

## LAND USE COMMITTEE – MEETING MINUTES

January 4, 2017

### Committee Members Present

Wayne Benjamin, Chair  
Andrea Kornbluth, Asst. Chair  
Anita Barberis  
James Berlin  
Isaiah Bing  
Jason Compton  
Osi Kaminer  
Jonathan Reyes  
Steve Simon  
Karen Taylor

### Committee Members Absent

### Board Members Present

Shahabuddeen Ally

### Public Member Present

Vivian Ducat

### Public Member Absent

Staff: Ebenezer Smith

Guests: Paul Hintersteiner, Lisbeth Jimenez, Nina Bernstein, James Cataldi, David Brodherson, Ruth Tobacco, Martin Collins, George Mihaltses, Dana Sunshine, Miguelina Aristy, Pat Courtney, Randy Simon, Cheramie Mondesire, Danita Nichols, Amy Geduldig, Dana Gae Hanchard, Michael D.D. White, Alexandra Provo, Clifford Elkind, Veronika Conant, Thomas H. Collins, Joseph Menchaca, Eli Gerwitz, James Allen, Katherine O’Sullivan, Graham Ciraulo, Nancy Bruning, Allegra LeGrande, Aron Hoffman-Marton, Warren Stiles, N. Dando, Christopher Ventura, Russell Murphy, Mike Fitelson.

1. The meeting of the Land Use Committee (“Land Use” or the “Committee”) was called to order with quorum present at 7:10 PM. Land Use Chair Wayne Benjamin welcomed guests, and Committee members introduced themselves.
2. **Update on the Landmarks Preservation Commission (“LPC”) proposed designation of the Loew’s 175<sup>th</sup> Street Theatre (United Palace).**
  - a. CB12M passed a resolution in 2015 supporting landmark designation of this 1930 movie palace, which was originally calendared for consideration in the 1970s, and was the only property in the Washington Heights-Inwood area among 90+ backlogged sites that LPC worked to evaluate last year. LPC voted to designate the site on December 16, 2016. Only the exterior of the building is included in this designation.
  - b. The LPC recommendation will be voted on by City Council, which generally takes cues from the local Council Member. Council Member Rodriguez was initially in favor of designation, but then indicated that he would only support it if LPC considered the Coliseum Theatre building on W. 181 Street and a now-demolished church on Wadsworth Avenue at the same time.
  - c. Chair Benjamin explained that while the Loew’s 175<sup>th</sup> Street Theatre had been in the LPC pipeline for decades and was extensively researched in preparation for evaluation, the same body of information did not exist for the other properties, and so asking that they be evaluated together would just weaken the position of the Loew’s 175<sup>th</sup> Street Theatre with LPC. A letter from the Historic Districts Council (“HDC”) supporting this position, attached hereto, was read into the record.
  - d. The designation is also opposed by the property owner, which is concerned that additional requirements imposed by LPC would be time-consuming and prohibitively expensive. The owner has also received information from its attorney and a local architect suggesting that its church activities would be compromised, and that interior renovations would be subject to LPC review even though only the exterior is designated. Further, various rumors (e.g., the church’s organ renovation project would be stopped by designation, etc.) have been spreading through the community on social media. In the interest of providing correct information, the Committee and community members commented as follows:

- i. LPC, unlike other agencies such as the Department of Buildings (“DOB”) or the Fire Department (“FDNY”), has no authority to require a building owner to undertake any sort of repair or maintenance work. The LPC does review any renovations, etc. in areas that are covered by the landmark designation in order to ensure that the work is in keeping with the character of the building.
  - ii. While historic designation does require property owners to file and coordinate with LPC, this coordination does not impose a substantial regulatory burden, as representatives of the United Palace continue to contend; obtaining approvals and sign-offs from DOB or Con Edison, for example, require far greater effort.
  - iii. LPC does not require that a building be restored to its original state – its condition at the time of designation becomes the condition of record. Thus, there is no need, as previously rumored, for the church to remove its cross from the façade, nor would designation force the church to carry out any particular repairs to the marquee. Further, LPC will approve the use of practical modern materials when appropriate, for example, an Audubon Park Historic District building was allowed to replace crumbling terra cotta architectural details with fiberglass and a glass connection was approved to link two buildings at the Audubon Terrace complex.
  - iv. The property owner would have to file with LPC for any proposed interior renovations because DOB will not issue building permits for work on individually-designated buildings or buildings within historic districts absent LPC sign-off, but LPC would issue a certificate of no effect since the interior is not included in the designation.
  - v. The designation would acknowledge and honor the care, money and effort expended and being expended to preserve, restore and maintain the entire structure, including the interior and the organ, in excellent shape, and would be an important point of pride for the community.
- e. Chair Benjamin noted that the initial 2015 conversation with Bishop Eikerenkoetter had led the Committee to believe that productive dialogue would continue. [ , and that the resolution passed at that time had originally included a clause noting that the Community Board could assist the church in connecting with funding sources and other resources.]
  - f. A motion was made by Isaiah Bing and seconded by Jason Compton to affirm support for designation of the Loew’s 175<sup>th</sup> Street Theatre as an architectural masterpiece that must be considered on its own merits, with separate campaigns for any additional local buildings that might merit designation and urging Councilman Rodriguez to support the designation. The motion passed with the following votes:
    - Land Use Committee: 9 – 0 – 0
    - Other Board Members: 1 – 0 – 0
    - Members of the Public: 34 – 0 – 0

**3. Inwood Affordable Housing and Library Development Project:**

- a. Daniel Fernandez, Deputy Commissioner for Neighborhood Strategies at New York City Housing Preservation and Development (“HPD”), George Mihaltses, Vice President for Government and Community Affairs at the New York Public Library (“NYPL”), and Beatriz De La Torre, Managing Director, Housing Advisory Board of the Robin Hood Foundation, announced community workshops to gather input on a proposed project to replace the current Inwood library, 4790 Broadway, with a mixed-use building that includes a new library and affordable housing.
- b. Mr. Fernandez stated that the basic plan is to create a state-of-the-art library and 100% low-income affordable housing, but the program and design for the project have not been determined at this time. Community input from the workshops and an online survey will form the basis of a report that will be submitted to the Community Board, and the report will be included in the Request for Proposals that will be issued for prospective developers. The workshops will be publicized widely to bring in as many community attendees as possible.
- c. Mr. Milhatses provided background information on the Inwood library: it was established in 1902, and it moved to its current location in 1952 when it was selected for enhancement following a city planning study of libraries that was begun in 1945. The branch is one of the few in the city that is open 7 days per week, and has 180,000 visits and circulation of 245,000 per year. The last major renovation was about 30 years ago, and the building is in need of repairs to the roof and the heating/cooling and electrical systems. The branch also lacks programming space and up-to-date tech facilities.

- d. Ms. De La Torre described the Robin Hood Foundation’s mission to fight poverty in New York City and explained that the foundation has already raised \$5 million that will be committed to this project and matched by city funds. Making a single capital contribution of this size is a bit of a departure for the foundation, but they strongly believe that this is the right project for the Inwood community.
  - e. The workshops are currently scheduled for January 25 (4:00 – 8:00 pm) and 28 (10:00 am – 2:00 pm) at Inwood Library. Following numerous requests from Committee and community members, at least one additional workshop will be considered. Free childcare will be provided by library staff during the workshops.
  - f. Several community members questioned the actual status of the project, i.e., whether there is already a design and developer in place. The presenters reiterated that no developer has been identified and that the project is intended to be 100% affordable. The level of affordability is one of the topics that will be discussed in the workshops.
  - g. As the scale of the building is undetermined, it is not yet known whether rezoning will be necessary. However, the prospective project timeline provided by an HPD representative allowed for a 7-month ULURP process, with construction beginning in 2019.
  - h. Concerns regarding the disposition of public property to a private developer (although the city will continue to own the library) and precedent set by other projects, such as the sale of the Brooklyn Heights library over the objections of the community, should be discussed at the workshops.
  - i. Chair Benjamin reiterated that the purpose of tonight’s presentation is for HPD and the NYPL to announce the upcoming workshops for the proposed development project, not to hold a workshop.
  - j. Russell Murphy indicated that Council Member Rodriguez’s office is generally supportive of the initiative, but wants to hear what community wants. He noted that there are few city-owned properties in the district, so this is a rare opportunity to build 100% affordable housing. Further, a fully-renovated library with a tech lab, more books and more programming will benefit the community.
4. **Follow-up Discussion on Board of Standards and Appeals (“BSA”) Application for 2420 Amsterdam Avenue:** Chair Benjamin noted that although the Committee passed at its December 2016 meeting a resolution conditionally supporting the BSA application for this project, the developer did not submit the final version of the letter outlining conditions that will be recommended for inclusion in the BSA’s resolution until after the December 2016 General Meeting of the Community Board. This letter was required in order to finalize the Land Use resolution, which will be presented for consideration at the January 2017 General Board Meeting. With the exception of a few typos, no revisions to the resolution were suggested.
5. **Old Business:** None.
6. **New Business:** Paul Hintersteiner is interested in building a community art center at the southeast corner of Broadway and Fairview Avenue, and sought information on whether the site is available and could be utilized for this purpose. He said the site would have to be cleaned up, as he had information that it is a brownfield. The Committee confirmed that the site is privately owned and currently subject to a project that needs BSA approval, and further, before planning a project for the site he needs to obtain site control.
7. **Continued Discussion on the Landmarks Preservation Commission (“LPC”) proposed designation of the Loew’s 175<sup>th</sup> Street Theatre (United Palace):** Mike Fitelson, representing the United Palace, came late to the meeting and asked that the prior discussion be reopened. He argued that the church did not support the landmark designation and is concerned that it would add costs to any work it would do either to the exterior or interior of the building. The committee members responded to the points he raised and reiterated that the landmark designation would not just protect the unique character of the building for future generations but also would highlight a special part of the Washington Heights-Inwood community.

The meeting was adjourned at 9:00 PM.

Submitted by Andrea Kornbluth.



HISTORIC DISTRICTS COUNCIL

THE ADVOCATE FOR NEW YORK CITY'S HISTORIC NEIGHBORHOODS

232 East 11<sup>th</sup> Street New York NY 10003  
tel (212) 614-9107 fax (212) 614-9127 email hdc@hdc.org

January 4, 2017

Shahabuddeen (Shah) A. Ally, Esq., Chairman  
Community Board 12, Manhattan  
530 West 166th Street, 6th Floor  
New York, New York 10032

Dear Chair Ally,

The Historic Districts Council (HDC) urges Manhattan CBI2 to demonstrate unified support to Councilmember Rodriguez for a future landmark in your district: the Loew's 175<sup>th</sup> Street Theatre. One of only five of the Loew's Wonder Theatres constructed in the New York City area, this building was designed by expert theatre architect Thomas Lamb in 1928 in a rare, elaborate Hindu-Islamic architectural style. Because of its high-caliber architectural, cultural and historical significance, the Landmarks Preservation Commission (LPC) motioned to designate this structure as an Individual Landmark on December 13, 2016.

Despite this victory at the LPC, your councilmember has not yet supported its landmark designation. From what HDC understands, the building's owner's opposition may play a role in this. New York City's landmarks law—the strongest in the country—does not require owner consent for this very reason. Providing for permanence for architectural treasures, like the United Palace, creates a public good far which outweighs the desires of the individual. Further, the LPC designated several religious properties during the recent backlog initiative, and has designated scores of others, many of which have continued to operate under LPC regulation for decades.

Finally, CM Rodriguez' strategy of withholding support for this landmark unless two other properties in your district are protected is injurious to the Loew's and is also an entirely separate issue. The issue before you today is that the theater building needs a supported council vote. The other buildings are not a bargaining chip; if their protection is a priority to the Councilmember, then a separate campaign and advocacy should be formed around them, not at the risk of losing a masterpiece which has already received approval from the LPC.

Please meet to discuss with CM Rodriguez these crucial issues, as the fate of the building lay with him. Thank you for your consideration of this matter and for all the important work you do for the City of New York.

Sincerely,



Simeon Bankoff  
Executive Director