

LAND USE COMMITTEE – MEETING MINUTES

March 2, 2016

Committee Members Present

Wayne Benjamin, Chair
Andrea Kornbluth, Asst. Chair
Anita Barberis
James Berlin
Isaiah Bing
Osi Kaminer
Jonathan Reyes
Steve Simon

Committee Members Absent

Board Members Present

Shahabuddeen A. Ally, Board Chair
Mary Anderson
Barbara Frazier
Richard Lewis
Jay Mazur
Estevan Nembhard
Ayisha Oglivie
Elizabeth Lorris Ritter

Public Member Present

Vivian Ducat

Public Member Absent

Staff:

Ebenezer Smith

Guests: Yoanna Guerrero, Vilma Tejada, John Zuerlein, Pilar Zeller, Andrew Dolkart, Helen Jimenez, Marliese Zimmerman, E.I. Palacios, Karalin Sprague, Lorena de la Parra Landa, Jan D. Van Cort, Anna Van Cort, Arvind Singh, Marshall Vanderpool, Earnest C. Jefferson, Carmen Carrasco, Ivan Almonte, Romney Piamonte, Nancy Vellardita, Susan Vasquez, Fatima Green, Wendy Feinstein, Nancy Bruning, Ruth Bechhofer, Gunther Bechhofer, Lourdes Rodriguez, Alberto Sanchez, Katherine O’Sullivan, Frank Hess, Phoebe Schell, Rebecca Carel, Graham Ciraulo, Samantha Fabal, Edward Cassard, Ramon Rodriguez, Nelly Perez, Pura Guzman, Christina Alphonso, John Pierard, Kate Padgen, Pat Padgen, Phyllis Clark, Carlos Hernandez, Derek Hanson, Amalie Ceen, Chrostopher Gonsalus, Evelyn M. Compton, Karen Samberg, Santo Perez, Gabriel Florimon, Antonia Hoepelman, Joel Hoepelman, Lourdes Fernandez, David Friend, Foster Reisz, Massiel Martinez, Linda Dugue, Rafaela Gonsalves, Pat Courtney, Brunilda Espinal, Raymond Espinal, Romulo Abreu, David Toser, Rev. Ella Grzeskowski, Monica Beaudreau, Peter Levy, Glenn McAnally, Ioana Stoica, Josephine Lopez, Ramon Guzman, Jared Harris, Kathryn Harris, Joseph Gunset, Dr. Teodor Regus, Margaret Morrissey, Juan Salazar, Laurence Saillet, Carolina Pichardo, Dr. Ginetta Bernard, Joey Brea, Rita Gorman, (illegible) Flores, Thomas Lewin, Mary Pollack, Deanna Meek, Lauren Sanchez, Jennifer Archibald, Helen Blumenthal, Alexandria Wilkinson, Jesus Acevedo, Carol Barton, Robert Jackson, Carole Mulligan, Cheryl Pahaham, George Fernandez.

1. The meeting of the Land Use Committee (“Land Use” or the “Committee”) was called to order with quorum present at 7:15 PM. After introductory remarks by Board Chair Ally, Land Use Committee members introduced themselves, and Chair Wayne Benjamin discussed the purpose of the meeting:
 - a. Acadia Sherman Ave LLC represented by Washington Square Partners submitted a Uniform Land Use Review Procedure (“ULURP”) application (Application no.: C 150438 ZZM) (the “Application”) to the Department of City Planning (“DCP”) requesting to change the zoning of 4650 Broadway (Block 2175 / Lot 1) (the “Site”), located at the northeast corner of Broadway and Sherman Avenue from an existing R7-2/C2-4 district to an R9/C204 district in order to facilitated the development of a 23-story 375,000 square foot mixed-use project. R7-2 zoning allows a density or Floor Area Ratio (“FAR”) of 3.44 to 4 while R9 zoning allows a FAR of 7.52). The C2-4 commercial zoning overly currently covers only a portion of the 47,334 square foot lot; the action requested in the Application would cover the entire zoning lot with the C2-4 commercial overlay.
 - b. After the ULURP application was certified by DCP, it was sent to Community Board 12-Manhattan (“CB12M”), which is required to hold a public hearing and submit its recommendations within 60 days. The matter then goes to the Borough President, who has 30 days to review and make a recommendation, then to the City Planning Commission, followed by City Council, and finally the Mayor.
 - c. Accordingly, the Committee is hosting tonight’s public hearing to obtain comments on the ULURP application and will pass a resolution at the end of the public hearing is meeting that will be forwarded to the full Board for a vote at the General Meeting to be held on March 22, to be held at 530 W. 166th Street, 2nd floor.

2. Developer’s Presentation:

The proposed Sherman Plaza project was represented by Paul Travis and Aron Gooblar of Washington Square Partners, Robert Yuricic of Kenneth Park Architects, Tom Julius of Acadia Realty Trust, and attorneys Rosanna Vargas and Lisa Lim.

Mr. Travis made a brief presentation describing the location of the project, the proposed zoning, the proposed project, and the proposed housing program.

- a. The site is located at the intersection of Broadway and Sherman Avenue, where it is well served by subway and bus lines. There is currently a 2 floor parking garage that was once a Packard showroom on the site.
- b. Changing the zoning from R7-2 to R9 with a full C2-4 overlay will allow retail and offices to occupy the entire ground floor.
- c. In June, 2013, a permit was issued (now lapsed) for the as-of-right construction of a 306,000 ft² building with 136,000 ft² of residential space (144 units at market rate), 25,000 ft² of retail, and 145,000 ft² of community office space. The proposed 18-story building was approved by the Community Board at the time.
- d. The current proposal increases the density of the building to allow the developers to include affordable housing. The 375,000 ft², 23-story building would have 335,000 ft² of residential space (including 112 affordable units), 25,000 ft² of retail, 15,000 ft² of community office space.
- e. The developers considered other possible designs and other zoning designations, but a shorter building with R9A zoning would have placed a very bulky structure up against neighboring buildings, while splitting the project into two narrower towers would again place the buildings against neighboring buildings, and result in fewer units. The current design moves the bulk of the project to the intersection, away from other buildings, and maximizes the number of units possible.
- f. The height of the building would be 285 ft. from the ground. The area already has buildings with heights of 228 ft., 307 ft., 375 ft., and 245 ft. in the vicinity of Fort George hill.
- g. The detailed breakdown of an affordable housing project is determined by the housing agencies and based on available financing. The developers propose 112 affordable units, which will be rented by a lottery administered by a third-party nonprofit organization, with preference for at least 50% of the units going to current CB12 residents.
- h. All tenants will use the same entrance, and all will have access to the same amenities. The affordable units will be spread throughout the building, and not limited to any particular section or floor. The number of affordable units of each size will be proportional to the total number of units of each size, e.g., if the building has a 20% affordability scheme, and 20% of all units are 2 bedrooms, 20% of those 2 bedrooms will be affordable.
- i. It is anticipated that this project will fall under the Mandatory Inclusionary Housing (“MIH”) portion of the proposed zoning text amendments, which mandates either 25% of residential floor area for affordable units for residents with income averaging 60% of the AMI, or 30% for residents with incomes averaging 80% of the AMI. (To average 80% of the AMI, there would be a mix of residents with 40%, 60%, 80% and 100% of the AMI.)
- j. The actual rents for the affordable units have not yet been finalized and are subject to HPD’s review and approval, but the following figures were presented for illustrative purposes:

40% AMI	Income Level	Rent
Studio	\$24,200	\$565
1BR	\$25,920	\$607
2BR	\$31,080	\$735
3BR	\$35,920	\$843
60% AMI	Income Level	Rent
Studio	\$36,300	\$867
1BR	\$36,880	\$931
2BR	\$46,620	\$1,123
3BR	\$53,880	\$1,292
80% AMI	Income Level	Rent
Studio	\$48,350	\$1,168
1BR	\$51,800	\$1,245
2BR	\$62,150	\$1,511
3BR	\$71,825	\$1,740
100% AMI	Income Level	Rent
Studio	\$60,500	\$1,472
1BR	\$64,800	\$1,579
2BR	\$77,700	\$1,900
3BR	\$89,800	\$2,190

- k. As there are no comparable new buildings in the area, the developers don't know exactly what the market-rate apartments will rent for, but they anticipate rents in the range of \$1,925 for a studio, \$2,421 for a 1-bedroom, \$2,798 for a 2-bedroom, and \$3,238 for a 3-bedroom.
 - l. A potential unit breakdown for the proposed project is 55 studio units (16 affordable), 149 1-bedroom units (45 affordable), 112 2-bedroom units (34 affordable), and 56 3-bedroom units (17 affordable).
3. Council Member Rodriguez commented as follows:
- a. Public meetings such as this will feature simultaneous translation in the future if a bill he proposed is finalized.
 - b. He will support this project only if 50% of the residential units are affordable.
 - c. In addition, 50% of the commercial space should be affordable, and made available to local small businesses.
 - d. This ULURP proceeding is unrelated to the Inwood NYC rezoning project.

4. Public Questions and Comments:

- a. Rhoda Weston asked if there will be self-contained parking for residents, as street parking is already difficult in this high-traffic neighborhood. Mr. Travis replied that there will 170 spots in an underground garage, which is more than the residents of such a building would usually use.
- b. Ivan Amonte commented that 32BJ SEIU, the city's largest service union, would like to ensure that the project offers high-quality well-paying jobs. As this is not a ULURP-related issue, it was not addressed here.
- c. Dr. Teodoro Regus asked what the protocol for renting space to commercial tenants will be. Mr. Travis replied that smaller units will be created for smaller local businesses. Chair Benjamin commented that currently, retail is only allowed on Broadway. The new zoning would allow the whole ground floor to be used.
- d. (Name unclear) asked what will happen to the people who currently park their cars in the existing garage, and whether they would be forced to park in the street. Mr. Travis responded that the garage is currently used for long-term storage, and that if lots that have parking facilities can't be used for building, it won't be possible to build anywhere. In any case, the parking area cannot be used during the 2-year construction period. (The idea that the garage is used for long-term storage was disputed by community members.)
- e. George Fernandez commented that this building is not for this community: it looks like Godzilla, it affects the park, and we already have experience with large projects, such as the Port Authority renovation, that did not deliver on promises to the community.
- f. Elizabeth Lorris Ritter presented an animation showing the project in the context of the neighborhood, Ft. Tryon Park, and the Cloisters, and commented that the Cloisters view shed is landmarked and protected at the Federal, State and City levels. CB12 adopted a resolution opposing the proposed LG development in New Jersey because it would destroy the view from the Cloisters. Also, a doctoral thesis titled "Manhattan Parking Garages, 1897 – 1930" supports the idea that the Packard structure should have been landmarked.
- g. Evelyn Compton commented that trains and buses are already severely overcrowded, and it is not uncommon to have to let several trains go by before being able to get on in the morning. A large influx of new residents will only make the problem worse. Also, as a low-income eviction protection attorney, Ms. Compton is concerned that the high market rates will contribute to the displacement of area residents.
- h. Andrew Dolkart asked what the height would be in relation to the Cloisters, and whether shadow studies were done. Mr. Travis replied that the building will be lower than the Cloisters by about 30 feet, and will only cast shadows on it at the high point of winter.
- i. Lourdes Fernandez asked if it is true that the affordable unit residents will use the same entrance as the market rate unit residents, and what the developers are planning with regard to infrastructure. Ms. Fernandez's building, located near the project site, is already affected by poor water supply during the summer. Mr. Travis replied that there will be only one entrance for everybody. Regarding utilities, the developers will need to work with Con Ed, etc. to upgrade service, and this will have a positive impact on surrounding buildings. He noted that it is difficult to get public utility upgrades without building new housing.
- j. David Friend commented that thousands of area residents are currently struggling just to stay in the neighborhood, as landlords use illegal preferential rents and capital improvements to push rent stabilized tenants out of their homes. An online directory of rent stabilized apartments that were lost in this way shows that 50% of the stabilized apartments in Mr. Friend's building have been taken off rent regulation. The high market-rate rents of these new apartments will give landlords fresh incentive to get rent regulated tenants out, and could lead to the displacement of thousands of people. He stated that the project is a Trojan horse, and the neighborhood does not want it.
- k. District Leader Robert Jackson advised Council Member Rodriguez and other elected officials to make sure that any promises made by the developer are in writing. He commented that affordable commercial space should also be distributed by lottery.
- l. Anina Young asked what the commercial rent would be, and what kinds of businesses would be able to rent the commercial space, noting that the neighborhood has many vacant storefronts that are not affordable to small businesses – only bars and restaurants could afford those rents. Mr. Travis replied that his group is committed to renting to local businesses, even though they know the rent will be less than a drugstore or bank would pay. Council Member Rodriguez

- added that our area needs non-traditional businesses, such as music and arts facilities, and that he is working with CUNY to try to develop a program to ensure that new developments include affordable commercial space.
- m. Ms. Santana asked if the the windows of her Dongan Place apartment would be completely blocked. Mr. Travis replied that the plan is to build a U-shaped building that will be open in the back.
 - n. Jennifer Fox commented that the apartments may not be as affordable as the community wants them to be, nor as available to local residents as we expect, and this is not something that the community or the developer can control. The AMI on which rents are based is not specific to our neighborhood, and is much higher than our local AMI. The 50% preference for local residents is being challenged in court, so it's possible that there could be no set-aside for the community. The apartments that are truly affordable are the existing rent-stabilized ones in the community, and these can be hurt by the new market-rate units. Mr. Travis responded that the affordable units in the proposed building would be rent-stabilized and that it is very difficult to prove that rising market rates lead to pressure on rent-stabilized tenants in neighboring buildings.
 - o. Dr. Ginetta Bernard commented that the developers are playing god, promising things while people in the neighborhood are fighting for their lives. Mr. Travis responded that current zoning would allow his group to build an 18 story building that only has market-rate apartments. Because they want to include affordable housing, it is necessary to increase the size.
 - p. Chair Benjamin noted that CB12 has advocated for nearly a decade for more than 30% of the units in new residential and mixed-use developments to be affordable to local residents and contextual zoning , and reminded attendees that if our recommendations did not address the Application and matters over which DCP has jurisdiction such as density, height, design and the percentage of affordable units (which also involves the Department of Housing Preservation and Development) and resolution passed by CB12M would not be taken into consideration by those agencies and we will have lost an important opportunity to comment. He further stated that it is important to focus and comment on the fact that, according to the environmental study performed by DCP, the Application requests a 42% increase in density.
 - q. Graham Ciraulo commented that his group, Northern Manhattan is Not for Sale, believes that this project will contribute to environmental and neighborhood destruction, congestion, and gentrification. The group advocates for 50% affordability directed toward incomes of \$37,000 or less, and good union jobs.
 - r. Jeff Dugan asked where the nearest R9 zone is, and what the benefit of the zoning change would be to the community, especially in light of the Inwood NYC study. Mr. Travis noted that the nearest R9 zone is further south. The advantage is that it enables the developers to add affordable housing to what would otherwise be an as-of-right, market-rate project. They had discussed other types of zoning with City Planning for 2 years, but none were efficient enough to allow for affordable housing.
 - s. Cheryl Pahaham asked whether the developers could withdraw their application and go straight to MIH, if the City Council votes to adopt the MIH/ZQA zoning text amendments later this month and CB12 and the community vote this project down. Chair Benjamin explained that MIH is a component of this ULURP application, and that these two things are tied together in the proposed project. He discussed CB12's previous rejection of the MIH and ZQA amendments, and our hoped that the City Council's decision will incorporate our comments.
 - t. Gabriel Florimon discussed his studies of the history of gentrification, and commented that the developers are trying to 'Donald Trump-ify' the neighborhood.
 - u. Jerry Culligan asked the height of the as-of-right building, commenting that everything is oversized, and will have a negative impact on the Cloisters museum and the neighborhood. Mr. Travis replied that the height of the as-of-right building would be 150 ft.
 - v. Peter Levy commented that the building would be out of character with the neighborhood, and that residents need to stand up and be heard. He stated that the neighborhood keeps getting things that residents don't want, such as bars, because residents have no voice.
 - w. Monica Beaudreau asked if there is currently a building permit, and whether air rights are involved. Mr. Travis replied that the 2013 permit has lapsed, and was for a building that would be allowed under current zoning. No air rights are involved – this is a very large site of about 47,000 ft². Chair Benjamin explained that we have Height Factor Zoning in our area, which imposes no height limit, just a density/FAR limit. Height factor zoning requires buildings to set-back once they reach a designated height to avoid breaking the sky-exposure plane (wedding cake buildings were cited as an example of buildings that respond to sky-exposure plane zoning requirements). He further explained that a short, squat building and a tall, thin tower might have the same density, but that the upper floors of a tall thin tower might be less practical to build or operate due to the smaller floor plate that results from responding to sky exposure plane setback requirements. Under the current R7-2 zoning, density of up to 4 times the size of the site is allowed, and greater density is being requested.
 - x. Matthew Jimenez commented that this project would take away people's houses to build luxury houses for rich people. He fears that landlords will raise rents, and people, including kids, will be homeless. He stated that kids can't be the future if they are homeless.
 - y. Ruth Bechhofer commented that the Packard building was designed by Albert Kahn, and should have been landmarked. At least it should be kept in good condition, with something built on top of it. She also asked if the Cloisters know about this project. Mr. Travis replied that the Packard building was reviewed by the Landmarks Preservation Commission

("LPC"), which determined that it was ineligible for designation. He further stated that the plans have been reviewed by the Parks Department and the Cloisters, and there is no issue with shadows. The building won't be visible from the Cloisters for 9 months of the year. Chair Benjamin remarked that CB12M has asked the LPC to engage with our community to designate more landmarks and historic districts, but LPC has been slow to respond although LPC included the Loews 175th Street Theater as one of only 30 buildings selected for further consideration from its backlog of approximately 96 properties.

- z. Katherine O'Sullivan asked whether the developers considered preserving the Packard structure as the bottom of the building, and made further comments regarding dangers to eagles, and the use of the current parking garage, which is rented by 260 area residents on a monthly basis, and filled on a drop-in basis every weekend night. Regarding the Packard structure, Mr. Travis replied that the city has limited funds for affordable housing, so developers must be as efficient as possible. Preserving the Packard building would increase construction costs too much. Regarding eagles, he stated that his group had consulted an ornithologist who believes that the issues will primarily be on the lower floors. The situation will be monitored, and windows changed where required. There was no reply regarding the use of the parking garage.
5. After Committee discussion a resolution was made (Jim Berlin) and seconded (Steve Simon) opposing changing the Site's residential zoning from R7-2 to R9 as is proposed in the ULURP application but supporting the proposed extension of the current C2-4 zoning overlay to cover the entire Site. The primary reasons for the resolution include the following:
- a. The proposed building is out of scale and out of character with the surrounding neighborhood.
 - b. Extending the current C2-4 zoning overlay so that it covers the entire site will permit commercial and retail use of the entire ground floor thereby increasing the availability of new, quality commercial and retail space.
 - c. The proposed project does not respond adequately to local affordable housing needs. CB12M supports Councilman Ydanis Rodriguez's demand for 50% of the units in any building to be constructed pursuant to a rezoning action in Washington Heights and Inwood be affordable to households based on the local area median income and has consistently advocated for higher percentages of affordable units and for the use of locally-targeted AMI.
 - d. The proposed project does not fit its site or context. CB12 has consistently expressed support for development that respects neighborhood character and scale and for historic preservation.
 - e. The unit mix illustrated for the proposed project does not adequately respond to the average household size of local households seeking affordable housing. CB12 has consistently advocated for the unit distribution of affordable housing developments proposed for Washington Heights to include a substantial percentage if not a majority of family-size units, i.e.: two -and three-bedroom units.
 - f. Approving the requested residential rezoning to facilitate the proposed project could set a dangerous precedent for future development in our area.

The resolution passed based on the following votes:

Land Use Committee: 9 - 0 - 0
Other Board Members: 7 - 0 - 1
Members of the Public: 102 - 1 - 1

6. The meeting was adjourned at 9:00 PM.

Submitted by Andrea Kornbluth.