conceptual zoning proposal initially sought to transfer air rights over the exposed section of the Amtrak rails, from approximately 123rd street to 158th street, to "receiver sites" or "soft sites" on Broadway. The land on which the exposed tracks run is zoned M1 and R8. M1 zoning does not allow residential use; the air rights that can be transferred from the land that is zoned R8 totals approximately 1.7 million square feet or the equivalent of roughly 2,000 affordable + 2,000 market rate units. The sale of the air rights, at even a discounted price, is expected to generate \$170 million for the City.

The receiver/soft sites are all one- to two-story buildings located on 12 privately owned sites. The current zoning along Broadway allows a maximum building height of 120 feet; the zoning proposal associated with the air-rights transfer would increase the maximum building height to 160 feet. In exchange for receiving the zoning bonus derived from the air rights, 50% of the units included in any new development would have to be permanently affordable.

Mr. Cohen stated that the zoning proposal is in the early planning stages and in order to be implemented it will need to go through the Department of City Planning ("DCP"), other city agencies and a full ULURP, and that even if the zoning proposal is approved, a private developer will be needed for each site to undertake an actual development project. He reiterated that the 'receiver' sites are all privately owned, the Housing Partnership is not a developer and that there is no development project pending, proposed or underway that is related to this zoning proposal.

Mr. Cohen also stated that in the course of discussions with DCP, DCP expressed concern with the complicated nature of the air-rights transfer proposal, noted that Amtrak might contest the City's ownership of the air rights, and indicated that as an alternative to the air-rights transfer concept DCP might consider an up-zoning of the Broadway corridor. Ms. Rojo from DCP stated that DCP is open to exploring that proposal and options for linking the up-zoning to affordability requirements and that it understands that without an assurance of 50% affordability the community is not likely to support the initiative. Mr. Cohen stated that this is a good time to advance the proposal since we have a Mayor who is supportive of and advocating for the development and preservation of affordable housing.

The Committee expressed interest in the proposal and noted that if it moves forward there is a need to address the impact of the development of 2,000 units of affordable housing, 4,000 units total, on public transportation, schools, infrastructure, etc. The Committee also discussed with Mr. Cohen how affordability is to be defined in the context of the rezoning proposal.

Mr. Cohen noted that the presentation includes an artist's rendering of a linear, Harlem High Line-style park over the Amtrak tracks that is never going to happen; the estimated cost of the park is \$200 million – more than the estimated value of the air rights. However, building a small section of it, maybe a block long near Riverbank State Park, is planned in order to increase accessibility to areas of the existing park that are below the elevation of Riverside Drive.

6. After further discussion the meeting adjourned at 9:30 pm.

Respectfully submitted by Osi Kaminer and Wayne Benjamin