



Community Board 12 - Manhattan Washington Heights & Inwood

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Shahabuddeen A. Ally, Esq., Chairperson
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January 26, 2017

Hon. Margery Perlmutter
Chair
New York City Board of Standards and Appeals
250 Broadway, 29th Floor
New York, New York 10007

RE: 2420 Amsterdam Avenue, New York NY – BSA Application

Dear Chair Perlmutter:

At the General Meeting of Community Board 12 – Manhattan held on January, 24, 2017, the following resolution passed by a vote 31 in favor, 2 opposed, 3 abstentions.

Whereas: An application (the "Application") was submitted to the Board of Standards and Appeals ("BSA") in August 2016 by Kramer Levin Naftalis & Frankel LLP (the "Applicant") on behalf of Youngwoo & Associates LLC (the "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"). The Property is a 32,925 square foot privately-owned site that is bordered by West 180th Street, Amsterdam Avenue and West 181st Street. Highbridge Park is located across the street on the east side of Amsterdam Avenue; 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 a residential zoning that allows as-of-right medium-density residential use and all community facility uses; and

Whereas: The Property was purchased by the Owner in May 2013. Since the 1930s the Property has been continuously used as a gasoline service station, and for a period in the 1930s as a bus terminal. The gasoline service station was originally approved by BSA pursuant to a zoning variance in 1935 and over the years the variance was amended to eliminate the bus terminal, to relocate and expand the gasoline service station, and to include at various times accessory auto sales, a car wash, and a convenience store; and

Whereas: The New York State Department of Environmental Conservation (NYSDEC) reported a petroleum spill in 2008, and the subsequent removal of contaminated soil resulted in a conditional closure in 2013. In 2014 the Property was entered into the Brownfield Cleanup Program, and in accordance with the agreement with NYSDEC, the redevelopment of the Property will require, at minimum, cleanup of contaminated soil and historic fill, remediation of any identified contaminated groundwater, and construction of a soil vapor mitigation system during development; and

Whereas: The proposed project (the "Project") is a 213,985 square foot building containing 85,038 square feet of hotel use and 128,946 square feet of office and retail use in addition to underground parking for 169 vehicles. The Project is designed by MVRDV, an architectural firm based in the Netherlands. The design features a series of stacked volumes that would rise in height from south to north. The building has a four-story base on all three streets, an eight-story mid-rise section that would front on Amsterdam Avenue and West 181st Street, and a 10-story tower that would primarily front on West 181st Street. The total height of the tower would be 22 stories, which is taller than Yeshiva University's Belfer Hall, but not as tall as the Bridge Apartments. Yeshiva University is located three blocks north of the Property and the Bridge Apartments are located one block south and west of the Property; and

Whereas: The hotel would contain 212 rooms; the hotel lobby and lounge would be located on Amsterdam Avenue and would lead directly to an at-grade courtyard. Retail use, potentially an eating and drinking establishment, would be accessed from the hotel lobby and would be located along the Amsterdam Avenue frontage. The office component would be entered from West 181st Street and would occupy the second through 21st floors of the tower. An event space and an adjacent south-facing outdoor terrace would be located at the 13th floor and an additional restaurant and outdoor terrace would be located on the top, i.e.: 22nd floor, above the offices; and

Whereas: The Project is expected to generate 1,205 jobs including 600 construction jobs and 605 permanent jobs. The permanent jobs include 79 hotel jobs, 100 jobs related to food and beverage operations, 30 building maintenance jobs, 3 jobs related to parking operations, 38 retail jobs and 355 office tenant employees; and

Whereas: The Project does not conform to zoning. The Project's proposed density, a floor-area-ratio or FAR of 6.5, is permitted as-of-right under C8-3 and R7-2 zoning for a community facility building, but the Project contains no community facility uses. The Project's proposed height is also permitted as-of-right, but a portion of the office tower breaks the sky-exposure plane. The portion of the site zoned R7-2 does not permit commercial or retail uses as-of-right. The location of the loading dock is less than the required 30 feet from the R7-2 district boundary; and

Whereas: The Applicant and the Owner contend that site conditions including extensive site contamination, shallow bedrock at depths from seven to 27 feet below grade, and the split-lot zoning make an as-of-right development infeasible and seek four zoning variances (the "Zoning Variances") from BSA. The Zoning Variances, if approved, will allow: i) commercial uses on the R7-2 portion of the Property; ii) commercial floor area that exceeds the FAR of 2 permitted in a C8-3 district; iii) encroaching upon the sky-exposure plane; and iv) a proposed entrance and exit from the accessory loading berth that does not provide the minimum distance of 30 feet from the residential district boundary; and

Whereas: The Applicant and the Owner note that the requested sky-exposure plane penetration, occupying 1,493 square feet of floor area, is less than the 1,600 square feet of penetration that would be allowed for community facility use and that there have been commercial tenants on the R7 portion of the site for years; and

Whereas: The Land Use Committee ("Land Use" or the "Committee") discussed the Application at its September 7, 2016 meeting. The Applicant and Owner presented the Project and the Application to Land Use on October 12, 2016 and at the General Meeting of Community Board 12-Manhattan ("CB12-M") held on October 26, 2016. Subsequent to the presentation made at October 12th Land Use meeting, the Committee forwarded questions concerning the Application and representations made related thereto to which the Applicant responded in writing on November 15, 2016. On December 7, 2016 the Applicant and the Owner met with Land Use to further discuss the Application and their responses to the questions posed by the Committee; and

Whereas: In their presentations and written responses to the Committee, the Applicant and the Owner stated that although the Project does not contain any community facility uses various aspects of the Project are community enhancements (the "Community Enhancements") that are open to and intended for the benefit of the public, and offered to enter into a Memorandum of Understanding with CB12-M with respect to the Community Enhancements. In order to ensure that the Community Enhancements are enforceable, Land Use requested that the Owner refine, clarify and agree to them in writing, and agree to BSA referencing them in any approval it may grant with respect to the Zoning Variances. The Owner agreed and on December 22, 2016 provided Land Use with its written commitment to the Community Enhancements; and

Whereas: The Community Enhancements are as follows:

1. Public access to the hotel lobby and the Building's outdoor courtyard whenever these spaces are also open to patrons of the hotel and tenants of the office space. The public will not be required to purchase any items from the eating and drinking establishments located within the Building. Access to the courtyard may be limited only when private events are occurring within the courtyard. As the building's design is developed the Applicant will coordinate with CB12M on the design and location of signage to provide notice that the hotel lobby and the Building's courtyard are publicly accessible spaces.
2. Permanently dedicate five (5) percent of the building's office space to tenancy by a community based organization(s). As currently proposed in the application, five percent (5%) of the building's office space equals 7,500 useable square feet. Should the amount of office space in the building change during the public review process at the BSA, the amount of office space dedicated to tenancy by a community based organization(s) will remain at five (5) percent.
3. Community use of conference and lecture space in the office or hotel areas of the Building for up to six times a year at no cost for 20 years.
4. Dedicated gallery space in the hotel lobby and other common areas of the Building that are open to the public to be used to profile the work of local artists and residents, and a gallery curator on the Building's staff to coordinate with local stakeholders to mount and rotate exhibits up to four times a year that are open to the public.
5. The hotel operator and the developer will work in good faith with offices and agencies of City government, Community Board 12 Manhattan, and other local stakeholders to recruit and give preference to residents of Washington Heights and Inwood for construction and permanent jobs associated with the building. The hotel operator will also provide hospitality-industry training to new hires for hotel and food and beverage operations.

6. The hotel operator will provide employee tuition reimbursement and internships in hotel and food & beverage operations for students, who reside in Washington Heights and Inwood and are enrolled in related programs, and internships / job shadowing opportunities for high school students who reside in Washington Heights and Inwood.

Whereas: The Applicant and Owner will recommend to the BSA that the Community Enhancements be referenced in the BSA's resolution, accept their inclusion as conditions in BSA's resolution and their enforcement by agencies and offices of the City of New York; and

Whereas: BSA's General Counsel confirmed that BSA has the discretion to formally reference the Community Enhancement in any resolution it may approve but, since the Application has not yet been considered, can make no representations at this time as to whether it will do so. General Counsel for BSA further advised that CB12-M is welcome to participate in BSA's public hearing and to acknowledge for the record the Community Enhancements in the form of a written resolution, oral testimony, or both; and

Whereas: The Owner, as a participant in New York State's Brownfield Cleanup Program, will remove all contaminated soil from the site consistent with that program's procedures. This process will be supervised by an engineering firm to ensure that none of the contaminated material is dispersed into the community. Monitoring and/or clean-up of off-site contamination, if any, will be resolved after the Applicant submits a Remedial Investigation report and the Department of Environmental Conservation reviews the data to verify that tests were done at locations where seepage might have occurred to adjacent properties. Any such off-site monitoring or clean-up will be handled through the New York State Spill Fund; and

Whereas: The Owner, as a participant in the NYC Industrial and Commercial Abatement Program ("ICAP"), is required to reach out to New York City-certified Minority and Women-owned Business Enterprises ("MWBE") for the process of promoting contracting opportunities on the Project. ICAP applicants must search for firms in the NYC Online Director of Certified Firms, solicit bids from at least three certified MWBE firms for each subcontracting project, and submit a copy of the ICAP MWBE Compliance Report to the Department of Small Business Services, Division of Labor Services ("DLS"). All contractors and subcontractors must also provide a Construction Employment Report that must be approved by DLS and must detail the company's Equal Employment Opportunity practices, current work force, and projected work force for the project; and

Whereas: The Applicant and Owner advise that: i) they met with Con Edison to discuss the Project, are working with them to make sure that Project will not interfere with the existing demand and electrical loads in the Washington Heights area; ii) Con Edison has also advised that it will be adding additional capacity for the surrounding neighborhood that will accommodate the demand from the Project; and iii) they are also exploring available programs that encourage more energy efficient use of electricity and will allow the Project to reduce load in the neighborhood during peak hours; and

Whereas: The Applicant and Owner will coordinate with agencies of City government to determine if the other existing subsurface infrastructure serving the Property is adequate to support the Project and to identify any improvements to existing infrastructure that may be required; and

Whereas: Development of the Project will clean-up and revitalize a large, highly-visible, derelict site that is bordered by two major streets and located near Yeshiva University and Highbridge Park. It will strengthen West 181st Street as a commercial corridor, add to local economic development activity and increase the availability of new office space and the number of hotel rooms in Washington Heights. Now, therefore, be it.

Resolved: Community Board 12-Manhattan supports the Application submitted to the Board of Standards and Appeals by Kramer Levin Naftalis & Frankel LLP on behalf of Youngwoo & Associates LLC requesting four zoning variances to facilitate the construction of a new mixed-use, approximately 214,000 square foot building at 2420 Amsterdam Avenue, New York, NY conditioned upon and provided that any resolution passed by the Board of Standards and Appeals approving the variances reference and include all of the Community Enhancements listed above; and be it further

Resolved: Kramer Levin Naftalis & Frankel LLP and Youngwoo & Associates LLC report to Community Board 12-Manhattan prior to, during and following the completion of the site cleanup.

Sincerely,



Shrababuddeen A. Aily, Esq.
Chairperson

cc: Hon. Andrew Cuomo, Governor
Hon. Bill de Blasio, Mayor
Hon. Letitia James, Public Advocate
Hon. Scoot Stringer, Comptroller
Hon. Gale Brewer, Borough President
Ryan Singer, AICP

Hon. Adriano Espaillat, Congressman
Hon. Bill Perkins, State Senator
Hon. Marisol Alcantara State Senator
Hon. Herman D. Farrell, Jr. Assembly Member
Hon. Ydanis Rodriguez, Council Member
Hon. Mark Levine, Council Member



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Shahabuddeen A. Ally, Esq., Chairperson
Ebenezer Smith, District Manager

January 30, 2017

The Honorable Ydanis Rodriguez
Member
The City Council of New York
10th Councilmanic District
250 Broadway, Suite 1763
New York, NY 10007

Re: The Historic Designation of the Loew's 175th Street Theater aka the United Palace

Dear Council Member Rodríguez:

At the General Meeting of Community Board 12-Manhattan held on Tuesday, January 24, 2017 the following resolution passed with a vote of 24 in favor, 9 opposed, 3 abstaining.

Whereas: In 2015 the Landmarks Preservation Commission (LPC) developed a plan to address a backlog of 95 properties (the "Backlog") that were under consideration for designation, but were not designated or acted upon. The Backlog includes properties that were placed on the Commission's calendar prior to 2010 and are currently inactive, of which 85 percent were calendared 20 or more years ago. The Loew's 175th Street Theater, 4140 Broadway, Block 2145/Lot 0001, (the "Loew's 175") was one the properties included in the Backlog and the only property in located Washington Heights and Inwood; and

Whereas: The Loew's 175 is a masterpiece designed by noted theater architect Thomas Lamb; it is perhaps his most extravagant design. Built in 1932 and closed as a theater in 1969, it is the fifth and last of the Loew's Wonder Theaters, the theater chain's extravagant flagship theaters constructed in the 1920 and 1930s, and is the only Wonder Theater to retain its original theater pipe organ manufactured by the Robert Morgan Organ Company of Van Nuys, California. The Loew's 175 is one of the finest examples of the exuberant movies palaces built around the time o f the Great Depression, survives as one of America's relatively few intact gems from the golden age of theater design, and embodies a flamboyant architectural style of which there are few, if any, preserved examples in New York City; and

Whereas: In 1969 noted television evangelist Rev. Frederick J. Eikerenkoetter II, better known as Rev. Ike, purchased the Loew's 175. It then became the headquarters of the United Christian Evangelistic Association ("UCEA" or the "Owner") and was renamed the United Palace; and

Whereas: On October 27, 2015 Community Board 12-Manhattan ("CB12M") passed a resolution supporting the proposed historic designation of the Loew's 175 and LPC prioritizing it for designation in 2016; on February 23, 2016 LPC voted to prioritize the Loew's 175 for historic designation; and on December 13, 2016 LPC voted to designate the Loew's. The next step in the approval process is consideration by the City Council of LPC's designation; and

Whereas: The City Council has 140 days from the date of designation to hold a hearing and vote on a landmark; otherwise it automatically goes to the Mayor for approval. The City Council has the authority to revoke or modify the designation; if it does not vote the designation stands. The City Council typically defers to the local council representative on designations. It is an active decision for a City Council member to deny a landmark designation; and

Whereas: Councilman Ydanis Rodríguez represents the area where the Loew's 175 is located. In 2015, at a General Meeting of CB12M, Councilman Rodríguez expressed support for designation of the Loew's 175. However, more recently he has stated that he will withhold support unless LPC also simultaneously designate two other properties in Community District 12 - the Coliseum Theater, located at 703 West 181st Street, (the "Coliseum") and Wadsworth Avenue Baptist Church, located at Wadsworth Ave and West 183rd Street. This strategy of conditioning support for designation of the Loew's 175 on the simultaneous designation of two other properties is injurious to and undermines progress made towards designation of the Loew's 175; and

Whereas: CB12M supports the designation of individual landmarks and historic districts in Washington Heights and Inwood. However, while the research necessary to support designation of the Loew's 175 is complete and was undertaken as early as 1970, only five years after New York City landmarks preservation law was established, CB12M is not aware of the any research that has been undertaken to support designation of the Coliseum, and if any has been completed, if it has been presented to LPC as a Request for Evaluation ("RFE"). Further, the Wadsworth Avenue Baptist church has been demolished and, as with the Coliseum, CB12M is not aware of the any research undertaken or RFE submitted to LPC to support its designation; and

Whereas: Councilman Rodríguez should not be guided by the opposition to designation expressed by the Owner. The Owner's opposition reflects a misunderstanding of the impacts of designation, mischaracterizes the impacts of landmark designation, perpetuates the myth that landmark designation is burdensome and expensive, and ascribes to designation costs more accurately associated with keeping the property in a state of good repair and protecting public health and safety. LPC has no authority to require repairs or renovations to a designated property that the owner otherwise does not plan to perform. New York City's landmarks law is among the strongest in the country and does not require owner the consent, recognizing that providing for the permanence of architectural treasures like the Loew's creates a public good that far outweighs the short-term interests of an individual owner; and

Whereas: Designation would not only recognize the architectural merits and significance of the Loew's 175, but also its important to the history and culture of Washington Heights and to New York City because of its association with Rev. Ike, considered to be the first black television evangelist who preached the blessings of material prosperity to a large, predominantly black congregation in New York and to television and radio audiences nationwide. Further, designation would recognize and pay tribute to the Owner's stewardship of the Loew's 175; and

Whereas: Since the Loew's 175 is presently used for religious worship, only its exterior is subject to designation. LPC designated 10 other religious properties as part of the initiative to address the Backlog and over the years has designated scores of others; and

Whereas: The Loew's 175 is part of this great city's history and culture and a beloved neighborhood feature, indeed already an unofficial landmark. It has inspired depression-era weary moviegoers, religious congregations, local youth and a wide range of other audiences. It is an architecturally distinguished building designed by a master theater architect that merits designation and must be honored and preserved for our children, grandchildren and their children. Now, therefore,

Be It

Resolved: Community Board 12-Manhattan reaffirms its support for the designation of the Loew's 175th Street Theater as an individually landmarked building, strongly urge Councilman Ydanis Rodriguez support without reservation or condition the Landmarks Preservation Commission designation, and be it further

Resolved: Community Board 12-Manhattan also urge Councilman Rodriguez to support the various resolutions it has passed requesting that the Landmarks Preservation Commission consider historic designation of buildings and districts in Washington Heights and Inwood and to undertake, separate from any consideration of the Loew's 175th Street Theater, a campaign and advocacy formed around them and any other buildings and/or districts that he is interesting in being acknowledged with designation.

Since


Sharabuddin A. Ally, Esq.
Chairperson

cc: Russell Murphy, Chief Staff
Hon. Andrew Cuomo, Governor
Hon. Bill de Blasio, Mayor
Hon. Letitia James, Public Advocate
Hon. Scoot Stringer, Comptroller
Hon. Gale Brewer, Borough President
Landmarks Preservation Commission

Hon. Adriano Espaillat, Congressman
Hon. Bill Perkins, State Senator
Hon. Marisol Alcantara State Senator
Hon. Herman D. Farrell, Jr. Assembly Member
Hon. Ydanis Rodriguez, Council Member
Hon. Mark Levine, Council Member
Historic Districts Council