

Land Use Minutes 2-1-17

Attending Members: Sandro Sherrod (Chair), Ellen Imbimbo (Vice Chair), Fred Arcaro, James Collins, Adam Hartke, Kathleen Kelly, Sandra McKee, Keith Powers, Lawrence Scheyer, Ann Seligman, Lou Sepersky, Letty Simon, Kathy Thompson, John West

CB 6 Board Members: Rick Eggers (CB 6 Chair), Claude L. Winfield, Jesus Perez (CB 6 District Manager), James Wilson

Elected Officials: Dan Garodnick

Not Attending: Colleen Curtis, Terrence O'Neal

The Meeting was chaired by Chair Sandro Sherrod, which was called to order at 7pm. The entirety of the meeting was dedicated to the Midtown East Rezoning Presentation, with public comments and answers from representatives from DCP, MTA, and NYCDOT.

Dan Garodnick spoke in favor of proposal. He stated this was a better proposal than what had been put forth years ago, because: 1) 12 individual buildings were landmarked 2) transit improvements are included 3) Public Improvement funds, which find ways to unlock more open space for people to enjoy. It is his hope to maintain the area as a class A office district. There are still many open questions: boundaries, air rights transfer, transit/public improvements. Ultimately he wants to hear what the public thinks about current proposal.

Presentation on Greater East Midtown Rezoning Proposal- Representatives from DCP, MTA, NYCDOT

Public Comments:

Gail Caulkins (President of Green Acre Foundation)- Proposed rezoning will cause adverse impacts to park. Green Acre Park disagrees with DEIS- shadows will harm trees and negatively impact use. FEIS must request shadows cast- limit height or require further study on 6 sites.

Sharon Cromwell- SEIU- Believe redevelopment can help keep district as competitive commercial hub if done responsibly. There needs to be a commitment that employment options for cleaners, security officers, etc., can continue to earn prevailing wages and have protections. As buildings close, workers should be relocated elsewhere without losing jobs. Want to maintain district as a commercial hub.

Justin Gonzalez- Security Guard and SEIU 32 BJ member- wants to ensure the rezoning will continue to provide jobs that provide good wages and benefits.

Richard Bass- Senior Planning Consultant for Akerman- Speaking in favor. Wants to include E 56th St. 155 E 56th St in the rezoning. Urge to make minor map amendment to include C66, would permit a FAR of 18. Both buildings would not be redeveloped because they would compete with other buildings within district. Extended 100 ft.

Joseph Rosenberg- Exec director of Catholic Community Council- Guardians of St Patrick's appreciate the development rights. Urge support of the city's proposal. Want to ensure that price for floor price will ensure that houses of worship can get proper value for their air rights. Strongly urge that contribution price is no higher than currently proposed

Paymen Lothy- Real Estate Board of NY- welcome and support rezoning. Believe concept of floor price and flawed appraisals will be a major deterrent of transactions. Should remove the concept of a floor price. Urge CB to retain all of the properties in the proposed site. Don't believe there is any planning rationale for excluding properties

Susan Manuel- 230E 50th St- proposal to develop east side of 3rd will harm Turtle Bay residential neighborhood. 3rd Ave has been a defacto buffer from residential and commercial districts. A new wall of megatowers will rise and put residents in dark. Traffic problems in the E 50s is bad enough. Wish to exempt areas between 3rd and 2nd Aves.

JoAnn Police- Resides and works in CB6. Wants to call attention to the sidewalks. Sidewalk materials are dangerous when wet. Concrete is made with exposed glass aggregate. Have been told that the process is not far enough along to stop unsafe materials to be included in sidewalks. Wants to ban use of slippery when wet materials in sidewalks.

Marcel Negret- Municipal Art Society- Urge city to incorporate substantial public realm improvements, exploration of POPS to enhance/increase open space. MAS urges that these improvements are included in the text. MAS questions the framework with how the governing group was formed. MAS remains steadfast that POPS are still a viable mechanism. MAS questions if the goals of the rezoning go far enough, wish to see 15% above energy codes and standards.

Citizen in Tudor City 43rd & 2nd. Too Tall building going up contiguous between 3rd and 2nd. Con Ed development all around Tudor City. All of these developments do not take into account the transportation needs. The smell of sewer throughout 42nd is pungent. An incredibly tall building will replace the Pfizer Building and it will be very close to forthcoming tall developments. Have to look beyond the rezoning districts and think about quality of life.

Ingrid DeVita- Resides and works in CB6. She is a year-round cyclist and does not see provision for bike safety. Current proposal will hinder cyclists and deliveries. Density is overwhelming. Attempt to reign in Uber/Lyft

Vitaly Filipchenko- Question for MTA: Wants to see statistics for on-time performance. Would like to see statistic for new sidewalks will impact traffic, deliveries, pollution, etc.

MTA Response- they operate as many trains as signals and fleet allows. Projections on station planning does take into account future schedules.

DOT Response- all proposals came out of a consultant team and DOT team. Created baseline. Bulb outs would mostly impact parking and less would be on traffic. City Planning EIS will analyze.

CB6 Comments

Jim Wilson- He recognizes the importance of the project. For area to compete successfully there is a need for better transportation. How do we manage when the construction on the subways begins? More emphasis needs to be made on transportation and less on beautification. Getting people in and out of the area is most important.

Jim Collins- 1) contribution of the 20% would be in the nature of a tax, so religious groups would be exempt from this exemption 2) Remote cleaning technology that will clean floor and offices in other

advanced cities. Questions the advisability of SEIU 32 BJ on their position. Thinks that new buildings will hurt workforce. 3) DOT improvements- plazas will reduce affordable connectivity to the airports (gave example of Pershing Square bus drop offs in front of Grand Central).

DCP- contribution rate that landmarks are required to make goes into the development fund. City only allows landmarks to do so because they are legislated under landmarked law. It is not a tax and DCP is not legally allowed to tax. There are already mechanisms in zoning that allow transfers. DCP also believes that the rate is appropriate due to the liberalized transfer system. This allows landmarks to access a far greater pool of buyers than under previous system.

Kathy Thompson- Terrence O'Neil (CB6 representative on Rezoning commission) advocated strongly that delineation line should be the center of 3rd Ave. (Pointed to map) There is more residential than showcased on the land use map. She lives there and knows that these areas are residential and that the zoning will have an adverse impact.

DCP- No residential district is being rezoned under the proposal. R8B goes a little further than R810. Tried to keep density highest in commercial zones, deviating around transit districts. Recognize that there are residential uses, but don't think that the proposed changes will not have a dramatic impact. Used Lipstick Building as example. The proposed sites would be 4th and 2nd tallest buildings.

Fred Arcaro - How was 78-dollar price arrived? How often do you think it will rise above that?

DCP- Market study looked at last ten transactions in the district, adjusted in 2015 dollars. Took lower quartile. If a transaction would fall below 400 dollars. Floor price is never in effect for the property sale. In the case of building overbuilt FAR, there is no transaction and proceeds would go into the construction. They expect that a majority will go over the amount. They don't think that landmarks will sell at the absolute cheapest. A private applicant can request a study at their own cost to reassess.

John West- Height and setbacks. Only experience with 30 FAR is 1 Vanderbilt, which had a passing score of -62. Currently need a passing score of 75. What kinds of changes have you made to height and setback rules to allow for a building like this to come close to a passing score?

DCP- Daylight evaluation and daylight compensation- they have produced over 100 buildings in the area. Design was debated and deference was given to existing landmarks. As of right context- avg passing score is 66%. Want to make this the new passing score for qualifying buildings. Can use 66 avg for the passing scores, or they can use the current score of the building that is being demoed. Area benefits from additional streets- Madison, Vanderbilt, Lex. DCP is happy to go through offline to discuss this more.

John West- this is a substantial issue in the area. It is not disclosed in the EIS, he can't find what the impacts would be.

DCP- the information is in the EIS. Would be happy to address that. Buildings are analyzed in every chapter.

Lou Sepersky- What is the safe capacity for 42nd St Station? When is the signaling system going to be upgraded? What happens when local and express get to station simultaneously? There simply isn't going to be the capacity on the subway even with CBTC. Where is the sidewalk capacity going to be?

What about buses? This is backwards because the proposal is trying to accommodate overwhelmed infrastructure

MTA- Whole idea is that additional FAR will provide for additional infrastructure. This system is carrying so many people, but we will start to see improvements from 2AS.

Lou Sepersky - 31 trains an hour- will capacity handle the increased in people?

MTA- Current capacity is more like 24-25 trains per hour now. Problem is of station design and capacity. More capacity will be up on the mezzanine. Stair capacities are happening now with 1 Vanderbilt

Lou Sepersky - The solution to transit problems in midtown is Phase III & IV of Second Ave Subway (SAS).

Lawrence Scheyer - 20th development followed transportation improvements. 2 bonds were raised for SAS and replace old EIs. Still not built. Still not picking up for what was supposed to be done in mid 20th century. Mentions of buildings created 60 years ago in anticipation of SAS. What specific zoning changes occurred for the SAS?

DCP- Will look into it.

Lawrence Scheyer – Provided detailed history of the SAS, with the demolition of the former elevated lines and bond measures that were intended for SAS construction that were diverted for other uses. These actions created the current transit dessert that exists today. Maybe the upzoning should wait until the SAS Phase III/IV is completed or is under construction.

DCP- MTA improvements will help with current conditions. Current EIS does not look at SAS being constructed in the next 20 years.

Kathleen Kelly - All density is based on what is there now and projections from enhanced towers. How will improvements will deal with the new density?

DCP- EIS will look at both build and no-builds.

Kathleen Kelly- Smaller space for bikes and cars to share, we are already have issues with Ubers and private cars waiting and this creates problems for deliveries and the rest of traffic. It is possible to build the subway and get it done on time. Improvements will not take care of current capacities. Would be remiss not to consider SAS being completed.

DCP- Not expanding into existing residential districts. Not part of DCP and it is part of the MTA plan. In EIS they assume that the other phases of the SAS are not done. Assuming that they are not done that the Lexington Ave Line would have the highest number of impacts. There will be more engagement with the community before any shared streets are rolled out.

Ann Seligman- curious what happened to 59th St station? There was a stated number of people entering the district. Change in property use. How much bigger would the proposed buildings be?

DCP- 6.5 million sf of office space. With action condition- 13 M square use of office space. There is over 90 M sf of space. 6.8 of that would be new.

Ann Seligman- think some of the most interesting parts of the city are those are of diverse use.
Disagrees with the 20% cap.

DGP- 16 qualifying sites would be dedicated to commercial. They are looking at Marquee tenants, which would take up all or most of the building. Want to incentivize commercial because residential is already happening.

Sandro Sherrod- Closing remarks. Submittals will be accepted until Feb 24th. Next meeting is March 1st. Please send comments to Board Office. Voting on a resolution at that meeting and then the full board.

East Side Coastal Resiliency Meeting- wall will bifurcate the Asher Levy park. Asked for a higher elevation for the wall. Could damage the ascetics of the park and historic building. Next workgroup session will be Thurs Feb 16th at VA. At 6:30PM.

Meeting Adjourned at 9:45 (I think, but cannot confirm)

Minutes prepared by Adam Hartke