

October 2006 Resolutions

Committees of Origin: Land Use and Transportation

Re: West 61st Street Rezoning and Citywide General Large-Scale Development Text Amendment.

Full Board Vote: 35 In favor 0 Against 3 Abstentions 0 Present

A) Zoning Text Amendment

West 60th Street Associates, LLC and West End Properties, LLC, have proposed an amendment to Section 23-142 of the Zoning Resolution, pertaining to large-scale developments, which would permit the maximum floor area ratio, without regard to the height factor or the open space ratio, upon a finding that the landscaping being provided is "superior."

Open space in a large-scale project is not required to be accessible, useable or even visible to the public. It can be surrounded by buildings, walled off, and paved over. Under the proposed Amendment, the open space required could still be satisfied by creation of a private garden not visible to the street, so long as it is in some undefined sense "superior" compared to some other undefined possible solution. No criteria are provided in the proposed amendment and, in any event, the vantage point for judging superiority appears to be that of occupants of the proposed buildings, not the surrounding community. Most important, there is no requirement that the project as a whole be superior in any other way to an as-of-right development, and, indeed, could well be inferior because of the waiver of height-factor requirements.

While the proposed amendment is being requested in conjunction with the applicant's requests for permits and other actions on a specific site, we are aware that the proposed amendment would have city-wide implications.

Community Board 7/Manhattan cannot approve the proposed Amendment, as drafted. A trade-off of height factor and open space requirements presumptively beneficial to the surrounding community for open space concessions of unforeseeable and ill-defined value to a small group of future residents does not make sense.

Community Board 7 recognizes, however, that there may be times when both the Large Scale Development requirements and the alternative requirements of Quality Housing, might be too restrictive to permit a large scale development of superior design and architectural quality, and we have in the past encourage a special permit scheme which allows the community and City Planning to exercise discretion in rewarding superior design which benefits the surrounding community. We also believe that there is value added in well-designed open space, but only if it benefits the public and is accessible to the public.

BE IT RESOLVED THAT Community Board 7/Manhattan **disapproves** the proposed amendment to Zoning Resolution Section 23-142; and

BE IT FURTHER RESOLVED THAT Community Board 7/Manhattan would, subject to detailed review of precisely crafted language, favorably consider an amendment which would, permit waiver of height factor and open space requirements upon a finding by the Community Board and the City Planning Commission, that the proposal presents, in combination, architectural features, design and configuration, and open space planning, including the provision of open space accessible to the public for passive recreational use, superior to the optimum design permissible as of right.

*Land Use and Transportation Committees: 11-0-1-0. Board Members: 2-0-1-0.
Public Members: 2-0-0-0.*

Committees of Origin: Land Use and Transportation

Re: West 61st Street Rezoning and Citywide General Large-Scale Development Text Amendment.

Full Board Vote: 40 In favor 0 Against 1 Abstention 0 Present

B) Zoning Map Amendment

West 60th Street Associates, LLC and West End Properties, LLC, have proposed an amendment to the City Map, which would rezone the western half of the block bordered by West End Avenue and Amsterdam Avenue, 60th and 61st Streets as follows: the area within 100 feet of West End Ave., from M1-6 to C4-7, and the remainder from M1-6 to C6-2.

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the proposed Amendment to the Zoning Map.

Land Use and Transportation Committees: 12-0-0-0. Board Members: 3-0-0-0.

Public Members: 0-0-2-0.

Committees of Origin: Land Use and Transportation

Re: West 61st Street Rezoning and Citywide General Large-Scale Development Text Amendment.

Full Board Vote: 37 In favor 3 Against 0 Abstentions 0 Present

C) Zoning Special Permit

West 60th Street Associates, LLC and West End Properties, LLC (Developers) have requested special permits including modification to height and set-back and rear-yard requirements in contemplation of an Amendment of the Zoning Resolution and the Zoning Map which would permit construction of a proposed large-scale project between 60th and 61st streets, east of West End Avenue.

At present the application for special permits is deficient because the underlying zoning would not permit the proposed project to be built, even with the special permits. Unless and until there is agreement concerning the scope of any proposed Zoning Amendment text change, any consideration of the proposed special permits would be premature and would present practical difficulties. Community Board 7 would prefer not to vote with respect to a project which is dependent upon a text change which the Community Board opposes.

The proposed project, including the purportedly "superior" landscape design exhibited to the Community Board would not be eligible for a discretionary waiver under the Zoning Resolution Amended in accordance with the Community Board's suggestion, set forth in an accompanying resolution, and there would be no need, therefore to consider the specific special permit requested by the developer.

We recognize and are sympathetic to the desire of the developer to have all of the regulatory issues proceed simultaneously, and the Community Board is willing to participate in this process by first seeking consensus (including with other community boards) on a Zoning Resolution Amendment, and then applying the Amendment Resolution to the proposed project. This process need not await a new application but can begin immediately. For all of the foregoing reasons,

BE IT RESOLVED THAT Community Board 7/Manhattan **disapproves** the application by Developers for special permits modifying height and setback and rear yard requirements without prejudice to renewal upon agreement on the text of a Zoning Resolution Amendment affecting large scale developments; and

BE IT FURTHER RESOLVED THAT Community Board 7/Manhattan encourages the Developers to participate in a joint effort to redraft their proposed Amendment in accordance with the observations contained in the accompanying resolution, to

demonstrate that the proposed project is superior, not merely in the landscape design, but in its accessibility to the public, and that the overall project is of superior architectural and design quality as compared with the optimum as of right project.
Land Use and Transportation Committees: 10-1-1-0. Board Members: 0-1-1-0.

Committees of Origin: Land Use and Transportation

Re: West 61st Street Rezoning and Citywide General Large-Scale Development Text Amendment.

Full Board Vote: 35 In favor 4 Against 0 Abstentions 0 Present

D) Garage Permit

BE IT RESOLVED THAT Community Board 7/Manhattan **disapproves** the application by the Developers for a zoning special permit for a Public Parking Garage for 200 spaces, including 121 accessory spaces without prejudice to renewal upon agreement on the text of a Zoning Resolution Amendment affecting large scale developments.

Land Use and Transportation Committees: 11-1-0-0. Board Members: 3-0-0-0.

Committees of Origin: Land Use and Transportation

Re: 44-48 West 63rd Street, Empire Hotel, dba P.J. Clark's (Columbus Avenue.)

Full Board Vote: 31 In favor 1 Against 1 Abstention 1 Present

WHEREAS, the footprint of the existing sidewalk café is too big, and the location is too busy for the scale of the extension onto the public thoroughfare with the remaining sidewalk width for pedestrians to pass less than approximately 7'-6" on 63rd Street; and

WHEREAS, the Community Board 7 questions whether the current enclosed café, which has been vacant for over six (6) years, is still "grandfathered" under the Lincoln Square Special District zoning, which does not permit new enclosed sidewalk cafes;

WHEREAS, the extent of the wrap around of the café encroaches on the marquis entrance of the Empire Hotel entrance canopy; and

WHEREAS, the Owners have indicated unwillingness to modify the extent of the enclosure to set back the café on the West 63rd Street side, leaving the primary façade and hotel entrance visible; and

BE IT RESOLVED THAT Community Board 7/Manhattan **disapproves** application ULURP #N060554ECM/ DCA #1229629 to the Department of Consumer Affairs by ERS Enterprise, Inc. to operate an enclosed sidewalk café with 22 tables and 46 seats.

Transportation and Land Use Committees: 12-2-1-0. Board Member: -0-0-1-0.

Committee of Origin: Transportation

Re: 346 West 89th Street, Yeshiva Ketana of Manhattan (Riverside Drive.)

Full Board Vote: 32 In favor 1 Against 0 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** new signage for the Yeshiva Ketana's existing spaces on Riverside Drive, to read: No Standing except faculty parking - school days - Mon-Fri- 7AM-6PM, SU-7AM-1:00 PM.

Committee: 7-0-0-0.

Committee of Origin: Transportation

Re: 610 Columbus Avenue, dba AJO Home & Lumber Depot, LLC.

Full Board Vote: 33 In favor 0 Against 0 Abstentions 0 Present

WHEREAS, the Department of Transportation's rush hour regulations on Columbus Avenue have been implemented with an eye to speeding traffic to the CBD; and

WHEREAS, AJO was granted longer hours in their initial application to Community Board 7; and

WHEREAS, most of AJO's neighbors have been opposed to longer hours;

BE IT RESOLVED THAT Community Board 7/Manhattan **opposes** any extension to the loading zone hours for AJO Lumber.

Committee: 7-0-0-0.

Committee of Origin: Transportation

Re: 410 Amsterdam Avenue (West 80th Street.)

Full Board Vote: 34 In favor 0 Against 0 Abstentions 0 Present

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** renewal application DCA# 1165276 to the Department of Consumer Affairs by 317 Amsterdam Corp., d/b/a Bella Sguardo, for a two-year consent to operate an unenclosed sidewalk café with 6 tables and 12 seats.

Committee: 6-0-0-0.

Committee of Origin: Parks & Preservation

Re: Lasker Rink, Central Park

Full Board Vote: 34 In favor 0 Against 0 Abstentions 0 Present

WHEREAS, the project to remove the central staircase and make minor changes to the façade and railing seeks to restore and upgrade Lasker Rink;

WHEREAS, the changes to the staircase create a larger and more user-friendly plaza;

WHEREAS, the removal of the chain link fence makes the plan more open and less institutional in character;

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** application # 06-6530 to the Landmarks Preservation Commission by the Department of Parks and Recreation to add a new stair from the terrace level to the lower level, and make minor changes to the building elevation and terrace railing.

Committee Vote: 3-0-0-0. Board Members: 1-0-0-0.

Committee of Origin: Parks & Preservation

Re: 2 West 67th Street (Central Park West.)

Full Board Vote: 34 In favor 0 Against 0 Abstentions 0 Present

WHEREAS, the double height steel window at the front of the building will be replaced with a replica of the historic window but will be made of fiber glass and with double thick insulated glass; and

WHEREAS, three windows on the side of the building will be changed to aluminum framing, but will retain the historic configuration; and

WHEREAS, the presenter agreed to retain the muntin on these buildings which had been slated for removal; and

WHEREAS, the two third floor windows are in the alleyway and not visible from the street; and

WHEREAS, the change to single pane windows on the third floor is necessary in order to open them fully; and

WHEREAS, the same verticality will be retained in the third floor windows even though the transom is being removed;

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the application with the center fixed muntin on the second floor and the French door configuration on the third floor.

Committee Vote: 4-0-0-0. Board Members: 2-0-0-0.

Committee of Origin: Parks & Preservation

Re: 73 West 68th Street (Columbus-Amsterdam Avenue.)

Full Board Vote: 34 In favor 0 Against 0 Abstentions 0 Present

WHEREAS, the application to lower the backyard by 3 feet will line up the yard with adjacent properties; and

WHEREAS, the request to remove the 3' rubble wall and replace it with a 6' cinder block wall shall be modified to retain the rubble wall and add 3' of a red brick addition above the rubble wall to finish off the wall; and

WHEREAS, the Architect indicated there would be protection of the building and those surrounding it during excavation;

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the application, with modifications, to the Landmarks Preservation Commission for removal of retaining wall and lowering of backyard by 3 feet.

Committee Vote: 4-0-0-0. Board Members: 1-1-0-0.

Committee of Origin: Parks & Preservation

Re: 190-198 Columbus Avenue, dba L'Occitane Provence (West 69th Street.)

Full Board Vote: 34 In favor 0 Against 0 Abstentions 0 Present

WHEREAS, the owner of this store was required by the Human Rights Commission to install a sidewalk ramp following a complaint from a wheelchair-bound patron unable to access the store; and

WHEREAS, the store itself is too small to accommodate the ramp inside the store itself; and

WHEREAS, the ramp will extend only 3'8" into the sidewalk and will have railings of brushed aluminum;

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the application to the Landmarks Preservation Commission for exterior ramp at storefront.

Committee Vote: 4-0-0-0. Board Members: 1-0-1-0.

Committee of Origin: Parks & Preservation

Re: 175 West 73rd Street (Broadway.) "The Verdi."

Full Board Vote: 34 In favor 0 Against 0 Abstentions 0 Present

WHEREAS, the original wood 8 over 1 windows have been changed in many apts. over the years; and

WHEREAS, the proposed master plan to change the other windows will replicate the one-over-one aluminum windows prominent in the building;

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** application #06-5799 to the Landmarks Preservation Commission for establishment of a Master Plan governing the future replacement of windows.

Committee Vote: 4-0-0-0. Board Members: 2-0-0-0.

Committee of Origin: Parks & Preservation

Re: 175 West 73rd Street (Broadway.)

Full Board Vote: 34 In favor 0 Against 0 Abstentions 0 Present

WHEREAS, the proposed master plan for storefronts proposes a symmetrical rhythm for the store doors and windows; and

WHEREAS, the original limestone behind the storefronts is intact and will be restored; and

WHEREAS, the Architect has done paint samples and is painting the edgings an historic green; and

WHEREAS, the Architect is proposing retractable awnings in a variety of colors; and

WHEREAS, lighting will be attached on the underside of the awnings; and

WHEREAS, the bracketed signage will be a template which is consistent and will be attached under the awning; and

WHEREAS, the proposed master plan for storefronts calls for the preservation of the existing neon P&G Bar sign that wraps around the northeast corner of West 73rd Street and Amsterdam Avenue;

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** application #06-5801 to the Landmarks Preservation Commission for establishment of a Master Plan governing the future replacement of storefronts.

Committee Vote: 4-0-0-0. Board Members: 2-0-0-0.

Committee of Origin: Parks & Preservation

Re: 320 West 78th Street (West End Avenue.)

Full Board Vote: 21 In favor 11 Against 2 Abstentions 0 Present

WHEREAS, the Architect agreed not to enlarge the front basement window and to preserve the historic facade that closely matches the facade of adjacent brownstones; and

WHEREAS, the moving of the existing rooftop extension further from the street and the installation of rooftop railing will be minimally visible; and

WHEREAS, the Architect is removing the party wall thereby exposing the other side of the wall, but will have it treated to prevent water penetration and maintain the structural integrity of the adjacent brownstone; and

WHEREAS, the air conditioner in the front basement window will be removed and replaced with matching limestone; and

WHEREAS, the dog-leg extension that extends '6 into the backyard and which is on each of the row houses will be removed; and

WHEREAS, the Architect shall add a new brick extension (color and style match the brick used on the front facade) across the width of the building that will only jut out into the rear yard by '3 feet ('3 less than the existing dog-leg); and

WHEREAS, the Architect has agreed to modify the windows on the 2nd and 3rd floors of the extension to be more traditional in character and to resemble those on the rear of 314 West 78th Street;

BE IT RESOLVED THAT Community Board 7/Manhattan **approves**, with modifications, application #06-7916 to the Landmarks Preservation Commission for alteration of the front and rear facades and install rooftop railings.

Committee Vote: 3-1-0-0. Board Vote: 2-0-0-0.

Committee of Origin: Parks & Preservation

Re: 167 West 80th Street, 3rd Floor (Amsterdam Avenue.)

Full Board Vote: 34 In favor 0 Against 0 Abstentions 0 Present

WHEREAS, the wooden windows on the third floor are rotting; and

WHEREAS, the replacement windows will be metal framed windows matching others in the building; and

WHEREAS, the windows will be rounded at the top to conform with the original window configuration of the building;

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the application to the Landmarks Preservation Commission for replacement of windows.

Committee Vote: 4-0-0-0. Board Members: 2-0-0-0.

Committee of Origin: Parks & Preservation

Re: 300 Central Park West, Apt. 11L (West 90th Street.)

Full Board Vote: 34 In favor 0 Against 0 Abstentions 0 Present

WHEREAS, this application for a roof-top shed at the El Dorado seeks to replace a wooden shed that was removed because of roof work, and the proposed new shed occupies the same general footprint as the previous shed;

WHEREAS, the new shed is minimally visible from the street as was the previous one;

WHEREAS, the shed will be built out of aluminum and painted ivory so it recedes into the building fabric with minimal intrusion;

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** application #06-4192 to the Landmarks Preservation Commission for construction of an additional shed.

Committee Vote: 4-0-0-0. Board Members: 2-0-0-0.