



## Community Board 12 - Manhattan Washington Heights & Inwood

530 West 166<sup>th</sup> St. 6<sup>th</sup> Floor, New York, NY 10032  
Phone: (212) 568-8500, Fax: (212) 740-8197

Katherine Diaz, Chairperson  
Ebenezer Smith, District Manager

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March 8, 2023

Hon. Sarah Caroll, Chair  
New York City Landmarks Preservation Commission  
David N. Dinkins Municipal Building  
1 Centre Street, 9th Floor North  
New York, NY 10007

### **Re: Resolution supporting the Obscure Glass for Bathroom Windows in the 800 Riverside Drive Window Replacement Project.**

Dear Chair, Caroll:

At the General Meeting on Tuesday, February 28, 2023, Community Board 12, Manhattan, passed the following resolution with a vote of 32 in favor, 0 opposed, 1 abstention, and 2 not voting, supporting the proposed obscure glass for the bathroom windows included in the 800 Riverside Drive Window Replacement Project and recommending its approval by the NYC Landmarks Preservation Commission.

**Whereas:** 800 Riverside Drive ("800 RSD" or the "Building") is an 80-unit pre-war apartment building in Washington Heights that occupies a triangular city block bordered by Riverside Drive, West 157<sup>th</sup> Street, and Edward Morgan Place. 800 RSD was constructed as a rental building and converted to a cooperative in 1982. The building is in the Audubon Park Historic District ("Audubon Park"), which was designated an NYC Historic District by the NYC Landmarks Preservation Commission ("LPC") in 2009. Modifications to buildings within historic districts require LPC's review and approval; and

**Whereas:** The Building was constructed in 1911 with wood-framed, single-pane glass windows. In 1990 the original windows were replaced with aluminum framed double-pane insulated glass windows. The windows installed in 1990 have a 20-year warranty and are beyond their useful life. The cooperative has commenced planning for a project (the "Project") to replace over 1,000 windows building-wide. The new windows will be thermally broken aluminum framed, double-pane, argon-filled insulated windows that meet the current energy code and have improved acoustical properties as compared to the current windows; and

**Whereas:** The architect for 800 RSD, Michael V. Notaro Architects ("MVNA"), prepared design documents for the Project, coordinated with LPC staff, and obtained approval for the style, technical specifications, profile, and exterior color for the replacement windows, 155 of which are bathroom windows. Approximately 57 of the bathroom windows face the building's interior garden courtyard. The remaining 98-bathroom windows face public streets and are full size, generally 30 inches wide by 72 inches high; and

**Whereas:** The bathroom windows installed in 1990 have obscure glass to facilitate visual privacy for residents. Under current LPC rules and regulations, LPC staff are not authorized to approve the use of obscure glass in window replacement projects; LPC Commissioners must review and approve requests to use obscure glass. MVNA applied to LPC requesting the use of obscure glass in the bathroom windows and expects to present the request to the LPC Commissioners at a public hearing in March 2023; and

Hon. Sarah Caroll, Chair

Re: Resolution supporting the Obscure Glass for Bathroom Windows in the 800 Riverside Drive Window Replacement Project.

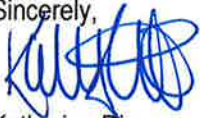
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Whereas: On February 1, 2023, MVNA attended the Land Use Committee meeting to present the Project and to discuss the request to use obscure glass for the bathroom windows. The obscure glass bathroom windows were an existing condition at the time LPC designated Audubon Park. The designation report does not refer to the obscure glass windows hurting the appearance of the building. The obscure glass windows do not detract from the architectural integrity of the building façade, do not create reflectivity that is different from the clear glass windows, and soften the visual impact from the building exterior caused by items that may be hanging near bathroom windows such as curtains, and are architecturally indistinguishable from the clear glass windows. For the replacement windows, MVNA proposed bathroom windows that use either an acid-etched or stippled glass placed on the inner pane of the insulated window, i.e., the pane of glass facing the interior of the apartment; and

Whereas: The proposal for the use of obscure glass for the bathroom windows thoughtfully balances historic preservation and resident privacy concerns; now, therefore, be it

Resolved: Community Board 12-Manhattan supports the proposal for the use of obscure glass for the bathroom windows included in the 800 Riverside Drive Window Replacement Project and recommends its approval by the NYC Landmarks Preservation Commission.

Sincerely,



Katherine Diaz

Chairperson

cc:

Hon. Eric Adams, Mayor

Hon. Mark Levine, Manhattan Borough President

Hon. Jumaane Williams, Public Advocate

Hon. Brad Lander, Comptroller

Hon. Adriano Espaillat, Congressman

Hon. Cordell Cleare, State Senator

Hon. Robert Jackson, State Senator

Hon. Alfred Taylor, Assembly Member

Hon. Manny De Los Santos, Assembly Member

Hon. Carmen De La Rosa, Council Member

Hon. Shaun Abreu, Council Member



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March 8, 2023

Hon. Shampa Chandal, Chair  
Board of Standards and Appeals  
22 Reade Street  
New York, NY 10007

**Re: Resolution supporting the Application Submitted to The Boards of Standards and Appeals Requesting a Special Permit to Allow a School to Occupy Space in The Mixed-Use Building located at 2420 Amsterdam Avenue.**

Dear Chair, Chandal:

At the General Meeting on Tuesday, February 28, 2023, Community Board 12, Manhattan, passed the following resolution with a vote of 33 in favor, 1 opposed, 0 abstentions, and 1 not voting, supporting the Application submitted to the Board of Standards and Appeals on behalf of the School in the Square requesting a Special Permit to allow the school to occupy office space in the Radio Tower.

Whereas: In January 2017 Community Board 12-Manhattan ("CB12M") adopted a resolution supporting the application submitted to the Board of Standards and Appeals ("BSA") on behalf of Young Woo & Associates LLC (the "Property Owner") requesting four zoning variances to permit the construction of a mixed-use building at 2420 Amsterdam Avenue, New York, NY, Block 2152 / Lots 77 and 83 (the "Property"), a 32,925 square foot privately-owned site that is bordered by West 180th Street, Amsterdam Avenue, and West 181st Street; and

Whereas: In June 2017 BSA approved the requested zoning variances. Construction of the mixed-use building, known as the Radio Tower and Hotel (the "Radio Tower"), is complete. The Radio Tower is a 213,992-square-foot, 22-story building containing 87,503 square feet of hotel use and 126,319 square feet of office and retail use, in addition to underground parking for 169 vehicles. It opened for operations in October 2022; and

Whereas: The Property is zoned C8-3 and R7-2. Approximately 83.3% of the Property, or 27,425 square feet, is zoned C8-3; 5,500 square feet of the Property is zoned R7-2. C8-3 is general use zoning that allows as-of-right commercial and retail uses such as maintenance and repair facilities, local shopping and large-scale retail, custom manufacturing, and automotive uses, in addition to certain community facility uses such as houses of worship, community centers, and hospitals, but excluding uses such as schools, libraries, nursing homes, and college dorms. R7-2 is residential use zoning that allows as-of-right medium-density residential use and all community facility uses; and

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- Whereas: In December 2022 Sheldon Lobel, P.C. application applied (the "Application") to the BSA on behalf of the School in the Square (the "Applicant" or the "School"), with supporting documents provided by the Property Owner, seeking an amendment to the previous BSA approval granted to the Property Owner to obtain a special permit (the "Special Permit") to allow the Applicant to occupy office space in the Radio Tower for school use. The Special Permit is required due to the Property's C8-3 zoning; and
- Whereas: The Applicant is a charter school that was founded in 2015 and operates the Dos Amigos Elementary School (the "Elementary School"), located at 108 Cooper Street, and the School in the Square Middle School (the "Middle School"), located at 120 Wadsworth Avenue. The Applicant seeks a location in Community School District 6 to develop its high school (the "High School") for grades 9-12, with the initial 9<sup>th</sup>-grade class of 98 students beginning in the Fall of 2023. The High School, once at full scale, will accommodate 392 students: and
- Whereas: The Applicant explored six sites in Washington Heights for the High School. Based on budgetary constraints (rent not to be more than \$50 per square foot), the scope of interior construction that would be required, the time required for interior construction, and location, the Applicant determined that the office space in the Radio Tower would be the best fit. It is located only four blocks from the Middle School, two blocks from the #1 train, and within walking distance of bus stops of eight bus lines—M3, M98, M101, Bx3, Bx11, Bx13, Bx35, and Bx36. Additionally, the Radio Tower is new construction, accessible, and compliant with current building and fire codes. The Property Owner estimates that the interior construction required to accommodate the school program can be completed within 90 days. No modifications to the building envelope are proposed; and
- Whereas: On February 1, 2023, representatives of the School, the Property Owner, and their consultants attended the Land Use Committee ("Land Use" or the "Committee") meeting to discuss the Application, as well as the school's layout and facilities. The school will have a dedicated private entrance on West 181<sup>st</sup> and will occupy portions of the first through eighth floors of the Radio Tower. The school's space program includes classrooms, science rooms, an art room, a library, fitness rooms, a cafeteria, offices, a warming pantry, a staff lounge, restrooms, a dedicated ADA elevator, and a mechanical space. Vehicular drop-off for the school will be on Amsterdam Avenue, but the school's representatives stated that, based on the demographic profile of the Middle School students, 82% of the High School students will live in the community and are expected to either walk to the School or take public transportation; and
- Whereas: The Property Owner advised the Committee that, although it is in discussion with various community-based organizations to lease office space in the Radio Tower, current market conditions are impacted by the pandemic and the resulting work-from-home culture, making it difficult to attract traditional office tenants, and that, there is sufficient office space available in the building to accommodate the school's program. The school is negotiating a 31-year lease with the Property Owner for approximately 59,000 square feet. They will be funded by the Property Owner and reimbursed via the monthly lease payments made by the NYC Department of Education; and
- Whereas: Those present from the Committee and members of CB12M who were present as well as members of the public raised questions about matters such as traffic and pedestrian safety, programs and services near the Radio Tower, and public schools in the neighborhood, which are not under the purview of Land Use. Therefore, the Applicant was referred to the Youth and Education, Traffic and Transportation, and Housing and Human Services committees to discuss these matters further; and

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Whereas: The office space in the Radio Tower will allow the school to continue to serve community needs by increasing the number of high school seats available in Community School District 6 and also by creating a facility for students who reside in the neighborhood and attended the School's Elementary and Middle schools to progress to grades 9 through 12 without the school needing to co-locate or otherwise taking space away from other public school facilities; and

Whereas: The predominant zoning in Washington Heights and Inwood is R7-2, a medium-density residential zoning district. A school would be permitted as-of-right as a community facility use under R7-2 zoning. In June 2010 CB12M adopted a resolution requesting the Department of City Planning ("DCP") rezone the areas in Washington Heights and Inwood with C8 zoning (the "C8 Rezoning"), but, to date, DCP has not acted on the C8 Rezoning. The Special Permit would not be required had DCP acted on the C8 Rezoning, now, therefore, be it

Resolved: Community Board 12-Manhattan supports the Application submitted to the Board of Standards and Appeals on behalf of the School in the Square requesting a Special Permit to allow the school to occupy office space in the Radio Tower, with the understanding that the School meets with the Youth and Education, Traffic and Transportation, and Housing and Human Services committees to discuss matters under their purview that the School should be considered.

Sincerely,



Katherine Diaz  
Chairperson

cc:

Hon. Eric Adams, Mayor

Hon. Mark Levine, Manhattan Borough President

Hon. Jumaane Williams, Public Advocate

Hon. Brad Lander, Comptroller

Hon. Adriano Espaillat, Congressman

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Hon. Carmen De La Rosa, Council Member

Hon. Shaun Abreu, Council Member

Fayanne Betan, Sheldon Lobel, P.C.

Cynthia Carrion, Chief Programs & Engagement Officer  
School in the Square