

**COMMUNITY BOARD 7/ MANHATTAN  
NOVEMBER 2007 RESOLUTIONS**

**Date: November 7, 2007**

**Committee of Origin: Land Use Joint with Transportation**

**Re: 108<sup>th</sup> Street Garages (Amsterdam-Columbus Avenues.)**

**Full Board Vote: 35 In favor 0 Against 1 Abstention 0 Present**

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** applications C080066HUM and C080067HAM to the Department of City Planning by the Department of Housing Preservation & Development A) to amend the Cathedral Parkway Urban Renewal Plan to facilitate the disposition of three parking garages on the north side of West 108<sup>th</sup>, and B) to subdivide Site 3 into five sites, compatible with existing uses: three commercial, one residential, and one open space.

**Date: November 7, 2007**

**Committee of Origin: Land Use Joint with Housing and Transportation**

**Re: 100 West 93<sup>rd</sup> Street, Leader House (Columbus Avenue.) ULURP Applications M 920493(C) ZAM and N 050402 ZRM to the Department of City Planning.**

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

Leader House Associates, the owner of more than 100 condominium units, a garage, and all unused development rights at the Leader House, 10 West 93<sup>rd</sup> Street, has applied for an amendment to Section 78-06 of the Zoning Resolution, in order to allow the use of available unused commercial and community facility floor area in parcels at least 50% located within a C1-9 or C2-8 district, located in the previously approved West Side Large-Scale Residential Development (LSRD) plan, and within the former West Side Urban Renewal Area (WSURA) plan which expired in 2002 after forty years. These parcels are located on Columbus and Amsterdam Avenues, between 87<sup>th</sup> and 96<sup>th</sup> Streets.

Simultaneously, the applicant has requested a modification of the West Side Large Scale Residential Development plan (LSRD) to allow a two story enlargement at the base of its own 29-story building (Leader House), between 92<sup>nd</sup> and 93<sup>rd</sup> Streets, along the length of the east side of its Columbus Avenue frontage and wrapping around on the side streets. The modification would only be permissible if Section 78-06 of the Zoning Resolution is amended substantially as proposed.

That is, the application for the use of unused floor area at Leader House can only go forward if the provisions of Section 78-06 are amended to affect all the potential parcels and unused floor area located within the former WSURA.

According to the Environmental Assessment Statement prepared by the applicant, the proposed Zoning Resolution amendment would affect approximately 20 sites in the area of 87<sup>th</sup> to 96<sup>th</sup> Streets, Amsterdam and Columbus Avenues in Community Board 7 and could result in the potential development of nearly 200, 000 square feet of commercial and community facility space. No analysis of the potential developments or their visual impact is presented.

The proposed Amendment to the Zoning Resolution would empower the City Planning Commission to approve new two-story additions on a case-by-case basis, upon application by an owner of a qualifying site. No provision is made in the proposed amendment for Community Board review of these possible future individual applications. Thus, potentially, two story additions might be added to twenty sites, primarily along Columbus Avenue, a major north-south avenue in Community Board 7, without even notification to the Community Board.

On the surface, utilization of unused floor area may seem benign, but in the context here presented it is fraught with pitfalls. First, the Amendment affects buildings and sites which are already fully developed, and in some cases, landscaped. Retro designing a building to accommodate a two-story addition for commercial and community facility space presents significant design challenges, and esthetic considerations might easily be sacrificed by an applicant to reduce construction costs and maximize rental values of the additional space. If the new construction proceeds on a case by case basis, it will be impossible to maintain any uniformity or rationality on the affected avenue. It will also be difficult for the City Planning Commission to justify denial of any particular application.

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The case-by-case application process and the lack of any meaningful input by the Community Board about the streetscape, design, and planning of two of the most important corridors in the district shows a disregard for comprehensive planning for the future of these avenues after the expiration of a plan that was in effect for 40 years. The proposed amendment fails to set forth any guidelines or rules governing the nature of future applications, the information required to be presented, or the proposed structures themselves. There appears to have been no study of the effects of the development potential of these 20 sites or the problems and issues likely to be encountered. There is no guidance provided as to such important issues as, for example, percentage glass coverage of the new street fronts; interior obstructions near street-front windows; construction materials; compatibility with the design of the parent building; landscaping; effect on residents of the affected building or existing structures or landscaping and of the overall effect of total or partial build-out on these two major avenues. No guidance is provided for what, if any, activity is desirable on the roof of any two-story addition, such as the one proposed by the individual application of Leader House. Nor has any consideration been given to the proposed uses of the new spaces (e.g. whether to restrict or prohibit rental to large chains, which already proliferate in the area; whether, and if so, how to encourage rental to “mom and pop” stores which are more likely to contribute to the life of the community; whether to encourage or prohibit restaurants with inevitable applications for sidewalk cafes extending beyond the two-story extensions; and whether some type of community facility uses might be inappropriate).

Given the scope of what is being proposed, the absence of any clear planning guidelines by the City Planning Department or Commission, the absence of official community board participation and the absence of any guidelines for future construction, the proposed amendment as drafted is unacceptable.

Nonetheless, Community Board 7 recognizes that strict adherence to the LSRD has led to unfortunate results in many areas along Columbus Avenue, of which the Leader House itself may be a prime example. Where the sidewalk is substantially wider than is customary, necessary or proper, and where the building bordering the sidewalk consists primarily of a blank wall at street level, the situation cries out for improvement. We also recognize that the absence of retail frontage on this block of Columbus Avenue is contrary to a vibrant urban experience. The nature of the improvement and the size and scope and proposed use of any proposed construction is, however, a matter for careful study. In the case of the Leader House it would be inappropriate to consider and vote on the proposed design unless and until a Zoning Resolution Amendment acceptable to the Community Board is drafted, and until City Planning and the Community Board have had an opportunity to consider the impact of any such proposed Amendment on other sites.

The history of the applicant’s attempts over the past four years to create a commercial/community facility addition demonstrates that the issues presented have the potential to produce significant controversy. When the issue first surfaced, four years ago, residents of Leader House who appeared at Community Board meetings were vociferous in their opposition. At a recent CB 7 Land Use Committee meeting, by contrast, the residents who attended appeared to favor some construction (although not all residents favored all aspects of the plan proposed). A significant factor in the position of the residents appears to have been the applicant’s promise to build a rooftop lounging area for the exclusive use of the residents.

Most important, the proposed amendment contains no requirements that detailed plans showing any new proposed structure be presented, or that proposed retail use be described or limited in any way beyond the general category of uses in Use Group 6. The Leader House uses proposal, for example, contains detailed drawings showing the rooftop private space designed for residents of the building. No comparable details are provided for the retail structure itself.

Community Board 7 believes that an amendment to the Zoning Resolution is appropriate to permit some infill of dead space along the avenues. However, given the importance of the issue and the absence of any planning involving any site other than Leader House, and given substantial questions raised by Board members concerning Leader House, itself, it is

Resolved, that Community Board 7/Manhattan **disapproves** the proposed Amendment to the Zoning Resolution as proposed by Leader House Associates, but be it further

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Resolved, that CB 7 urges The City Planning Commission and its staff to join in a comprehensive review of the affected sites and their contexts with a view to drafting guidelines for development of all potential property line infill as proposed in the application; and be it further

Resolved, that Community Board 7 urges City Planning and its staff as a minimum to include language in any proposed amendment, in words or in structure, as follows:

1. That any proposed development pursuant to this amendment be subject to Community Board review prior to approval by the City Planning Commission;

2. That the application may be granted upon a showing that the proposed structure will improve existing conditions on the site by increasing the vitality of street life adjacent to the structure, enhance the character of the neighborhood in which the zoning lot is located, and will not be detrimental to the public welfare.

3. That the application must demonstrate that the proposed structure will be constructed of appropriate building materials compatible with other structures on the site and adjacent sites; be of superior architectural quality; be occupied predominantly by individually owned local retail establishments; that the required glass frontage shall contained an unobstructed view of the interior; that any signage be of reasonable size and illumination and compatible with the mixed use nature of the district; that attractive and appropriate landscaping will be provided; and that no tenant will apply for an enclosed side walk cafe extending beyond the property line.

4. That any application pursuant to this amendment shall include detailed drawings showing:

- a) proposed use of building materials, architectural elements, and proposed doorways, demonstrating that the proposed structure is compatible with any existing structures on the site and with adjacent structures, and is of superior architectural design;
- b) proposed pedestrian and sidewalk lighting and other safety measures to be installed;
- c) any proposed landscaping on the site or on the sidewalk adjacent to the site;
- d) proposed signage, which shall be compatible with signage on adjacent sites and appropriate to the mixed residential and commercial use of the district.

5. That any application pursuant to this amendment include an undertaking by the developer:

- a) that no more than 30% of the commercial space in the proposed structure be leased to or occupied by any entity which operates or franchises more than 15 locations nationwide;
- b) that the required glass frontage in the proposed structure permit unobstructed visual access to the interior of the premises;
- c) that any commercial establishment on the premises shall be ineligible to operate an enclosed sidewalk café extending beyond the proposed property line; and it is further

RESOLVED, that in view of the absence of appropriate detail and undertakings, and for all of the reasons set forth above, the application of Leader House Associates is **disapproved**, as premature, without prejudice to renewal upon submission of appropriate drawings and undertakings and following passage of an amendment to the zoning resolution containing language set forth above.

**Date: November 7, 2007**

**Committee of Origin: Parks & Preservation**

**Re: West-Park Presbyterian Church (Amsterdam Avenue and West 86<sup>th</sup> Street.)**

**Full Board Vote: 24 In favor 4 Against 1 Abstention 1 Present**

**The following facts and concerns were taken into consideration in arriving at our resolution:**

1. West-Park Presbyterian Church at Amsterdam Avenue and West 86<sup>th</sup> Street unquestionably meets the criteria for designation as a New York City Individual Landmark. For reasons discussed in more detail below, West-Park merits landmark designation not only because of its architectural importance, but also because of its history as a catalyst for the longstanding tradition of liberal and cultural activism on the Upper West Side.

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2. West-Park, designed by architect Henry F. Kilburn and built in 1890, is a unique survivor on the Upper West Side of a building in the Richardsonian Romanesque style of ecclesiastical architecture. Further, as noted by the New York State Office of Parks, Recreation and Historic Preservation in its Resource Evaluation on West-Park dated November 8, 2001: "The church retains an exceptionally high level of integrity of setting, design, materials, craftsmanship feeling and association on both the exterior and interior." It is a boldly massed French Romanesque-inspired building with a massive tower anchoring its prominent corner.

3. Additionally, the easternmost section of the building, facing West 86<sup>th</sup> Street, is an adaptation of an 1884 chapel, which constituted West-Park's original structure on the site, designed by Leopold Eidlitz, referred to by architectural historian Andrew Scott Dolkart in a statement dated March 2003 submitted to the Landmarks Preservation Commission as "one of the most important nineteenth-century architects working in New York, who "was also significant for his theoretical writings on architecture, structure and engineering."

4. From the beginning, West-Park has embodied the spirit of social consciousness of the Upper West Side. Anson Phelps Atterbury, a socially-minded minister who translated Werner Sombart's writings on socialism into English, became Pastor of what was then called the Park Presbyterian Church, raised the money to move the church from its prior, inadequate site to the current site, and, with the congregation, engaged Eidlitz to design the chapel building.

5. Among other notable activities in the 20<sup>th</sup> Century, West-Park was the first home of Joseph Papp's Shakespeare Festival, the birthplace of God's Love We Deliver and the West Side Food Pantry, the first church in New York City to support gay marriage, and the original home of West Side Federation for Senior and Supportive Housing (WSFSSH).

6. West-Park (for whatever reason), was not included in the Upper West Side-Central Park West Historic District designated in 1990, although the Landmarks Preservation Commission staff (as quoted by Christopher Gray in the "STREETSCAPES" column in the *New York Times* on January 10, 1988) had described it as a "superb" building in 1979. As a result, West-Park has been in imminent danger of partial or total demolition a number of times. The church is currently the subject of a development proposal that would destroy the Eidlitz portion of the building entirely, and would also modify the stairs and entrances on Amsterdam Avenue.

7. Community Board 7/Manhattan, believes that designation of West-Park as an Individual Landmark is an urgent issue not only in light of the development proposal to which it is immediately subject, but also in light of the development pressure on it generally, and the development pressure on other churches and non-profit institutions in the Upper West Side and other New York City locations.

BE IT RESOLVED that Community Board 7/Manhattan requests that the Landmarks Preservation Commission calendar an immediate hearing on the proposed designation of West-Park Presbyterian Church as an Individual Landmark.

*Committee: 8-1-0-0. Board Members: 5-0-0-0.*

**Date: November 7, 2007**

**Committee of Origin: Parks & Preservation**

**Re: 12 West 72nd Street (Central Park West).**

**Full Board Vote: 25 In favor 0 Against 1 Abstention 1 Present**

**The following facts and concerns were taken into consideration in arriving at our conclusion:**

The original casement windows at 12 West 72nd Street were almost entirely replaced several decades ago with double-hung windows, which are in deteriorated condition; and

The building is a coop, and there is no requirement that owners replace their windows at any designated time; and

Therefore, adopting a master plan that required windows, when replaced, to match the original casement windows would not result in uniform casement windows for many years, if ever; and

The proposed master plan for double-hung windows is much more likely to result in uniform windows in a much shorter period of time; and

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The Parks & Preservation Committee of Community Board 7/ Manhattan believes that the proposed windows are reasonably appropriate to the historic character of the building, and of the Historic District.

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the proposed master plan for the replacement of windows at 12 West 72nd Street with double-hung windows of uniform design and quality.

*Committee: 5-0-0-0. Board Members: 3-0-0-0.*

**Date: November 7, 2007**

**Committee of Origin: Strategy & Budget**

**Re: CB7 Priorities for the Fiscal Year 2009 NYC Capital Budget.**

**Full Board Vote: 27 In favor 0 Against 0 Abstentions 0 Present**

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the priorities for the Fiscal Year 2009 NYC Capital Budget.

**Date: November 7, 2007**

**Committee of Origin: Strategy & Budget**

**Re: CB7 Priorities for the Fiscal Year 2009 NYC Expense Budget.**

**Full Board Vote: 27 In favor 0 Against 0 Abstentions 0 Present**

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** priorities for the Fiscal Year 2009 NYC Expense Budget.

**Date: November 7, 2007**

**Committee of Origin: Transportation**

**Andrew Albert and Dan Zweig, Co-Chairpersons**

**Re: 229 Columbus Avenue (West 70<sup>th</sup>-71<sup>st</sup> Street.)**

**Full Board Vote: 24 In favor 0 Against 0 Abstentions 1 Present**

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** renewal application DCA# 1186113 to the Department of Consumer Affairs by Flej, Inc., d/b/a Pomodoro Rosso, for a two-year consent to operate an unenclosed sidewalk café with 8 tables and 16 seats.

*Committee: 5-1-0-0. Board Member: 1-0-0-0.*

**Date: November 7, 2007**

**Committee of Origin: Transportation**

**Re: 424 Amsterdam Avenue (West 80<sup>th</sup>-81<sup>st</sup> Street.)**

**Full Board Vote: 24 In favor 0 Against 0 Abstentions 0 Present**

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** renewal application DCA# 1075283 to the Department of Consumer Affairs by Café Con Leche, Inc., d/b/a Café Con Leche, for a two-year consent to operate an unenclosed sidewalk café with 6 tables and 18 seats.

*Committee: 5-1-0-0. Board Member: 0-0-0-1.*

**Date: November 7, 2007**

**Committee of Origin: Transportation**

**Re: 2298 Broadway (West 83<sup>rd</sup> Street.)**

**Full Board Vote: 24 In favor 0 Against 0 Abstentions 0 Present**

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** renewal application DCA# 1082469 to the Department of Consumer Affairs by Chung Cheung Corp., d/b/a Neo Japanese Restaurant, for a two-year consent to operate an unenclosed sidewalk café with 18 tables and 35 seats.

*Committee: 5-1-0-0. Board Member: 1-0-0-0.*

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NOVEMBER 2007 RESOLUTIONS CONTINUED**

**Date: November 7, 2007**

**Committee of Origin: Transportation**

**Re: 364 West 110<sup>th</sup> Street (Manhattan Avenue.)**

**Full Board Vote: 25 In favor 0 Against 0 Abstentions 1 Present**

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** renewal application DCA# 1039389 to the Department of Consumer Affairs by Spoonbread, Inc., d/b/a Miss Mamie's, for a two-year consent to operate an unenclosed sidewalk café with 6 tables and 12 seats.

*Committee: 6-0-0-0. Board Member: 1-0-0-0.*

**Date: November 7, 2007**

**Committee of Origin: Transportation**

**Re: 477 Amsterdam (West 83<sup>rd</sup> Street.)**

**Full Board Vote: 20 In favor 4 Against 0 Abstentions 1 Present**

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** renewal application DCA# 0885881 to the Department of Consumer Affairs by 83<sup>rd</sup> Amsterdam Restaurant Corp., d/b/a Hi-Life Restaurant, for a two-year consent to operate an enclosed sidewalk café with 6 tables and 16 seats.

*Committee: 5-1-0-0. Board Member: 1-0-0-0.*

**Date: November 7, 2007**

**Committee of Origin: Transportation**

**Re: Tucker Square Greenmarket (Columbus Avenue and West 66<sup>th</sup> Street.)**

**Full Board Vote: 22 In favor 4 Against 1 Abstention 0 Present**

BE IT RESOLVED THAT Community Board 7/Manhattan **approves** the request by Greenmarket at Tucker Square, Broadway-Columbus at West 66<sup>th</sup> Street, for signage that will allow truck parking on the Broadway side during the Thursday and Saturday markets.

*Committee: 5-2-0-0. Board Members: 1-0-0-0.*

**Date: November 7, 2007**

**Committee of Origin: Business & Consumer Issues Committee**

**George Zeppenfeldt-Cestero, Chairperson**

**Re: 487 Amsterdam Avenue, Homer's World Famous Malt Shop**

**Full Board Vote: 26 In favor 0 Against 0 Abstention 1 Present**

BE IT RESOLVED THAT Community Board 7/Manhattan **disapproves** the renewal application to the NY State Liquor Authority, unless separate licenses are sought for 487 (Malt Shop) and 489 Amsterdam (Blue Donkey Bar) and the following stipulation is added to method of operation in SLA application: patio will be closed to patrons and guests at 10 PM.

*Committee: 3-0-0-1. Board Member: 2-0-0-0.*

**Date: November 7, 2007**

**Committee of Origin:**

**Re: 505 Columbus Avenue, trade name to be determined.**

**Full Board Vote: 26 In favor 0 Against 0 Abstention 1 Present**

BE IT RESOLVED THAT Community Board 7/Manhattan **disapproves** the application to the NY State Liquor Authority since the applicant did not attend the committee meeting.

*Committee: 5-0-0-0. Board Members: 2-0-0-0.*