

LAND USE COMMITTEE – MEETING MINUTES

December 7, 2016

Committee Members Present

Wayne Benjamin, Chair
Andrea Kornbluth, Asst. Chair
Isaiah Bing
Jason Compton
Steve Simon
Karen Taylor

Committee Members Absent

Anita Barberis
James Berlin
Osi Kaminer (Excused)
Jonathan Reyes

Board Members Present

Shahabuddeen Ally
Richard Allman
Isidro Medina

Public Member Present

Vivian Ducat

Public Member Absent

Staff: Deborah Blow

Guests: Pat Courtney, Jeff Mulligan, Bryan Woo, Young Woo, Katharine Pichardo, Graham Ciraulo, Nina Bernstein, Jose Sanchez, Jenn Bristol, Fred Jewell, Brian Batista, G. Nunez, Tatiana Martinez, Geordana Garcia, Gladys Mercado, Lismelli L., Sheised Nunez, Eli Gewirtz, Anthony Schwarcz, Rita Gorman, Shiming Tam, Katherine O’Sullivan.

1. The meeting of the Land Use Committee (“Land Use” or the “Committee”) was called to order with quorum present at 7:12 PM. Committee members introduced themselves, and Land Use Chair Wayne Benjamin welcomed guests, including a contingent of students from the Government class at Gregorio Luperón High School for Science and Mathematics who expressed interest in becoming more informed about and involved in community affairs.
2. Council Member Ydanis Rodriguez affirmed his support for the project at 2420 Amsterdam Avenue proposed by Youngwoo and Associates LLC (“Youngwoo” or the “Applicant”), stating his belief that Youngwoo’s first project in the area would bring many good jobs to the community in addition to construction jobs, and would become a great asset to the community. Chair Benjamin added that the Committee is always focused on how the community will benefit from a given project.
3. **Update on the Landmarks Preservation Commission (“LPC”) consideration of the Loew’s 175th Street (United Palace Theatre).**
 - a. CB12M passed a resolution supporting landmark designation of this 1930 movie palace, which was originally calendared for consideration in the 1970s. The LPC has been working to clear up its long-term backlog, and has finally scheduled a hearing on the matter on December 13.
 - b. Council Member Rodriguez noted that City Council Members generally vote in accordance with the local Council Member, and that he had not yet decided his position on the matter. He noted that the owners of the building were opposed to designation, and that he had indicated to LPC that he would support designation if it were considered along with the Coliseum Theatre building on W. 181 Street, and a church on Wadsworth Avenue around 185th Street.
 - c. Chair Benjamin stated that while the Loew’s 175th Street Theatre application has been in the pipeline for decades and has been thoroughly researched, the requisite research for the other two properties may not yet have been done. It will also be necessary for someone to reach out to the owner of the Coliseum building. The LPC is very slow to respond to the Washington Heights-Inwood community; it would be very helpful if Council Members and the Manhattan Borough President’s Office (“MBPO”) could encourage the LPC to be more attentive to the many preservation-worthy sites uptown.
 - i. Two requests for evaluation (“RFE”) of potential historical districts in Inwood have been submitted to LPC, and are under consideration. These districts featured numerous Art Deco rent-regulated buildings, and the elected officials’ support for this designation process would be much appreciated.

4. **Consideration of LPC Application for 422 W. 160th Street.**

Architect Shiming Tam presented plans for an addition to the rear side of this townhouse located within the Jumel Terrace Historic District. The 11-foot deep addition would extend the basement/garden level, parlor and second floors of the building. It would not be visible from the street and no addition will be made to the roof. An adjacent building has a similar 1-story addition. The building contains and will retain four residential units; the architect stated that he did not know if the building is currently vacant. The LPC is expected to consider the application in December. A motion was made by Jason Compton and seconded by Isaiah Bing to support the application. The motion passed with the following votes:

Land Use Committee: 5 – 1 – 0

Other Board Members: 2 – 0 – 0

Members of the Public: 5 – 0 – 2

5. **Follow-up Discussion on Board of Standards and Appeals (“BSA”) Application for 2420 Amsterdam Avenue (Young Woo and Bryan Woo, Youngwoo and Associates LLC (“Youngwoo” or the “Applicant”); Jeff Mulligan, Kramer Levin Naftalis & Frankel LLP).**

- a. Background: 2420 Amsterdam Avenue, between W. 180th and W. 181st Streets, is the site of a former gas station. The current zoning for the site is C8-3, with a floor area ratio (“FAR”) of 2.0, and R7-2 zoning in the southwest corner of the lot. The developer plans to build a hotel and office tower and seeks an FAR of 6.5, which would be the maximum FAR permitted if the site were to be developed as a community facility.
- b. The Applicant responded to questions raised in previous discussions and Committee email submissions as follows:
 - i. Regarding public access to the courtyard that will be located at the west side of the lot, through the hotel lobby, the Applicant is committed to general public access when hotel guests and office tenants have access to the courtyard, i.e., at times when the courtyard is not closed for private events. No food or beverage purchase will be required for courtyard access;
 - ii. Community groups will be able to hold up to 6 events or meetings per year in hotel conference rooms at no cost;
 - iii. Gallery space in the lobby/common areas will be dedicated for use by local artists. Shows will be curated and rotated 4 times each year;
 - iv. The Applicant proposed a commitment to leasing 10% of the office space to a community-based organization for 5 years. Upon further discussion, this was amended to permanent dedication of 5% of the office space to community-based organization tenancy. (A short-term lease would have been disadvantageous to an organization such as Arc XVI, a local senior center that may need to find a new home in the near future. The Applicant had stated that restricting too much space to a particular use for too long would make financing more difficult. The Committee didn't necessarily agree with this assessment, and the Applicant amended its proposal to the permanent dedication described above.)
- c. The Applicant stated that the BSA General Counsel had confirmed that if the CB12M resolution expressly supported the conditions listed above, the conditions would be listed in both the Whereas and Resolved sections of the BSA's resolution, making them enforceable by the BSA.
- d. Some Committee members expressed strong reservations about the sufficiency of the community benefits and the potential infrastructure and environmental issues associated with the site:
 - i. This is a very large building that will change the skyline, increase traffic, and consume great utility resources. An art gallery and access to a courtyard are not enough of a benefit to the community.
 - ii. We need greater clarity on such issues as who will be responsible if contamination migrates to surrounding buildings during cleanup, and whether the Applicant will replace the antiquated subsurface infrastructure at the site.
 - iii. It was suggested that the rent proposed for community-based organizations might be too high for many such organizations, but the Committee needs to look into how much organizations such as Arc XVI are actually paying.

- e. Chair Benjamin reminded the Committee that the size of the project is permitted as-of-right for a community facility building, but the complication is that the proposed project does not contain any community facility uses. He also restated for the Committee the 4 zoning waivers requested from the BSA, stressing the importance of ensuring that our resolutions are taken seriously by the BSA by a) speaking the BSA's language and b) limiting content that isn't relevant to the BSA's consideration:
 - i. Sky exposure plane encroachment permitted for commercial use, rather than community facility;
 - ii. Allowing commercial use in the R7 portion of the site (use groups 5 and 6);
 - iii. Use of Community Facility FAR; and
 - iv. Waiver of the requirement that the loading dock entrance be 30 feet from the residential zoning boundary.

The BSA has no jurisdiction over education and business development-related issues. Infrastructure and environmental issues have been considered in greater depth by the Health and Environment Committee, which has requested additional information on levels of contamination from the New York State Department of Environmental Conservation ("DEC"). The Applicant noted that all cleanup-related information and data will be submitted to CB12M on an ongoing basis, and that it has been in conversation with Con Ed regarding the project's anticipated power load. (Con Ed has indicated that it believes that it will be able to supply the required power.) The hotel entrance will be on Amsterdam Avenue, but will be set back for a wider sidewalk. The loading docks will be situated on W. 180th Street to avoid interfering with traffic on Amsterdam Avenue or W. 181st Street. It was also noted that this is a private development that is not receiving any of the public subsidies that might offer the community more leverage in negotiations.

- f. The Applicant discussed other benefits of the project as follows:
 - i. The hotel is designed to be affordable at \$200/night, and will feature some Shabbos-friendly rooms for Yeshiva patrons. The price point and quality are expected to appeal to friends and family visiting members of the broader community as well. Hotel Cliff, across W. 181st Street, is a different type of hotel and is not considered to be a competitor. Mr. Young Woo noted that although the population of northern Manhattan is similar to that of Buffalo (270,000), our community has 106 hotel rooms while Buffalo has 29,000. Financers also prefer to have more than one hotel in a given area.
 - ii. Office tenants will likely include a number of medical practices and not-for-profits, increasing the actual percentage of space leased by community facilities.
 - iii. Smaller Class A office space will be available as incubator space for startups and pop-ups, etc., helping to spur new economic growth in the community.
 - iv. The project is expected to bring 500 construction jobs, 500 permanent jobs, employee training programs, and internship programs with CUNY-level schools that have hospitality programs. The Applicant's Bronx Post Office project achieved a strong community preference in hiring.
 - v. Filament Hospitality will manage the hotel, and is experienced in training, internship and shadowing programs. The shadowing program is targeted toward high school students who haven't decided on a major yet.
 - vi. CB12M Chair Ally noted that the Applicant's firm and enforceable commitment to community benefits sets a great precedent for the community.
- g. A motion was made by Jason Compton and seconded by Andrea Kornbluth to support the Applicant's BSA application, subject to receipt of a letter detailing the Applicant's commitments to community enhancement in a manner acceptable to CB12M. The motion passed with the following votes:
 - Land Use Committee: 4 – 1 – 2
 - Other Board Members: 3 – 0 – 0
 - Members of the Public: 0 – 0 – 5

6. **Old Business:**

- a. CB12M has passed two resolutions requesting contextual zoning in the district. These have been referenced by MBPO several times, but there continues to be no response from the Department of City Planning ("DCP"), despite the fact that DCP encouraged the Committee to provide information on where in the community to begin such an undertaking, and the Committee did so. Council Member Rodriguez will follow up with DCP.
- b. A community member asked that the resolutions on contextual zoning be amended to specify the appropriate contextual zoning designation, citing [the revised version] of the Sherman Plaza proposal that would have established an R8X-R9A zone in an area characterized by 6-story buildings. Chair Benjamin responded that CB12M's intention was to create a finely-tuned rezoning plan that reconciles zoning to existing built form in the way that CD9 did a few years ago, and that it is not necessary to revise the resolutions before receiving DCP's response.

7. **New Business:** At the end of November, Governor Cuomo vetoed legislation that would have prevented the MTA from bypassing local zoning restrictions when developing its own properties. By virtue of this veto, the MTA continues to be exempt from New York City zoning regulations and ULRUP.

The meeting was adjourned at 9:30 PM.

Submitted by Andrea Kornbluth.