



COMMUNITY BOARD ELEVEN

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Nilsa Orama
Chair

Angel D. Mescaín
District Manager

Land Use, Landmarks & Planning Committee
Wednesday, February 6, 2019, 6:30 PM
Bonifacio Senior Center
7 East 116th Street

***** Minutes *****

Present: Holley Drakeford, Frances Mastrota, Vincent Torres, Steven Villanueva (Chair), Candy Vives-Vasquez, Jonathan Winstone, Angel Mescaín (staff)

Excused: Henry Flores, Joseph Goldbloom, La Shawn Henry, Xiomara Pedraza, Shantal Sparks,

Absent: Robert Perkins

Guests: George Janes; Shawnye Woolfolk, Art in the Park; Lo vander Valk, Carnegie Hill Neighbors; Orlando Rodriguez, MBPO; Pilar de Jesus, East Harlem Preservation

1. Call to order
 - a. Meeting commenced without quorum at 6:45pm
2. Informational Updates
 - a. None
3. Presentations & Discussions
 - a. Public Hearing on land use application 190235 ZMM – East Harlem Rezoning Follow Up Actions
 - i. No comments received
 - b. Informational presentation on District Attorney's Construction Taskforce
 - i. ADA not present
 - c. 1516 Park Avenue Informational presentation on 1516 Park Avenue FRESH Food Application
 - i. Josh Reinsmith, zoning counsel, Akerman LLP, [name] architect for the building, and Bill Cook, developer of the project.
 - ii. Proposer is requesting a zoning FAR bonus by certification of FRESH designation.
 - iii. Mr. Reinsmith began with review of the tax map, zoning map, uses contained within appended presentation.
 - iv. Mr. Reinsmith noted the site plan is an irregularly shaped flag lot with 20' of frontage on East 110th, 200' of frontage on Park Ave, and 50' on East 111th. Continued to review plan in appended presentation: lot of 7064.4 sf.

1. 11 story development planned with 53,619 of total floor area, 7,700 sq of FRESH Food Store on ground and mezzanine levels, 904 sf of community facility, 52,715sf of residential.
2. Other detailed information of the project is appended in the presentation, including a comparison of the proposed Fresh Food Store to the minimum required floor area.
3. Noted that 80% of the façade is glass and bright from any approach, including a glass elevator within, including 20' tall glazing on all sides.
4. Mr. Cook noted that this building will have 30% affordable component and that this is designed to serve the community. He further noted that they have received positive feedback from potential operators, and that the unique design should be positively received.
5. The only requests from the Board is support of the FRESH application, no other zoning changes are required.
6. Questions from the committee:
 - a. Chair Villanueva inquired as to the breakdown of the size of the units in the 30% affordable (approx. 18) apartments. Mr. Cook explained that this will be determined by HPD.
 - b. Not yet a grocery operating partner, they are in discussion with several companies to operate. They are looking for one to share their vision for what they want to bring to the community, and they will operate themselves if they don't find someone that they want.
 - c. Mr. Winstone inquired as to what studies of commercial viability of the market were conducted, noting that there is a heavy saturation of full-line grocery stores in the area, including three competing stores within ¼ mile and five stores within ½ mile (by walking).
 - i. Response: typical customer won't go more than 2-3 blocks to their store. Described that the quality of store is the most important to them, and they passed on a dozen perspective tenants at East 115th & Park Ave.
 - d. Inquired further about the number of supermarkets in the area and the fact that they might be cannibalizing them.
 - i. Response: many are undercapitalized with not enough cash flow. In this store, they are designing a white box that already has high end mechanicals. They will require them to meet a strong financial test and there is an investment of \$2MM for the store.
 - ii. Calvin Brown, DCP, noted that there is a FRESH food store with a restrictive declaration to ensure the continued compliance of the market with its designation.
 - e. Chair noted that we had reached out to our land use consultant and concluded that the provisions for a change of use do not necessarily support the restrictive nature if they can't keep an operator.

- i. Mr. Brown noted that they cannot change the usage without going back to DCP to obtain an authorization to modify the restrictive declaration.
 - f. Mr. Drakeford noted that a glass elevator is difficult to maintain.
 - i. Mr. Cook explained that the elevator would be glass above four feet in the cab, but the doors and cab up to four feet would be stainless. The shaft will also be glass for aesthetic value.
 - g. Mr. Vives-Vasquez noted that she is familiar with the area, and that from her understanding, people from the community tried to work on that project were turned away and she is concerned that would occur again.
 - i. Mr. Cook: We hired a licensed general contractor certified by DOB. They advised developer that “the coalition” came to look for work and Mr. Cook told them to go ahead and hire as needed.
 - ii. Ms. Vives-Vasquez continued discussion, and the Chair explained that this is part of a greater initiative to increase local hiring and employment in our District.
 - h. Mr. Torres explained the importance of engagement and commitment from the developer to drive the contractor to work on local hiring.
 - i. Mr. Cook asked to be advised as to who our liaison is for hiring and he will make a connection to qualified individuals interested in work.
 - i. Ms. Mastrota asked what kind of accommodations have been made for people to pay for their purchases: will WIC, EBT, credit cards be accepted? Will there be self-service checkout? This is often a financially challenged community.
 - i. Mr. Cook stated that WIC, EBT, and all credit cards would be accepted.
 - j. Jessica Elliott, an architect who lives in East Harlem, inquired what the AMI would be for the building, and counsel responded that it would be 30% of the building at 130% AMI.
 - k. Mr. Winstone asked to clarify that all loading would be on East 110th Street, and that the residential and community facility entrances are on East 111th. This was confirmed by the presenters.
- d. Mr. Brown from DCP began a presentation of mechanical voids. DCP is proposing a citywide text amendment to disincentivize the use of egregious mechanical voids to artificially increase the height of the building.
- i. Normally, such voids are every 10-20 stories in towers, and between commercial and residential portions of mixed-use buildings. However, small numbers of buildings are using voids of 80-150 feet to artificially inflate the height. DCP determined that the typical genuine height of mechanical space is approximately 25 feet in aggregate, and that voids with height greater than this would count toward floor area.

- ii. Mr. Drakeford inquired about how this applies to buildings such as Lexington Gardens (sic). Mr. Janes explained that to date, this has not been done in East Harlem, but the loophole exists and can be seen in towers visible from East Harlem.
 - iii. Councilmember Kallos spoke in support of closing the loophole and his opposition to height. Mr. Kallos has been working with Councilmember Ayala, Borough President Brewer, and others. They are working to close the loophole and block projects in progress. Mr. Janes proposed a text amendment to close the loopholes allowed by voids. He noted that there is a sky-exposure plane in most areas of the city, but some portions are not protected.
 - iv. Mr. Drakeford inquired how this affects buildings that are not built but already have plans approved by DOB, such as at 125th Street & Park Ave.
 - 1. Mr. Janes advised that it is as with any zoning action: if foundations are completed, then the plans are vested, otherwise, the developer will have to comply with new zoning.
 - 2. Mr. Janes further noted that this has only been done seven times and that any use of it is egregious.
 - v. Jessica Elliot, resident of East Harlem and architect, inquired as to when a developer gets grandfathered in for having constructed foundations.
 - 1. Mr. Janes responded that it has to have valid permits as well.
 - 2. Ms. Elliot further inquired about gathering air rights from neighboring buildings and whether this is a loophole they are trying to close.
 - 3. Mr. Kallos said that there are many that they have proposed changes to, including pertaining to zoning lot mergers, but this is the first that has been addressed thus far.
 - e. Mr. Villanueva noted that we do not have quorum this evening, so the Executive Committee will be voting on February 14th at 6:30pm at the Community Board 11 office for ratification by the full board.
4. New business
 - a. None
 5. Old business
 - a. Committee leadership is developing a standard operating procedures (SOP) document for committee leadership to maintain continuity and memorializing the work of current and future leadership. A draft project tracker has been prepared and will be shared and discussed at the committee at the March meeting, as will the updated property development checklist.
 - b. He further explained that the CCII is exploring partnering with the Center for Urban Pedagogy.
 6. Informational updates
 - a. Angel: the zoning handbooks should be arriving soon.
 - b. Angel: DCP has advised that DCP has launched the digital zoning resolution which is now online and searchable.
 - c. Angel: this Saturday is the deadline for applications and reapplications for membership to the community board, so apply now if you are up!
 7. The meeting was adjourned at 8:01pm.