

LAND USE COMMITTEE – MEETING MINUTES

December 5, 2018

Committee Members Present

Wayne Benjamin, Chair
James Berlin
Osi Kaminer
Nicholas Martinez
Jay Mazur
Steve Simon

Committee Members Absent

Christopher Ventura
Curtis Young

Board Members Present

Public Member Present

Vivian Ducat
Andrea Kornbluth

Public Member Excused

Staff: Ely Silvestre

Guests: Nancy Preston, Haris Omeragic, Adam Fran, Paul Hintersteiner, Pat Courtney, Margaret Connors McQuade, Cliff Elkind, Orlando Rodriguez.

1. The meeting of the Land Use Committee (“Land Use” or the “Committee”) was called to order with quorum present at 7:10 PM. Chair Benjamin greeted guests and Committee members introduced themselves.
2. **Recap on Park Terrace West – West 217th Street Historic District.**
Chair Benjamin noted that Community Board 12M (“CB12M” or the “Board”) only received notice that the proposed historic district would be addressed by the Landmarks Preservation Commission (“LPC”) on the day of the November Committee meeting. The matter was thus addressed at the Executive Committee meeting on November 19, and a resolution in support of the creation of the historic district was passed and presented at the LPC hearing on November 20 by Board Chair Shah Ally. These actions were ratified by the full Board at the November General Meeting.

The LPC will vote on the matter on December 11, 2018. If designated, this will be the first historic district in Inwood. The resolution notes that CB12M has passed several other resolutions in support of other historic districts in Washington Heights and Inwood, and urges LPC to work with the Board and elected officials to advance additional designations.

3. **Update by the Hispanic Society of America on its Capital Plans and Projects.**
Dr. Margaret Connors McQuade, Assistant Director of the Hispanic Society Museum and Library (the “Museum”), presented an update on the Museum’s ongoing capital improvement project.
 - a. The Museum is a New York City treasure, and one of the most important museums of Hispanic art and culture in the world. While it is closed for renovations, more than 200 works of art are on loan to a traveling exhibit, “Treasures of the Hispanic Society of America,” that opened at the Prado in Madrid in 2017 and has since traveled to Mexico City and Albuquerque, with future stops planned for Cincinnati and other cities.
 - b. The museum was founded in 1904 by Archer M. Huntington, who designed its location, Audubon Terrace, as well. The Audubon Terrace campus houses a number of other organizations, including the American Academy of Arts and Letters and Boricua College, and was historically the home of the Museum of the American Indian and the American Geographical Society, etc.
 - c. Faced with facilities that are over 100 years old and a mission to share the collection with as many visitors as possible, the Museum is undertaking a multi-year capital improvement plan.
 - i. The Sorolla Gallery was entirely renovated in 2010. The skylight was replaced to control ultraviolet light that can damage artwork, waterproofing and insulation was added, and the façade was repaired to seal leaks. The building is landmarked, so care had to be taken in replacing the copper tiles on the roof with similar structural and decorative elements. The new copper tiles will develop a green patina in about 20 years. New roof drains were added as well.

- ii. In the current phase of the project, the main gallery will be renovated to address issues with accessibility (the floors are at different levels in different parts of the gallery; full compliance with the Americans with Disabilities Act (“ADA”) may not be possible, but accessibility can be improved), circulation (an arcade that is currently closed off will be opened), public safety, amenities, and air handling.
- iii. Restoration of Audubon Terrace is also planned, during which waterproofing materials and drains will be added. The Museum plans to discuss with LPC ways to make the landmarked structure more accessible, so that they will be able to use the space for programming, etc. The Museum will also coordinate with Boricua College, which restored a section of the terrace twelve years ago that is not looking very good now, and the American Academy of Arts and Letters, which is using a mutually agreed brick in its renovations of the terrace.
- iv. While the main building is closed for this renovation work, there is a plan to build a temporary exhibition gallery on the first floor of the East building, off of Broadway. The proposed 3,000 ft² space will highlight content that is not necessarily part of the collection, such as contemporary art and community artists. Two exhibits a year are anticipated. The museum will also continue its efforts to bring art to schoolchildren with visiting teaching artist programs, etc.
- v. There is currently no schedule set for completing the renovations, as the Museum is in the process of hiring a new architect. Accessibility issues will be reexamined, and the work is expected to take at least 2-3 years.
- vi. The color of the paint in the gallery (currently terracotta) will change, but every effort will be made to preserve the unique, intimate feel of the gallery while preparing it for many more visitors.
- vii. Without the harmful UV light from the skylight, it will be possible to show such objects as the Museum’s extensive photographic record of the Spanish-speaking world.
- viii. In a future stage of the renovation plan, the Museum would like to address the North building, a narrow structure that was designed for library stacks but was used for conservation photos and storage. The Museum would also like to eventually construct a loading dock on a plot of land that it owns on the north side of the campus, which would facilitate exhibition installation and breakdown.

4. Discussion of Proposed Zoning Map Amendment to Create a C2-4 Commercial Overlay in an Existing R7-2 Zoning District Located at 520 West 183rd Street.

Eric Palatnik, Esq. represents a building owner who would like to derive more profit from street-level apartments in the 520 West 183rd Street building. The proposal is to add a C2-4 commercial overlay that would enable the 6-story residential building to be converted to a mixed-use building with ground-floor commercial space and 5 stories of residential use. In addition, the proposed commercial overlay would extend to currently existing non-conforming commercial spaces on the west side of Audubon Avenue between West 183rd Street and the middle of the block between West 182nd Street and West 181st Street. The matter has been discussed with City Planning, but no applications have been filed.

- a. There are currently 8 apartments on the ground floor of 520 W. 183rd Street. Five are vacant, and three are occupied by rent-stabilized tenants. Unlike other nearby buildings in which the first floor is slightly higher than ground level, these windows are right at street level. According to the owner, residents find the apartments to be undesirable, and several have asked to move to apartments on a higher floor.
- b. Chair Benjamin commented that the Board had carried out a study of non-conforming uses on Audubon Avenue around 2003. Most of the non-conforming retail spaces predate 1939 and are grand-fathered, but some represent illegal conversions that are not grand-fathered. The Board’s concern at the time was the shortage of and high demand for housing, especially affordable housing. This is still an issue, and taking even a handful of residential units off the market when they could be rented is cause for concern. If the apartments are not desirable they will rent for less, but people who are in dire need of housing are certain to rent them.
- c. Mr. Palatnik confirmed that the apartments are being held vacant, and are not being listed for leasing. It is possible that the units could be fixed up and rented, but the building owner feels that there is no economic merit to doing so. The owner would like to make more money from these units to help maintain the building. Leasing to medical offices was considered, but the owner would prefer to lease to commercial businesses.
- d. Committee member James Berlin raised the issue of safety. Commercial properties have different fire rating requirements, including plaster ceilings that are twice as thick as those of higher floors. Illegally converted commercial properties don’t have this type of ceiling and can endanger the apartments above. The project architect confirmed that any conversion would be done in compliance with Department of Buildings (“DOB”) requirements.

- e. Committee member Vivian Ducat suggested that ground-floor apartments could be desirable as supportive (non-group) housing; as such tenants often don't want to engage with other residents in the elevator. Further, various non-profit organizations coordinate these rentals and ensure that rent is paid on time. Mr. Palatnik asked for additional information on this possibility, as his client owns 60 buildings and faces similar issues in multiple buildings.
- f. Committee members were not receptive to the idea of losing 8 units to a commercial lease, citing the larger loss that would result if other buildings attempted to follow suit, the poor circumstances that many New Yorkers live in, and the rights of the existing rent-stabilized tenants, etc. It was further noted that while the owner's need to pay the bills is understandable, the highest-paying tenants (i.e., chain pharmacies and banks) would not serve the needs of the neighborhood.
- g. Chair Benjamin suggested that the project team look into more creative, project-specific options, such as the FRESH Zoning initiative, which incentivizes the construction of supermarkets by allowing building owners to build a penthouse floor to replace the lost ground-floor residential units. Such an approach would be preferable to the R7D upzoning suggested by Mr. Palatnik as an alternative.
- h. Mr. Palatnik will provide the Committee and the Manhattan Borough President's Office ("MBPO") with the rent rolls for the building.

5. Discussion of Suggested Areas for Review by 2019 City Council Charter Commission.

Committee members should submit suggestions on what the City Council Charter Commission should consider to Chair Benjamin by email before December 13. Suggestions should be limited to possible revisions to the New York City Charter, which is analogous to a Constitution.

Possible recommendations include:

- a. Reforming the Board of Standards and Appeals ("BSA") process for evaluating applications for zoning variances. Unlike the Uniform Land Use Review Process ("ULURP") that applies to zoning changes, there is no defined process for the BSA review. The BSA should be required to respond to community boards, rather than putting the burden on community boards to ask for updates, etc. As pointed out in a study by the Municipal Art Society of New York ("MSA"), freely granted variances in a given area can amount to a de facto rezoning.
- b. Reforming the Environmental Impact Statement process and state and city environmental review processes.
- c. Strengthening the LPC rather than weakening it.

6. Old/New Business.

Proposed development at 4650 Broadway by Hello Living. The renderings shown in the YIMBY.com article show a building that is much larger than what would be expected for an as-of-right development in that location. The MBPO was asked to comment on this matter earlier.

- a. Chair Benjamin suspects that the developers' calculation is based on a Mandatory Inclusionary Housing ("MIH") scenario, which is an as-of-right process and provides a zoning bonus in exchange for a percentage of units being affordable.
- b. Committee member Nicholas Martinez commented that the price paid for the property (\$55 million, more than double the recent previous sale price of \$26 million) was indicative of a significantly overheated market.
- c. If the numbers presented in the YIMBY article are correct, the FAR would be roughly 9.3. This would be considered very dense even in midtown Manhattan, let alone in upper Manhattan. Hello Living will be invited to discuss the project at a future Committee meeting.

Committee members and guests discussed the relative merits of arguments against development that are not based on settled law, such as the creation of shadows. The potential for future solar panel installation may not be a legal bar to development, but since CB12M passed a resolution in favor of protecting building owners' right to sunlight exposure; we should be consistent in supporting that opinion.

The meeting was adjourned at 9:05 PM.

Submitted by Andrea Kornbluth.