

COMMUNITY BOARD 12- MANHATTAN

LAND USE COMMITTEE

MEETING MINUTES

November 2, 2022

Committee Members Present

Wayne Benjamin, Chair
Tanya Bonner, Asst. Chair
Jim Berlin
Daniel Bonilla
James Bosley
Ayisha Oglivie
Steve Simon

Committee Members Absent

Kimberly McCoy

Board Members Present

Public Member Present

Vivian Ducat

Public Member Absent

Staff: Paola Garcia

Guests: Olivia Olmos – Department of City Planning (DCP), Jose Trucios – DCP, Council Member Shaun Abreu, Amber Moorer – Office of Council Member Shaun Abreu, David Thom, Timothy Frasca, Dan Bouk, Tine Byrsted, Kate London, Nina Bernstein, Doris Holloway, Nick Porter, Mitch Mondello, Laura Daigen-Ayala

1. **Call to Order.** The meeting was called to order at 7:04 PM. Land Use Committee (“Land Use” or the “Committee”) Chair Wayne Benjamin introduced Committee and Board members and welcomed guests. He welcomed Ayisha Oglivie as a new member of the Land Use committee.
2. **Discussion of CB12M Planning and Zoning Priorities with Council Member Shaun Abreu.** Chair Benjamin welcomed Council Member Abreu to the meeting and stated that this discussion was originally scheduled for the October Land Use meeting but was rescheduled to tonight’s meeting. Council Member Abreu stated he was here to listen to what the Committee is discussing regarding planning and zoning issues and to share with the Committee his areas of focus on the City Council. He stated his areas of focus include cleaner streets, battling the rat infestation, tracking illegal guns, and affordable housing. Chair Benjamin provided an overview of planning and zoning matters discussed by Land Use and Community Board 12-Manhattan (CB12M) recently and in the past including the Neighborhood Planning and Land Use Study undertaken in collaboration with City College, contextual rezoning, rezoning the R8 areas of Washington Heights, reforms to the 421-a program, historic preservation, and affordable housing development that considers local household income levels in defining affordability. Council Member Abreu stated he has not made up his mind about the rezoning matters but he understands the issues raised by the Chair. He further stated that the City Council is focused on maximizing the creation of affordable housing, comprehensive city planning efforts are required, and density must be added to the city but in a responsible manner. He also asked how the Committee envisioned a rezoning proceeding, i.e. would a rezoning effort be led by the Department of City Planning (“DCP”), the Manhattan Borough President’s office, or a City Council Member? Concerning the latter, he noted that based on the revised City Council maps, representation of the R8 area of Washington Heights would be split between Council Member de la Rosa and him. Council Member Abreu was asked if the city has adequate infrastructure (utilities, schools, public transportation, etc.) to support added density, what can be done to ensure affordable housing projects supported by the City are affordable to the current residents of the neighborhoods in which the projects are developed, and what the City Council can do about the harassment of tenants by landlords and the warehousing of apartments. The Committee will continue to engage with Council Member Abreu as it pursues land use and planning matters.
3. **Discussion of “City of Yes” Zoning Text Amendment.** In advance of tonight’s meeting, Chair Benjamin shared with Land Use members a copy of the presentation from the October 17, 2022 Information Session held for the “City of Yes” Text Amendment (the “Text Amendment”) proposed d by DCP. The Committee discussed their impressions of the Text Amendment, which has not yet been referred to community boards for

formal review and comment. The stated intent of the Text Amendment is to focus on proposals that promote economic recovery, remove red tape for small businesses, expand housing opportunities in neighborhoods citywide and accelerate the transition to a sustainable future. The Committee stated the proposals sound reasonable but questioned how well they are thought out and expressed concern that the real goals and intent of the Text Amendment may not be fully articulated. The Committee questioned the rationale of the zoning changes proposed by the Text Amendment and further stated that DCP should explain in more detail the issues in the zoning regulation that would be revised or eliminated under the Text Amendment originally sought to address and why those issues are no longer of concern. The Committee stated that the presentation of information seemed more promotional than educational and that DCP must do a better job of educating the public on the Text Amendment. DCP representatives present advised the Committee that the timing of referring the Text Amendment for review is not yet finalized, the general intent is to “think more creatively,” DCP is currently collecting information and expects to begin drafting the text in early 2023.

4. Old Business:

Various committee residents discussed the Board of Standards and Appeals (“BSA”) application for the 22-38 Cumming Street development project, which was presented to Land Use in November 2021, and the Accessibility Project proposed by the American Academy of Arts and Letters (“AAAL”), presented to Land Use in October 2021.

Regarding the Cumming Street project, Kate London, Dan Bouk, Tine Byrsted, Laura Daigen-Ayala and Dave Thom advised the Committee that a revised application was recently submitted to BSA, which is expected to consider it on November 14. [The hearing was actually held on November 15.] They advised that CB12M should continue to oppose the zoning variances requested because the project’s design has not changed significantly and is not contextual, the residential units are not affordable to current residents, and the zoning waivers requested are not required in order for the development project to be financially feasible. The residents also expressed concern with the proposals for “City of Yes,” stating it seems like a way to reduce reasonable requirements.

Regarding the AAAL project, Doris Holloway and Mitch Mondello stated that the project as originally designed would build a solid bronze-colored wall at the westernmost perimeter of the Audubon Terrace complex that would face windows of the adjacent buildings (780 and 788 Riverside Drive) that look out on the Terrace and would block light and or/views to several apartments. It also was said that the proposed elevator and stairs on either side of the auditorium building on the 156th Street side of the Terrace would result in reduced light and blocked views in apartments in 790 Riverside Drive that face south.

Committee Member Ducat stated, based on a recent small group meeting, there is a sense that AAAL is not interested in changing the project design. Chair Benjamin stated that, as requested at the October Land Use meeting, he reached out to AAAL and also to the Landmarks Preservation Commission to obtain updates on the status of this project and will inform the Committee of the responses received from each.

Committee Member Bosley asked how CB12M can provide comments to BSA by November 14th given Land Use does not have any updated material to review. Chair Benjamin and Committee members Simon and Berlin stated that a letter can be sent to BSA stating that absent any outreach from the applicant or revised information for the Committee to consider, CB12M’s position in the project as articulated in the resolution passed in November 2021 remains unchanged.

Doris Holloway thanked the Committee for its hard work.

5. New Business: None

6. Adjournment. The meeting was adjourned at 9:18 PM.

Respectfully submitted by Wayne Benjamin