

LAND USE COMMITTEE – MEETING MINUTES

June 8, 2016

Committee Members Present

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

Committee Members Absent

Karen Taylor
Jonathan Reyes

Board Members Present

Public Member Present

Vivian Ducat

Public Member Absent

Staff: Ebenezer Smith

Guests: Pat Courtney, Cheramie Mondésire, Erich Ely, Maria Bootsma, Edward McArthur, Matthew Spady, Brian Phillips, Amparo Madera, Rita Gorman, Ruth Shragowitz, Dan Held, Noah Lichtman, Sara A. Fisher, Lucian Reynolds, Carl A. Sulfaro, Timothy Frasca, Christopher Gray, Sandra Harris, David Hodge, Cole Thompson

1. The meeting of the Land Use Committee (“Land Use” or the “Committee”) was called to order at 7:12 PM. Quorum was achieved at 7:20 PM. Land Use Chair Wayne Benjamin welcomed guests, and Committee members introduced themselves.
2. **Presentation on Seaman-Drake Arch (Cole Thompson, local historian and realtor):** The Seaman-Drake Arch (the “Arch”) on Broadway at W. 216 Street, which is not protected by landmark designation, was noted as a historic resource in the districtwide planning and land use study completed by City College in 2008. More recently, the Committee briefly addressed the issue of whether a Request for Evaluation (“RFE”) of the Arch could be submitted to the Landmarks Preservation Commission (“LPC”), and Committee members Osi Kaminer and Vivian Ducat arranged for Mr. Thompson to discuss the Arch’s history at this Committee meeting.
 - a. The Arch is the second-oldest structure in Inwood, after the Dyckman Farmhouse. It was constructed as the gateway to the Seaman estate, which was built in the 1850s by Ann Drake (d. 1878) and John Seaman (d. 1871) on the current site of Park Terrace Gardens on Park Terrace East. The mansion, named Mount Olympus, joined numerous other country estates in the area, including the Isham mansion, Libby Castle, the Billings estate and Paterno Castle, but neighbors thought it ostentatious and dubbed it ‘Seaman’s Folly’. The Arch is a scale model of the Arc de Triomphe, and was built for \$30,000 using local marble (which turned out to be too porous to be a suitable building material). The grounds of the estate featured numerous monuments to Ann Drake Seaman’s beloved dogs, and in the early 1900s, a newspaper suggested that the Arch itself was erected to the memory of a dog.
 - b. The Seamans had no children, and when Ann died, 154 distant relatives came forward to contest her will. The fight continued for many years. Thomas Dwyer, builder of the Soldiers’ and Sailors’ Monument on Riverside Drive, purchased the home in 1906, and used the Arch as his office. By the 1920s, the subway had reached Inwood, and the area became less bucolic and more residential. Auto shops were constructed around the Arch, and are still in use today. In 1937-38, the mansion was demolished to make way for Park Terrace Gardens, which opened in 1939.
 - c. A fire in the 1970s gutted the Arch, and today it has no roof and is slowly falling apart. Mr. Thompson believes that it could be rehabilitated and that it is worth saving.
 - d. Christopher Gray, an architectural historian who wrote for the New York Times for 25 years, covered the Arch in his column on several occasions and contributed the following comments:
 - i. The Arch is in disrepair, but he contends the walls are sound and it is not in danger of falling down.
 - ii. The Arch is unique in New York City as a residential entrance, and it deserves recognition and landmark protection. It is in harmony with its surroundings and isn’t bothering anyone (unless someone wants to build on that site).

- iii. Mr. Gray showed a picture of a fragment of a 2nd century A.D. arch that has been incorporated into a hotel façade in Arles, France to illustrate the point that other cities and countries have found more proactive ways to preserve historical artifacts without hindering development.
 - e. Discussion:
 - i. Chair Benjamin noted that it will be necessary for someone to put together information to present to the LPC. The arguments made for designation should be informed by any arguments made against designation in the past (e.g., the context within which the Arch existed has changed too much to warrant designation, etc.) and these past arguments should be intelligently countered.
 - ii. It is not clear whether any application was made in the past, but LPC staffing and policies have likely changed in recent years, so the issue is worth revisiting.
 - iii. Mr. Gray learned from former LPC Research Director Mary Beth Betts that she thought that the Arch was too deteriorated for designation, but he has experience in saving historic structures that were in even worse condition, such as the former New York Cancer Hospital on Central Park West and W. 106 Street.
 - iv. In the past, the owner of the property that includes the Arch threatened to tear it down if actions are advanced seeking to designate it a landmark. The owner can easily file with the Department of Buildings for a demolition permit, which involves only a nominal cost, say \$400 – 500, and can be easily obtained. Any efforts to gather public support and momentum for preservation should be mindful of this fact. Also, the Arch may be located in the catchment area designated for the Inwood rezoning.
 - v. Other possible solutions were considered, as follow:
 - 1. Stabilizing the structure and moving it to another location, such as a city park. The relocation of Hamilton Grange and the Empire Theater on 42 Street, were given as examples of historic buildings that were moved from their original sites.
 - 2. Removing surrounding retail buildings and making the Arch area a small park – this would necessitate purchasing the buildings or obtaining them by eminent domain, so adequate community support and political will would be critical;
 - 3. Working with elected officials to repurpose the site as a performing arts center or cultural space – this would make the question of landmark protection less critical; and
 - 4. Explore market-based solutions, such as finding an entrepreneur who could lease the commercial spaces as a destination spot, such as a restaurant (a similar proposal was made years ago for the room at the top of the Arch).
 - vi. Next steps: Information needs to be collected for the LPC application, elected officials (including the Borough President) should be contacted, and other avenues, such as the Trust for Public Land, should be investigated. A neighborhood petition could be useful, if organizers are careful to avoid triggering demolition by the owner. Mr. Thompson and Mr. Gray have offered their continued support for these efforts.
3. **BSA Application for Renewal of Zoning Variance for 21 Hillside Avenue Parking Lot:** Carl Sulfaro, Esq., attorney for the applicant, explained the history and use of the lot and the nature of the application:
- a. The 50' x 200' lot is located between 2 residential buildings on Hillside Avenue and has been used as a parking lot since 1960. The lot is used exclusively for cars and not commercial vehicles. Of the 46 parking spots, 30 are leased to local residents on a monthly basis. Transient use of the remaining spaces was previously prohibited, but the BSA allowed an amendment to permit transient parking when surplus spaces exist. The lot is attended 24 hours a day, providing some security for the block. In order to obtain a new Certificate of Occupancy, the lot must comply with all applicable Department of Buildings requirements regarding drainage and runoff, etc. It has not had problems with compliance in the past.
 - b. The previous 10-year variance expired on June 27, 2015. Chair Benjamin pointed out that when the Committee last considered an application for this lot in 2006, it was also one year after expiration. Mr. Sulfaro stated that his office had only received word of the renewal application right before it was due and that owners tend to underestimate the time needed to prepare the application. Further, the BSA had lost the folder for this matter, so they did not have access to the previously approved plans, etc. Filing after the expiration date entails additional fees (about \$1,100 - \$1,200), so there is no advantage to the applicant in doing this.

- c. Chair Benjamin explained that under R7-2 zoning, parking lots that are not owned by an adjacent building are not permitted as of right and can only be operated with a variance. In the experience of the Committee, the maximum term of the variance is 10 years, but Mr. Sulfaro has seen variances granted with no term. The present application is for a 10-year term that would date back to the expiration of the previous term in June 2015.
- d. A motion was made by Osi Kaminer and seconded by Jason Compton to support the application for a renewal of the variance for a 10-year term. The motion passed with the following votes:
 Land Use Committee: 7 – 0 – 0
 Other Board Members: N/A
 Members of the Public: 1 – 1 – 3

4. **Reconsideration of 2012 Resolution Requesting that the Department of City Planning (“DCP”)**

Commence Contextual Rezoning in Washington Heights and Inwood: At the May Committee meeting, the Committee decided to revisit the resolution that was passed by CB12M in October 2012 because the DCP has yet to take action and because recent events, including the implementation of the Mandatory Inclusionary Housing (“MIH”) and Zoning for Quality & Affordability (“ZQA”) zoning text amendments, and a series of large development proposals in the area, have made the issue more pressing for our community. CB12M’s position has been that it is not ‘anti-development’, but wants it to be in keeping with the existing built fabric. The 2012 resolution passed unanimously following a spate of applications for inappropriately sized projects. The Committee and guests debated as follows the merits of reaffirming our position to DCP Director Weisbrod, who was appointed in 2014, or revising our position:

- a. Currently, our area has height factor zoning, which means that there is no height limit as long as the sky exposure plane is not broken (it may be possible to obtain a variance for the sky plane issue, however.) Contextual zoning would set a maximum height for the street wall, and for the structure as a whole. We are requesting that zoning be fine-tuned for each area and not applied as a blanket designation.
- b. Lucian Reynolds of the Manhattan Borough President’s Office (“MBPO”) commented that the Borough President was successful in removing a provision that would have undermined the existing Sliver Law (limiting the construction of tall buildings on narrow streets) and in ensuring that appropriate floor heights are maintained, but couldn’t prevent MIH from affecting contextual heights. Contextual zoning thus wouldn’t supersede MIH and ZQA, but now that these text amendments are in place, it might be possible to adjust the prescribed contextual heights to take the MIH/ZQA height additions into account.
- c. The following were considered as additions to the resolution:
 - i. That the matter be taken up by DCP immediately;
 - ii. That contextual rezoning be respectful of the built form in which projects occur (cf. the proposed Sherman Plaza building, which may incorporate a contextual zoning designation that reflects the context of areas with taller buildings, such as Grand Army Plaza, etc.); and
 - iii. That contextual zoning efforts include the areas of Inwood that are the subject of current rezoning efforts (establishing a strong contextual form near affordable housing developments at Sherman Creek will help to preserve existing rent-regulated housing).
- d. A motion was made by Anita Barberis and seconded by Osi Kaminer to reaffirm the 2012 resolution as amended. The motion passed with the following votes:
 Land Use Committee: 8 – 0 – 0
 Other Board Members: N/A
 Members of the Public: 7 – 0 – 1
- e. Related topics that will not be included in this resolution but should be considered further in the future include:
 - i. What should be included in contextual zoning – zoning does not mandate building materials, but a more holistic approach could address other issues, such as new development creating shadows on surrounding smaller buildings that would make it impossible for these buildings to implement rooftop solar panels. Also, contextual zoning requires a continuous street wall and not the type of courtyard entrances that many uptown buildings feature.
 - ii. State Senate Bill 5469, etc., eliminating state-imposed limits on residential floor area (currently capped at 10). This is directed toward areas such as the Upper East and West Sides that are currently maxed out in terms of density such that MIH can’t be applied there, but it is not clear whether this bill would be applied to other areas. It was pushed

through the State Senate and Assembly very quickly, and it will be necessary to examine the details very carefully going forward.

5. **Soccer Field Bubble at Baker Field:** As this project does not require Community Board approval, Sandra Harris, Assistant Vice President of Columbia University Medical Center, and architect David Hodge made a presentation on the project for informational purposes only. Ms. Harris emphasized that this is just the beginning of the process and that she has reached out to elected officials as well, and plans to meet with community members in the near future.
 - a. This is considered a waterfront property, but because the bubble is a temporary structure, only the Department of Buildings (“DOB”) needs to review it. If it were to become permanent, the DCP would need to review it as well. The tennis bubble at Baker Field was included in the DCP review of the Muscota Marsh project because it was permanent.
 - b. The bubble will cover the Rocco Commisso Soccer Field, located at Broadway and 218th Street, between the end of November and the end of March of each year to allow Columbia teams to practice through the winter. Other Ivy League Div. 1 schools such as the University of Pennsylvania and Harvard have similar bubbles in place during the winter.
 - c. The covered field will be used for practice only. The bleachers and floodlights will be situated outside the bubble, which eliminates the ability to use the covered field for games.
 - d. This construction is timed to coincide with the scheduled replacement of the field’s synthetic turf.
 - e. The structure will be 375 feet long, 240 feet wide, and 73 feet high. The bubble will consist of a double-skin opaque membrane that is cable-restrained and concrete beams situated below grade. In the warmer months, when the field is open, the beams will be covered by turf trays.
 - f. The structure will get power from the Campbell Sports Center and gas from a tie-in located near the guard booth on 218th Street. The 2 inflation heating units will have sound attenuators, and the 2 backup diesel generators will have level 2 acoustical barrier walls that will be 10 feet high. The diesel fuel will be stored in belly tanks at the generators. All sound specifications were determined with the nearby Allen Hospital in mind. Sound levels will be monitored by AKRF, a firm that specializes in this area, to ensure they comply with the city’s Noise Control Code.
 - g. The bubble is taller than Campbell Sports Center but won’t be visible from Broadway due to the change in grade. On 218th Street at the Campbell Center, it will be partially visible due to the slope of the bubble structure. It will be visible from Park Terrace East.
 - h. Since covered field will only be used for practice, the floodlights used when games are played will be used less frequently during the winter.
 - i. The stated occupancy based on use is 150.
 - j. It will take about 2 weeks to deploy and commission the bubble the first time, and then about 5 days – 1 week every year thereafter. It will take 5 days to strike at the end of the season and will be in place for about 4 months each year.
 - k. All materials used will be NFPA-grade non-combustible materials. The number of emergency exits also exceeds requirements.
 - l. Columbia is working with area schools that normally use the fields regarding the use of the covered field. The public may also be able to use the field for scheduled events, such as T’ai-chi lessons.
6. **Old business:** The Committee has received no update on the status of the BSA application for the 4452 Broadway (Fairview Avenue) development [Subsequent to the meeting District Manager Ebenezer Smith forwarded to a copy of BSA’s Notice of Comments on the application, dated October 5, 2015].
7. **New business:** None.

The meeting was adjourned at 9:35 PM.

Submitted by Andrea Kornbluth.