

COMMUNITY BOARD 12- MANHATTAN
LAND USE COMMITTEE- MEETING MINUTES

Wednesday, February 3, 2021

Committee Members Present

Wayne Benjamin, Chair
Tanya Bonner, Assistant Chair
James Berlin
Rosy Perez
Steve Simon
Omar Tejada
Christopher Ventura

Committee Members Absent

Board Members Present

Daryl Cochrane
Sara Fisher

Public Members Present

Vivian Ducat

Public Members Absent

Staff: Paola Garcia, Community Associate

Guests: Simeon Bankoff (Historic Districts Council); Ryan Cote (NYC Department of City Planning); Fanessa de la Rosa (Hudson Inc.); Andrea Goldwyn (New York Landmarks Conservancy); Jessie Mathisen; Nina; Michael Tod Smith

1. The meeting of the Land Use Committee (“Land Use” or the “Committee”) of Community Board 12 Manhattan (“CB12M” or the “Board”) was called to order at 7:05 p.m. Chair Wayne Benjamin greeted guests and Committee members, who introduced themselves. Benjamin also welcomed Tanya Bonner as both a new Committee member and the Assistant Chair. Benjamin thanked Committee Member Christopher Ventura for his service as the previous Assistant Chair.

2. Discussion of LPC’s “Equity Framework”

Simeon Bankoff of the Historic Districts Council (HDC) and Andrea Goldwyn from the New York Landmarks Conservancy provided insight on the initiative to the Committee.

Benjamin reminded everyone that in January, the Committee and the Board passed a resolution asking for the Landmarks Preservation Commission (LPC) to have greater equity, diversity, and inclusion in their designations. Shortly thereafter, the LPC indicated in email correspondence that it had launched an Equity Framework. Committee members were provided by Benjamin in advance of the Committee meeting a link to the LPC video and PowerPoint presentation that outlined the components of that initiative. Benjamin noted that the LPC presentation speaks to certain mechanics of how LPC goes about its designations and how they are looking to increase MWBE participation in terms of consultants they use. In addition, he said there is a nod toward telling the stories of people that have not been told or have not been fully told. Benjamin also noted that the Committee’s January resolution addressed the LPC’s tendency to focus on the architectural almost exclusively at the expense of the historical and cultural merit. But, according to the Committee’s understanding of NYC’s 1965 preservation law, a building, structure, or district need not be solely architecturally significant; designation may be made based on historical and cultural significance. And when looking at 857 Riverside Drive, though it is difficult to prove connections to the Underground Railroad, there is no question about its historical connection to two noted abolitionists. Benjamin is, therefore, not clear why LPC rejected considering it because it was architecturally altered.

Benjamin asked Bankoff and Goldwyn what their takeaways are on this issue, and what the Committee and Board should take away from LPC statements. Committee members were also encouraged to add their questions and perspectives. Goldwyn said there have always been questions about why LPC designates some things but not others, including a feeling that those decisions are subjective. But she said what LPC

seems to be trying to do in both how it presents the designations and with its Equity Framework is trying to be more transparent about their decision-making process, and it is trying to use data in a different way. But Goldwyn agreed their decision around the 857 RSD site is baffling. She agrees a building does not have to be architecturally significant alone for designation, and cultural landmarks have always been available to the LPC. But she feels the regulatory side is more complicated regarding the site. She also feels the timing of introduction of the Equity Framework initiative and LPC decision about 857 RSD is unfortunate. Bankoff said the Equity Framework is obviously a top-down initiative from the Mayor de Blasio Administration, which is fine. But he feels the Framework seeks to emphasize that LPC has been doing important work in the past around recognizing and representing cultural sites, while also implying they are doing a lot of good work in this area currently. Bankoff feels this is not necessarily the case – particularly when it comes to regulation versus identification. He noted that some sites, including important sites in the LGBTQ movement, are already within historic districts, so the regulatory burden is unchanged for LPC. But he gave the Mount Calvary Church designation at 116 Edgecombe Avenue, as a good example of how LPC seems to be responding to the passions of the moment and to community support, with 360 letters sent to the LPC about 116 Edgecombe Avenue from the immediate neighborhood, and the LPC responding to that. Bankoff does not feel regulation of 857 RSD is a major issue and emphasized its historical significance. Bankoff also feels that the structure also has architectural significance being a wood frame, single family, 1850s house on Upper Riverside Drive, which he said is very rare. Benjamin noted that while the Stonewall Inn building is not significant architecturally, important historical events happened there. The same principle can be applied to 857 RSD. But Benjamin is encouraged by the LPC recognizing archeological landmarks.

Vivian Ducat asked for clarification on what “regulate” means when it comes to landmarks. Goldwyn explained that it refers to how the LPC reviews a permit when an owner applies for a permit to make changes to the building. Bankoff defined the LPC role as having the power to identify, designate, and regulate sites of historical, architectural, and cultural significance.

Tanya Bonner asked if the LPC plans to have methods to measure success and accountability for the Equity Framework. Goldwyn said it will be incumbent on everyone to stay on top of that, and she does not know if the framework has laid out specific goals and targets in a way that we would want to see. Bankoff agreed that this measurement is not clear. Tejada seconded Bonner’s suggestion to inquire about how success and effectiveness will be measured for the Equity Framework.

Benjamin noted that he contacted LPC for someone to attend the meeting, but LPC said no one was available. Benjamin suggested that either Board District Manager Ebenezer Smith or Board Chair Eleazar Bueno write a letter to the LPC asking them to elaborate on how they will measure the success of their Equity Framework initiative, and what are some milestones the Board should be looking out for in the execution of the Equity Framework. Benjamin checked with Committee Member James Berlin, who is also the Board’s Parliamentarian, about whether this can be done by letter instead of requiring a Board resolution. Berlin said a resolution is not needed.

Bankoff said the one part of the Equity Framework that worried him was the desire to streamline regulation to make it easier for people to get permits. While Bankoff feels this is a great, it appears they are trying to fast-track a lot of small things. Goldwyn said that is possible, but it may also be an effort to create a better system.

Steve Simon said he was surprised to see a reference to Holyrood Episcopal Church being calendared by the LPC. He asked if this had already come before the Committee, and if a resolution had been done by the Committee. Benjamin said the Committee discussed the matter a few months ago after Bankoff brought it to the Committee’s attention. Benjamin said Holyrood is National Register listed, and the next step was LPC designation. Therefore, the Committee knew it was in the works. But the LPC has not presented to the Board, which Bankoff said is typically part of the process. Simon asked if the presentation to the Board would generally be done before an item gets calendared by the LPC. Bankoff said it depends on who is in charge in the order of events. However, he said it is also smarter for LPC to talk to the Board first. He feels it

would be prudent for the LPC to contact the Board's District Manager to let him know that Holyrood is on the LPC calendar. Benjamin said he will follow up with the District Manager to see if he has received any communication from the LPC on this matter, as there have been some occasions where the LPC has said they did reach out to the Board. Simon asked if the LPC presentation indicated the date Holyrood would be considered by the LPC, and others noted that the presentation did not specify. Goldwyn said LPC very rarely lists the dates. Simon asked if the Holyrood supports the landmark designation. Goldwyn said she was not sure but offered to check on it. Benjamin understands that outreach and education to the church was undertaken as part of the National Register designation process. Goldwyn also noted that the National Register designation allowed them to access important grants, but local designation adds the regulatory aspect. Bankoff said he would be very surprised if the LPC had not done extensive outreach, as they are sensitized to issues related to religious organizations due to previous missteps. Simon thinks it is important that the Board goes on record in support of the designation, and that the Board reaches out to the church.

Bankoff noted that the LPC does now address the question of enslaved peoples within their designation reports, if there is any connection to African history, or any other kinds of history. Therefore keeping at them and asking the question will create change, he said. Goldwyn agreed that the designation reports have evolved over time, growing from as little as one page in the early days, to now hundreds of pages long.

Ducat asked how to decouple the architectural from the historical and cultural signification, especially for communities that have less money to keep their buildings in tip-top shape. Bankoff said this should not be done at all. It is important to keep the architecture on a regulatory basis to preserve what is there. What is needed, he said, is to enlarge the concept of "integrity." Benjamin said the law does not require architecture and history to be coupled. If something of cultural and historical importance happened in a nondescript building, the fact that the building is nondescript should not prevent it from being designated because of its cultural and historical significance. Benjamin added that over the years, LPC has made that linkage of the architectural and cultural/historical part of the process, but it is not required.

Board Member Daryl Cochrane asked whether, if there are cultural connections to sites, does the LPC do any proactive outreach to groups that may know more about that cultural aspect than the applicants do. Goldwyn said LPC is doing more of that. She also noted that the agency is small with about 75 people, and many are on the regulatory side. So this outreach can be difficult. Bankoff recommends communities provide LPC with a list of these cultural connections they want LPC to engage with on a designation. Benjamin said the January resolution restated a resolution from several years ago where the Committee asked LPC to not only work more closely with the Community Board, but with the community of Washington Heights and Inwood. But he said the LPC has failed to follow up in any way on that resolution years ago. Goldwyn said having the support of the Councilmember will help get items prioritized with LPC.

3. Discussion of DCP's Citywide Hotel Text Zoning Amendment

Ryan Cote presented on the Citywide Hotel Text Zoning Amendment. Benjamin provided the Committee with a full report on the proposal in advance of the meeting.

Cote noted that there was a Public Scoping meeting on the Amendment held on January 22, 2021, where public opinions and ideas were gathered. Benjamin said the information about the meeting was not provided to the Committee Chair or members after it was provided to the District Manager. Benjamin also noted the poor timing in putting out meeting information during holiday time.

Cote summarized the proposal. He said the Amendment allows for a site-by-site review of all hotels throughout the city going forward. Right now, there are special permits for different zoning districts. But this would create a uniform city-wide process, as well as create a framework to study the impact of hotels and how those projects are being approved. It would allow the City Planning Commission to determine whether a hotel project makes sense given the location.

Cote said the proposal came out of a concern about the rapid growth of new hotels in the city, which led to issues such as hotels being in places where such developments did not make sense. There are also eight different districts that have special permits. The Amendment would ensure more coherence across the board, Cote said. Additionally, the proposal would apply citywide to all areas that have hotels, and that includes all C, MX, and paired M1/R districts, and areas with existing hotel special permit provisions.

Cote said the CPC is still taking comments if the Board wants to submit them. Right now, an environmental review is being done, and Cote’s does not think it is likely that an approval will be issued until May at the earliest. Benjamin wanted clarity on whether the comments would focus on the scope of the environmental study to be executed in connection with the Text Amendment. Cote said yes, and the comments can also pertain to the overall idea of the use of a citywide special permit.

Simon asked whether feasibility should be considered when deciding whether a special permit should be granted. Simon gave an example of a hotel on 181st that turned out not to be workable and is now functioning as housing for people who are homeless. And he said there is another hotel being constructed in the same area, and wonders whether there will be sufficient demand. Cote said feasibility should be a big factor but noted that right now hotels can just be built as-of-right with very limited special permitting required. Cote said the Text Amendment would ensure that new developments go through the ULURP process. Benjamin asked if the Committee supports the initiative. He asked Committee members to submit specific points they want to be sure CPC considers for the Text Amendment proposal by the following Monday. A motion to create a resolution in support of the Amendment was moved by Simon and seconded by Rosy Perez. The motion passed with the following votes:

	<u>For</u>	<u>Against</u>	<u>Abstaining</u>
LU Committee			
Members	7	0	0
Board Members	1	0	0
Members of the Public	2	0	0

Benjamin asked Committee members to review DCP’s report on the Text Amendment and to give attention to impacted zoning districts in Washington Heights and Inwood.

4. Old Business:

Bonner asked whether the Committee would look at how the Inwood Rezoning will impact the community from a development perspective, and what can be done to conduct a session on that. Benjamin said the Committee does not need to wait on the Inwood Rezoning Task Force. Every committee can look at the list of city commitments and pick out those that pertain to their committee and ask the appropriate agencies to follow-up. He said he reached out to the New York Economic Development Corporation (EDC) in the last month or so after the litigation was resolved, and he is working on scheduling their appearance at a future Committee meeting.

5. New Business: **None**

The meeting adjourned at 8:27 p.m.

Minutes prepared by: Tanya Bonner