

## LAND USE COMMITTEE - MEETING MINUTES

March 2, 2022

### Committee Members Present

Wayne Benjamin, Chair  
Tanya Bonner, Asst. Chair  
Jim Berlin  
Steve Simon

### Committee Members Absent

Joel Abreu

### Board Members Present

Sally Fisher

### Public Member Present

Vivian Ducat

### Public Member Absent

Staff: Ebenezer Smith

Guests: Councilwoman Carmen De La Rosa, James Burke – Office of Councilwoman De La Rosa, Dr. Ramona Hernandez – CCNY/CUNY, Mariela Pichardo – CCNY/CUNY, Waldemar Morety – CCNY/CUNY, Olivia Olmos – DCP, Gabriela Biel, Douglas Pardella, Josh Goodman, Nancy Preston, Nicholas Lyndon, Ari Sherizen, Rafael Fernandez – Apple Bank.

1. The Meeting began absent a quorum at 7:07 PM. Land Use Committee (“Land Use” or the “Committee”) Chair Wayne Benjamin began the meeting by welcoming committee members and guests. Committee members introduced themselves.
2. Chair Benjamin welcomed Councilwoman Carmen De La Rosa, who was invited to meet with the Committee to discuss CB12M’s planning and zoning priorities and as well as her land use, planning and affordable housing priorities. Councilwoman De La Rosa acknowledged receipt of various resolutions forwarded to her office for reference which outline CB12M’s concerns and positions concerning preserving neighborhood character, including rezoning of R8 districts, contextual zoning, and historic preservation. She expressed her support for CB12M’s positions and stated that she would outreach to Councilman Sean Abreu, who represents the area near West 158<sup>th</sup> Street and Riverside Drive where two out-of-context developments are proposed. Concerning the Inwood Rezoning, the Councilwoman stated that she saw her role as being a watchdog of the commitments made by the City in connection with the rezoning. The discussion with Councilwoman De La Rosa also covered economic development, infrastructure, and more thorough economic impact reviews for zoning and development initiatives. James Burke, Chief of Staff to Councilwoman De La Rosa, is her point person for land use issues.
3. Chair Benjamin briefly discussed shortcomings of the current guidelines of City Planning’s FRESH II program and suggested that at its April meeting, the Committee discuss the matter in detail and craft recommendations for proposed improvements. As an example of the current shortcomings, he referenced the resolution passed by CB12M opposing the FRESH application for 4650 Broadway, noting that notwithstanding opposition of the community board and elected officials, the Chair of City Planning approved the application and that at the February 2022 Land Use meeting, our City Planning liaison advised that as the FRESH program is currently structured, as long as an application satisfies certain program criteria, the Chair has no latitude to disapprove it. He suggested the Committee recommend the inclusion of a needs analysis, similar to the FRESH program’s current over-saturation analysis, to determine if the program is being used to fill a legitimate community need or primarily to take advantage of the zoning bonus it provides.

4. Chair Benjamin introduced Dr. Ramona Hernandez, Director of CUNY's Dominican Studies Institute, who was invited to provide the Committee with an update on the proposal for a National Register-listed Dominican Historic District that was originally presented to Land Use in October 2020. Dr. Hernandez stated that a draft of the proposal has been under review by the New York State Historic Preservation Office ("SHPO") for a few months and while this phase of SHPO review is underway, she is limited in discussing the proposal in detail. SHPO can reject, approve, or suggest modification to the proposal. If the application is approved, either as proposed in the current draft or after responding to SHPO comments, the next steps required includes, among other actions, community outreach to all building owners, the community board, and elected officials. An interactive map of the proposed district is available online.

The Committee shared with Dr. Hernandez various concerns raised in 2021 regarding the impact of the proposed district, its relationship to the Congressional resolution introduced by Congressman Espaillat that originally called for renaming Hamilton Heights, Washington Heights and Inwood as Quisqueya Heights, and why CB12M has been unable to schedule a public meeting with the Congressman's office, similar to the one held with Manhattan Community Board 9, to discuss the community's response to the proposed renaming. A new congressional proposal was subsequently introduced as a result of community concerns, without the reference to renaming Hamilton Heights, Washington Heights and Inwood and instead focused on acknowledging the contributions of the Dominican / Dominican American community. Notwithstanding the removal of the reference to renaming, concerns remain that the renaming resolution can be advanced at a later date. Chair Benjamin clarified for Dr. Hernandez that the request for the meeting with the Congressman's office is not directed at her, and is not being managed by Land Use, but rather by the Board Chair directly with the Congressman's office. The Committee reiterated that it is not expressing objection to the designation of the proposed district but rather to any action that would erase the history, culture and contributions of other communities who live or have lived in the area covered by the proposed historic district. Dr. Hernandez informed the committee that the National Register designation process is additive, that it requires that any existing designated historic resources are cited in the proposal and are recognized and maintained, i.e.: they are not removed and do not become subordinate to the new designation and that the existence of this historic district if it is accepted, it would not exclude the future designation of other buildings, structures or districts within or overlapping with its proposed boundaries. She further noted that there are 73 existing NYS-designated historic resources in the study area, none of which would lose their designation. The Committee asked that it be provided with a list of these resources.

Committee member Jim Berlin stated that many are viewing the proposal for the Dominican Historic District and the original proposal advanced by Congressman Espaillat concerning the renaming of three uptown neighborhoods as Quisqueya Heights as being the same, and it is important to distinguish between the two and to be clear in the messaging concerning the historic district.

Dr. Hernandez stated that the Chinatown/Little Italy historic district served as inspiration for the Dominican Historic District and that benefits of the proposed designation include a positive image of the community, community pride, economic development, and eligibility for certain federal grants.

Chair Benjamin inquired about how the compliance requirements for buildings located in National Register historic districts differs from those of buildings located in NYC-designated districts, noting that for the latter any alteration must be reviewed and approved by the Landmarks Preservation Commission, although alterations that are not visible from the street and have no impact on the building's architectural integrity receive a Certificate of No Impact. He agreed to research the matter further and to report back to the Committee and to Dr. Hernandez. (After the conclusion of the meeting Chair Benjamin contacted SHPO and was advised that buildings located in National Register districts are not subject to the same level of review as buildings located in NYC-designated Historic Districts. However, alterations to privately-owned buildings are subject to SHPO review if state or federal funds are involved, if a state or federal action is involved, or if there are state or federal permits or licenses.)

#### 5. Old Business:

Committee member Simon inquired about any updates on the status of the Cumming Street BSA application.

Board member Fisher stated a follow-up BSA meeting is scheduled for March 28<sup>th</sup> or 29<sup>th</sup>. Board member Fisher asked if anything can be done concerning the approved FRESH application for 4650 Broadway. Chair Benjamin reiterated comments made earlier in the meeting concerning the current limitations of the FRESH

program guidelines and the need for Land Use to discuss the same in detail at its April meeting.

6. New Business:

Committee member Simon recommended that the Committee outreach to the new owners of the development site at West 184<sup>th</sup> Street and Overlook Terrace to discuss their plans for the site. Chair Benjamin stated CB12M's staff will be asked to obtain contact information for the owners and to invite them to attend a Committee meeting.

7. The Meeting adjourned at 9:45 PM.

Respectfully submitted by Wayne Benjamin