



Community Board 12 - Manhattan Washington Heights & Inwood

530 West 166th St. 6th Floor, New York, NY 10032

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Eleazar Bueno, Chairperson
Ebenezer Smith, District

July 1, 2021

Hon. Marisa Lago, Chair
New York City Department of City Planning
120 Broadway
31st Floor
New York, NY 10271

Re: Resolution Supporting the Department of City Planning's Proposed Citywide Physical Culture Establishment Text Amendment.

Dear Chair Lago:

At the General Meeting on Tuesday, June 29th, 2021, Community Board 12 Manhattan, passed the following resolution with a vote of 41 in favor, 0 opposed, 0 abstentions, and 0 not voting, supporting the Department of City Planning's citywide health and fitness zoning text amendment removing the requirement for a special permit to legally operate a physical culture establishment.

Whereas: The operation of a physical culture establishment ("PCE"), e.g. gyms, spas, and sports clubs, is not permitted as-of-right in most zoning districts and requires a special permit (the "Special Permit") issued by the Board of Standards and Appeals to operate legally. This requirement was established in the 1970s as a means of curtailing illicit activities in massage parlors and similar establishments; and

Whereas: The conditions that led to the requirement for the Special Permit are no longer that significant. There has been significant growth in the past 40 years in the health and fitness business and the public's desire for access to these facilities. The current extent of commercial gyms, such as Planet Fitness, Blink, Crunch, and New York Sports Club, did not exist in the 1970s. Massage therapists are now regulated and licensed by the New York State Education Department.; and

Whereas: The Special Permit often takes more than six months to be granted, limiting opportunities for entrepreneurship, requiring operators to hire lawyers to help with this process, and increasing the cost of opening a business. Even with the Special Permit, PCEs are not permitted along many local retail streets with compatible service and retail uses. PCEs are disproportionately located in the Manhattan core and western areas of Queens and Brooklyn; and

Whereas: DCP has removed the requirement for the Special Permit in several Special Purpose Zoning Districts, including Inwood, and now proposes a citywide health and fitness zoning text amendment (the "PCE Text Amendment") to remove the Special Permit requirement citywide; and

Hon. Marisa Lago, Chair

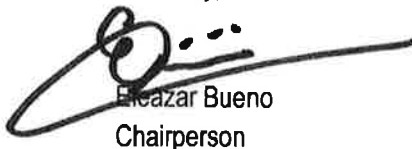
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- Whereas: The PCE Text Amendment would remove the requirement for the Special Permit, treat PCEs 10,000 square feet and under as a local commercial use permitted as of right in all commercial and manufacturing zoning districts, treat PCEs over 10,000 square feet the same as showrooms, music studio and banquet halls, permitting them as-of-right only in C2-C8 and manufacturing zoning districts as well as in C1-8 and C1-9 zoning districts and C-1 overlays mapped with R9 and R10 zoning districts. Licensed massage therapy would be treated as an ambulatory care use and be permitted as-of-right in most residential districts, and in all commercial and manufacturing districts; and
- Whereas" High-impact gyms, such as those with significant weights or exercise equipment, would be required to submit documentation to the Department of Buildings certifying that they are designed to sufficiently reduce noise and vibration on neighboring uses before being issued a Certificate of Occupancy. Low-impact activities such as yoga, isometric exercise studios, and spas would not be required to demonstrate compliance with these additional noise and vibration standards but rather would remain subject to the NYC Noise Code; and
- Whereas: During 2020 most PCEs closed temporarily, some permanently, and employment at PCEs declined by more than 60%. Removing the Special Permit requirement would support economic recovery from the coronavirus pandemic as well as cut red tape and costly delays to small businesses, eliminate a major barrier to gyms and other health-related businesses, and help smaller independent operators open in more locations across the city; and
- Whereas: The Text amendment was certified by DCP on May 19 and referred out to all community boards for review and comment. Community boards have 60 days, ending July 27, 2021, to provide comments. DCP representatives attended the June 2, 2021 meeting of CB12-M's Land Use Committee and presented the PCE Text Amendment, now, therefore, be it
- Resolved: Community Board 12- Manhattan supports the Department of City Planning's citywide health and fitness zoning text amendment removing the requirement for a special permit to legally operate a physical culture establishment.

Sincerely,



Elicazar Bueno
Chairperson

cc: Hon. Bill de Blasio, Mayor
Hon. Jumaane Williams, Public Advocate
Hon. Scott M. Stringer, Comptroller
Hon. Brian Benjamin, State Senator
Hon. Robert Jackson, State Senator

Hon. Gale Brewer, Manhattan Borough President
Hon. Al Taylor, Assembly Member
Hon. Carmen De La Rosa, Assembly Member
Hon. Ydanis Rodriguez, Council Member
Hon. Mark Levine, Council Member



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July 1, 2021

Hon. Marisa Lago, Chair
New York City Department of City Planning
120 Broadway
31st Floor
New York, NY 10271

Re: Resolution supporting the Department of City Planning's FRESH II Zoning Text Amendment.

Dear Chair Lago:

At the General Meeting on Tuesday, June 29th, 2021, Community Board 12 Manhattan passed the following resolution with a vote of 41 in favor, 0 opposed, 0 abstentions, and 0, not voting, supporting the Department of City Planning's Fresh II Zoning Text Amendment as presented to the June 2, 2021 meeting of CB12-M's Land Use Committee.

- Whereas: In September 2009, Community Board 12-Manhattan ("CB12-M") passed a resolution supporting the Food Retail Expansion to Support Health ("FRESH") Zoning Text Amendment, a joint initiative of the Department of City Planning ("DCP") and the NYC Economic Development Corporation ("EDC") that provides zoning and financial incentives to encourage grocery stores to locate in underserved areas that reapply to new construction and the renovation of existing buildings. At the time FRESH was adopted approximately three million people citywide resided in areas underserved by grocery stores; and
- Whereas: FRESH was enacted after a 2008 study by the NYC Department of Health and Mental Hygiene, DCP and EDC found many low- to moderate-income neighborhoods across the city are underserved by grocery stores offering a full line of products, including fresh fruit and vegetables, fresh meat, dairy, and other food items. The study demonstrated an association between the density of retailers offering opportunities for healthier food purchases with the level of obesity, diabetes, and other health conditions and identified the neighborhoods of Upper Manhattan, including Washington Heights and Inwood, among the underserved areas; and
- Whereas: The zoning incentives provided by FRESH allow for additional floor-area-ratio ("FAR") in mixed residential and commercial buildings, reduction in parking requirements, and larger as-of-right stores in light manufacturing, i.e.: M1, districts, and additional building height up to 15 feet. The FAR incentive allows for one additional square foot of residential floor area for each one square foot of a FRESH food store up to a maximum of 20,000 square feet for any individual store. FRESH food stores of up to 30,000 square feet are permitted as-of-right in M1 districts; and
- Whereas: To qualify for the FRESH zoning incentives, a store must be a minimum of 6,000 square feet; a minimum of 50% of the store's floor area must be dedicated to food products intended for home Preparation, consumption, and utilization; a minimum of 30% of the store's floor area must be dedicated to perishable goods, and a minimum of 500 square feet must be dedicated to fruits and vegetables.

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The FRESH program also requires 70% of the store's façade to be glazed and requires 50% of the glazing to be free of signs to enhance transparency; and

Whereas: Since its adoption in 2009, 27 FRESH applications have been approved, including 17 in Brooklyn, five in Manhattan (East and Central Harlem), four in The Bronx, and one in Queens. However, an updated 2018 DCP supermarket analysis shows many neighborhoods are still underserved by fresh food stores. DCP has proposed a zoning text amendment to update FRESH (the "Text Amendment" or "FRESH II") to provide greater incentives for grocery stores to locate in underserved areas; and

Whereas: The Text Amendment would expand the boundaries of the FRESH program to include Staten Island and additional areas of The Bronx, Queens, and Brooklyn; prevent over-concentration of FRESH markets by limiting the aggregate residential FAR bonus within a half-mile of a new FRESH market to 40,000 square feet including the square footage of the proposed new food store; modify the glazing requirement for FRESH markets in renovations of existing buildings; lower the parking requirement in residential districts by waiving the first 10,000 square feet of a FRESH market from the parking requirement; require that at least 6,000 square feet of space be contiguous and on the same floor to ensure greater accessibility, and redefine the distribution of perishable and non-perishable produce required for a FRESH food store to provide for more flexibility; and

Whereas: The Text amendment was certified by DCP on May 19 and referred to all community boards for review and comment. Community boards have 60 days, ending July 27, 2021, to provide comments. DCP representatives attended the June 2, 2021 meeting of CB12-M's Land Use Committee and presented FRESH II; now, therefore, be it

Resolved: Community Board 12-Manhattan supports the Department of City Planning's Fresh II Zoning Text Amendment.

Sincerely,



Eleazar Bueno
Chairperson

cc: Hon. Bill de Blasio, Mayor
Hon. Jumaane Williams, Public Advocate
Hon. Scott M. Stringer, Comptroller
Hon. Brian Benjamin, State Senator
Hon. Robert Jackson, State Senator

Hon. Gale Brewer, Manhattan Borough President
Hon. Al Taylor, Assembly Member
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July 1, 2021

Hon. Marisa Lago, Chair
New York City Department of City Planning
120 Broadway
31st Floor
New York, NY 10271

Hon. Sarah Carroll, Chair
NYC Landmarks Preservation Commission
1 Centre Street
9th Floor
New York, NY 10007

Re: Resolution supporting the request for Evaluation for Extending Audubon Park Historic District Bending submitted to the Landmarks Preservation Commission

Dear Chair Lago:

At the General Meeting on Tuesday, June 29, 2021, Community Board 12 Manhattan passed the following resolution with a vote of 41 in favor, 0 opposed, 0 abstentions, and 0, not voting, supporting the Request for Evaluation submitted by the Upper Riverside Residents Association to extend the boundaries of the Audubon Park Historic District; and urging the Landmarks Preservation Commission to diligently and expeditiously undertake the work necessary to further the research undertaken by the Upper Riverside Residents Association and recommend the extension of the boundaries of the Audubon Park Historic District; and urging the City Council and Department of City Planning to approve, once it is made, the Landmarks Preservation Commission's recommendation to extend the boundaries of the Audubon Park Historic District.

Whereas: A group of community residents who reside in lower Washington Heights near the Audubon Park Historic District ("Audubon Park"), calling themselves name the Upper Riverside Residents Alliance ("URRA"), intend to submit a request for evaluation (the "Audubon Park Extension RFE") to the NYC Landmarks Preservation Commission ("LPC") at the end of June 2021 asking LPC to extend the boundaries of the Audubon Park. URRA is dedicated to protecting, preserving, and celebrating the architecture, culture, & history of Upper Riverside Drive north of 158th Street and its adjacent areas; and

Whereas: In November 2020, Community Board 12-Manhattan ("CB12-M") passed a resolution supporting the RFE submitted by URRA to LPC asking LPC to designate 857 Riverside Drive, an 1851 wood-frame by Dennis Harris, a fervent abolitionist and a recognized "conductor" for the Underground Railroad, and subsequently owned by Judge John Newhouse, his friend, colleague and also an ardent abolitionist as a New York City Landmark; and

Whereas: LPC designated the Audubon Park in 2009. It adjoins the Audubon Terrace Historic District and is located between West 155th Street and West 158th Street, between Riverside Drive and Edward Morgan Place (formerly Audubon Place), and between Riverside Drive and Broadway. Audubon Park consists of 19 grand, architecturally distinctive apartment buildings and one Spanish Revival style two-family house. These buildings were constructed between 1905 and 1932 on the former 20-acre estate of famed naturalist and illustrator John James Audubon; and

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- Whereas: In 2003, neighborhood residents submitted a request for evaluation (the "2003 RFE") to LPC asking for the designation of Audubon Park. The 2003 RFE included 12 Beaux-Arts style apartment buildings constructed circa 1908 to 1914 and the one two-family building constructed circa 1922 and concentrated primarily on apartment buildings on the east side of Riverside Drive; and
- Whereas: CB12-M and the City College Architecture Center subsequently undertook a neighborhood planning and land use study of Washington Heights and Inwood, completed in 2007, which considered various matters including historic designation. The study included Audubon Park as a potential historic district worthy of consideration for the designation. During its review of the 2003 RFE, CB12M suggested to LPC that the district's proposed boundaries to be expanded to encompass a broader geographic area that including the 12 late-1800's row houses on West 158th Street and apartment buildings on each side of Riverside Drive, north of West 158th Street, an area at times referred to as the Upper and Lower drives; and
- Whereas: Audubon Park, as designated by LPC consists of 19 buildings including all the buildings proposed in the 2003 RFE as well as the apartment buildings on the west side of Riverside Drive from West 155th Street to West 158th Streets, but does not include the 12 late-1800's brownstones on West 158th Street nor the row houses and apartment buildings on Riverside Drive north of West 158th Street; and
- Whereas: In its May 2009 resolution supporting the designation of the Audubon Park, CB12-M also urged LPC to diligently and expeditiously undertake the work necessary to recommend the designation of an adjacent historic district that includes the 158th Street row houses and an expansion of the Audubon Park that includes the buildings on Riverside Drive north of West 158th Street; and
- Whereas: The Audubon Park Extension RFE includes the entire geographic area for Audubon Park recommended by CB12-M in 2007 and includes the River Arts apartment building, constructed in 1941, and the River Terrace apartment building, constructed circa 1964. The proposed Audubon Park extension would create a historic district that documents and celebrates a significant and more complete story of the urbanization of this section of lower Washington Heights and would encompass the full length of the original serpentine route of the northern extension of Riverside Drive in this area; and
- Whereas: The northern extension of Riverside Drive and the IRT subway spurred a boom of residential construction in northern Manhattan. The West 158th Street row houses are the first wave in the urbanization of the Audubon Estate, known as "Minniesland", and represent an alternate vision to the pattern of urbanization as represented by the denser apartment buildings in Audubon Park. The River Arts and River Terrace developments complete the story of the urbanization of the former Audubon Estate; and
- Whereas: Upper Manhattan is under-represented concerning LPC-designated buildings and historic districts. Upper Manhattan north of West 155th Street includes one institutional historic district, Audubon Terrace, and three residential historic districts, which are among the smallest in the city; and

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- Whereas: New York City's Landmarks Preservation Law was established in 1965 and stipulates that a building, structure, or district must be at least 30 years old and have cultural, historical, or architectural merit to be eligible for designation. The proposed extension of Audubon Park satisfies all these eligibility criteria; and
- Whereas: The proposed expanded district has a cohesive sense of place that is informed and influenced by the meandering route of Riverside Drive. It includes buildings whose architectural features remain substantially intact and the evolution of residential architectural design from the early 1900s, before New York City enacted its first zoning resolution, to the early 1960s, after the City's major post-WWII revision of the zoning resolution in 1960. The West 158th Street row houses celebrated on April 19, 2009, NY Times article by Christopher Gray - "In Audubon Park, a few surviving Oriels" were originally home to residents such as Reginald Pelham Bolton, the "First Citizen of Washington Heights" and the first owner of 638 West 158th Street and in the 1960s and 1970 were home to African-American families who were able to establish a community of home-owners despite racial discrimination in mortgage lending and red-lining. River Terrace also became a home to countless African Americans including Mayor David Dinkins and Robert Lowery, the first African American to serve as Fire Commissioner. 857 Riverside Drive has undisputed ties to two ardent abolitionists, civic-minded entrepreneurs, and pivotal figures in the growth of Washington Heights. They were instrumental in the creation of a church congregation on 158th Street and Amsterdam Avenue that was actively anti-slavery. 857 Riverside Drive is the oldest structure in the area proposed for the extended Audubon Park and older than any building included in the Audubon Park. It is the only wood-frame building in the area and the only remaining structure of a former Upper Manhattan abolition community. The architectural, historical, and cultural importance of the expanded Audubon Park is undeniable, and
- Whereas: Washington Heights resident, Matthew Spady, author of Audubon Park: The Neighborhood that Manhattan Forgot, representing URRRA made a detailed and impressive presentation to CB12-M's Land Use Committee at its June 2, 2021 meeting on the proposed Audubon Park Extension RFE; and
- Whereas: In January 2015 CB12M passed a resolution calling upon LPC to engage in ongoing dialogue and partnership with CB12M and community residents to advance the designation of historic districts and structures in Washington Heights and Inwood and in January 2021 CB12M passed a resolution once again calling upon LPC to engage in ongoing dialogue and partnership with Community Board 12-Manhattan and community residents to advance the designation of historic districts and structures in Washington Heights and Inwood and to ensure that the history, culture, contributions, and legacy of people and communities of color are recognized, acknowledged, and preserved and to implement policies and procedures to increase the diversity and inclusion in its designation of buildings, structures, and historic districts, now, be it
- Resolved: Community Board 12-Manhattan supports the Request for Evaluation submitted by the Upper Riverside Residents Association to extend the boundaries of the Audubon Park Historic District, and be further

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Resolved: Community Board 12-Manhattan urges the Landmarks Preservation Commission to diligently and expeditiously undertake the work necessary to further the research undertaken by the Upper Riverside Residents Association and recommend the extension of the boundaries of the Audubon Park Historic District for which this board previously expressed support in the form of duly approved resolutions; and be it additionally

Resolved: Community Board 12-M urges the City Council and Department of City Planning to approve, once it is made, the Landmarks Preservation Commission's recommendation to extend the boundaries of the Audubon Park Historic District.

Sincerely,



Eleazar Bueno
Chairperson

cc: Hon. Bill de Blasio, Mayor
Hon. Jumaane Williams, Public Advocate
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