

COMMUNITY BOARD 12 – MANHATTAN

LAND USE COMMITTEE – MEETING MINUTES

Wednesday, May 6, 2020

Committee Members Present

Wayne Benjamin, Chair
Christopher Ventura, Assistant Chair
James Berlin
Rosie Perez
Steve Simon
Omar Tejada

Committee Members Absent

Carolina Charles
Naysha Diaz
Domingo Estevez

Board Members Present

Osi Kaminer

Public Members Present

Vivian Ducat

Public Members Absent

Staff: Ebenezer Smith, District Manager; Shinelle Paniagua, Community Associate

Guests: Tim Anderson, MBPO; Annie White, DCP; Ryan Cote, DCP; Keisy Duran; Michael Reinheimer, Jerry Culligan, Timothy Frasca

- 1) The meeting of the Land Use Committee (“Land Use” or the “Committee”) of Community Board 12-Manhattan (“CB12-M” or the “Board”), held via WebEx, was called to order at 7:10 PM. Chair Benjamin greeted Committee members and welcomed Rosie Perez, a new Land Use member, to her first committee meeting.

2) **Review of Planning Activities and Priorities**

Chair Benjamin introduced Tim Anderson, the planner with the Manhattan Borough President’s office (MBPO) recently assigned to work with CB12-M and summarized for Mr. Anderson some of the planning initiatives Land Use has addressed in the past few years. The planning initiatives include resolutions addressing the Inwood Rezoning, Contextual Rezoning, Rezoning C8-3 Zoning Districts, Solar Access, and Historic Preservation; the Districtwide Neighborhood Planning and Land Use Study (the “Planning Study”) completed by CB12-M and City College in 2007; and repeated Capital Budget Requests for the City to identify and package city-owned vacant sites in Washington Heights and Inwood in a Scattered-Site Affordable Housing RFP supported by capital funds to achieve required affordability levels. Chair Benjamin stated that he would facilitate providing Mr. Anderson with copies of the various resolutions and that the Planning Study can be accessed on CB12M’s website.

Tim introduced himself and stated that he works with Manhattan Community Board 9 and 10 in addition to CB12-M. Public Member Ducat inquired about a proposed new residential development on West 153rd Street and Riverside Drive in Community District 9 and in particular about the impact of its height on views and Trinity Cemetery. Committee Member Simon made a similar inquiry. Tim stated that he is familiar with the project, which has been the subject of discussion by CB9-M. Board Member Kaminer also inquired about a proposed project at West 218th Street and 9th Avenue. Tim stated he is not familiar with the project. Chair Benjamin stated that former Board Chair Martin Collins recently forwarded information on a site for sale at West 219th street and 9th Avenue, questioned if this might be the same site to which Board Member Kaminer is referring, and asked that she forward for review whatever information she has available. He also stated that he conferred with Ryan Cote, Department of City Planning (DCP) about the site referred by Mr. Collins and was advised that although a reference to the Inwood Special Zoning District is incorrect as the Inwood Rezoning is overturned, the zoning calculations cited are correct.

Concerning the Inwood Rezoning, Chair Benjamin asked the DCP representatives if any update is available regarding the status of the funding commitments (the “Commitments”) made by the City in connection with the Inwood Rezoning. Annie White, DCP stated that initial contacts were made with City Hall and the Economic Development Corporation (EDC), which led the Inwood Rezoning initiative, but detailed discussion on the funding commitments have not yet occurred. Committee Member Simon, speaking in his capacity as Chief of Staff for the NYC Parks Manhattan Borough Commissioner, stated that he believes the City is honoring the commitments and that NYC Parks is advancing work on parks projects included in the commitments. After discussion of whether LU should take the lead in follow up on the Commitments and DCP should be responsible for providing LU with

updates, it was agreed that CB12-M's committees should review the Commitments, identify those that fall within their areas of interest and jurisdiction, identify priorities for follow up, and engage EDC and/or the relevant city agencies directly. Land Use will identify and follow up on Commitments that address planning and zoning.

Chair Benjamin stated CB12-M might consider approaching the MBPO to get assistance with updated the Planning Study as it is over 10 years old.

Board Member Kaminer inquired how DCP plans to amend the New York City Zoning Resolution to address Local Law 97, i.e.: NYC's Climate Mobilization Act. Chair Benjamin stated that the planning implications of LL 97 is an excellent topic for future LU discussion with DCP and suggested to Ms. White and Mr. Cote that they arranged for a comprehensive overview at the September LU Meeting.

3) Recap of BSA Application for Washington Heights and Inwood Music Community Charter School

The Committee reviewed the application (the "Application") submitted to the Board of Standards and Appeals ("BSA") on behalf of the WHIN Music Community Charter School ("WHIN") requesting a special permit (the "Special Permit"), to allow the use of 506 West 181st Street, Block 2152, Lot 72 (the "Site") as a school. The Application does not request a zoning variance for bulk or height. Rather, since the site is zoned C8, which does not permit schools as-of-right, a special permit is required to locate a school in a M1 or a C8 zoning district. Chair Benjamin stated that the application was presented to the Committee at its February 2020 meeting, and that if DCP had acted on a resolution passed by CB12-M's years ago requesting the rezoning of R8-3 sites a Special Permit would not be required. He also stated that, although the Committee did not raise any objection to the Special Permit, since aspects of the project and the Application are of interest to CB12-M's Health and Environment (H&E), Traffic and Transportation (T&T), and Youth and Education (Y&E) committees, and since the environment and traffic studies had not been completed by the time of the February LU meeting, the Committee recommended that the applicant meet with these committees, after which it should come back to Land Use for the Committee to vote on the Application. Committee members Berlin and Simon stated the applicant presented to T&T at its May meeting. Committee Member Simon also stated that the applicant is scheduled to present to H&E at its May meeting. Chair Benjamin stated he would check with the office to confirm if the applicant is scheduled to meet with Y&E.

4) Old Business: -

- Ms. White and Mr. Cote were asked if the approximately 30 story building proposed by MADDD Equities at West 207th Street and 9th Avenue can still proceed as designed given the overturning of the Inwood Rezoning and if the City has appealed the court decision overturning the rezoning. Ms. White stated that if the zoning is overturned the project would not be grand-fathered and entitled to advance using the new zoning and that she would have to confirm if the City has filed an appeal [Subsequent to the adjournment of the Land Use meeting Mr. Cote advised Chair Benjamin that the City filed a written appeal in February but due to COVID-19 related circumstances the case has not yet proceeded].

5) New Business:

- Community Resident Keisy Duran inquired about the March 2020 Land Use Minutes, advising that they are not yet posted to CB12-M's website. Mr. Duran was advised to contact the office and request that the minutes be emailed to him. Chair Benjamin also stated that he would check with the office about having the minutes posted to the website.
- Committee Member Simon asked Public Member Ducat about any updates on proposed new development on West 158th Street impacting the West 158th Street Row Houses (CB12-M passed a resolution supporting the designation of the West 158th Street Row House Historic District as an extension of or companion to the Audubon Park Historic District designated in 2009). Ms. Ducat did not have any specific update on the project to provide. She also was asked about status of efforts to advance designation of the West 158th Street Row House District and to update the Committee at its June 2020 meeting.
- The Committee discussed NYC Department of Buildings requirements governing construction activities during the Coronavirus shutdown. Chair Benjamin stated that in addition to a building permit, active construction projects must also obtain a certificate from DOB certifying the project as essential construction as defined by the Governor's office. Committee Member Simon stated this was also his understanding.

6) The meeting adjourned at 8:30 PM.

Submitted by Wayne A. Benjamin