



CITY PLANNING COMMISSION

March 10, 2004/Calendar No. 31

C 040121 PPM

IN THE MATTER OF an application submitted by the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the disposition of two (2) city-owned properties, pursuant to zoning

<u>Block</u>	<u>Lot</u>	<u>Location</u>
1962	35	434 West 119 th Street
2001	2	Riverside Drive

Borough of Manhattan, Community District 9.

The application for the disposition of city-owned property was filed by the Department of Citywide Administrative Services (DCAS), Division of Real Estate Services (DRES), on September 22, 2003.

Both properties were included ULURP application C 000041 PPM, which was approved by the City Planning Commission with conditions, on February 14, 2001 (Calendar No. 18). These properties were disapproved for disposition by the City Council on March 28, 2001.

BACKGROUND

The Department of Citywide Administrative Services (DCAS), Division of Real Estate Services (DRES), proposes to dispose of two (2) city-owned properties pursuant to zoning. The properties are located in Manhattan, Community District 9.

434 West 119th Street (Block 1962, Lot 35), is a vacant, one-story building that formerly served as a Croton Aqueduct gatehouse. Lot 35 has been in city ownership since 1875. It is located at the southeast corner of Amsterdam Avenue and West 119th Street. Situated in an R8/C1-4 zoning district, Lot 35 contains 6,350 square feet (50 ft. x 127 ft.) and is located directly across from Columbia University's main campus. On June 28, 2000, the City Council approved the designation of this property as a city landmark.

Block 2001, Lot 2, is a vacant lot located on the east side of Riverside Drive between West 134th and West 135th streets. Located in an M1-2 zoning district, Lot 2 contains 675 square feet (9 ft. x 75 ft.). The property abuts a six-story residential co-op building (Lot 60) and a 14-story warehouse structure (Lot 1), which has a large, elevated billboard sign attached to its northern facade. The block is predominantly developed with the Riverview apartments, a 35-story residential complex that occupies a significant portion of the block.

ENVIRONMENTAL REVIEW

This application (C 040121 PPM) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The lead agency is the Department of Citywide Administrative Services.

This application was determined to be a Type II action which requires no further environmental review.

UNIFORM LAND USE REVIEW

This application (C 040121 PPM) was certified as complete by the Department of City Planning on October 20, 2003, and was duly referred to Community Board 9 and the Borough President, in accordance with Article 3 of the Uniform Land Use Review Procedure (ULURP) rules.

Community Board Public Hearing

Community Board 9 held a public hearing on this application on December 18, 2003, and on that date, by a vote of 34 to 0 with 0 abstentions, adopted a resolution recommending disapproval of the application. However, the Department did not receive the resolution within the Community Board's 60-day review period, and is therefore non-complying.

Borough President Recommendation

This application was considered by the Borough President, who issued a recommendation on December 30, 2003, disapproving the application, with the following conditions:

- **434 West 119th Street (Block 1963, Lot 35)** - a title transfer from DCAS to EDC to allow a "sole source sale" of the Croton Aqueduct Gatehouse to an appropriate entity which will guarantee, repair, preservation, and continued maintenance of the site as a significant historic artifact.
- **573 Riverside Drive (Block 2001, Lot 2)** - rezone as residential and then have the city explore the possibility of "selling" it to the adjacent apartment development in order to end the danger of its purchase as base ground for construction of a billboard.

City Planning Commission Public Hearing

On January 28, 2004, (Calendar No. 3), the City Planning Commission scheduled February 11, 2004, for a public hearing on this application (C 040121 PPM). The hearing was duly held on February 11, 2004 (Calendar No. 13). There were three speakers in favor and no speakers in opposition to the application.

A representative from DCAS answered the Commission's questions regarding DCAS's land disposition and auction policy. DCAS stated that disposition through auction is an effective mechanism for returning city-owned property to private ownership. However, a city agency may request a hold, prior to auction. It is DCAS's policy not to auction property if an agency is pursuing or has been granted a hold. This dual track process allows for the prompt disposition of city-owned property should it not be needed for agency use. With respect to the subject properties, no city agency requested that they be withheld from disposition. However, DCAS informed the Commission that they are working with Columbia University to finalize a licensing agreement to allow Columbia to inspect the former Croton Gatehouse, prior to making any commitments to purchase or lease the property.

Those also speaking in favor, included two shareholders from a residential co-op adjoining one of the subject properties, Block 2001, Lot 2. The shareholders stated that the co-op has made capital improvements to the lot, not knowing that the lot was city-owned, and would like to acquire the lot. Accordingly, the shareholders requested that the Commission approve the disposition of Block 2001, Lot 2, with an accessory, extension or enlargement use, which would

give the co-op an opportunity to purchase the lot at auction and facilitate its acquisition. The Commission asked the shareholders whether they were aware that, if approved, the owners of the warehouse that adjoins the city-owned lot could also bid on the property. In response, the shareholders stated that they were willing to bid for the property at auction.

Additionally, both shareholders raised concerns about the presence of a billboard sign affixed to the facade of the adjoining warehouse. The Commission noted that portions of the sign encroach upon the city-owned lot; accordingly DCAS agreed to investigate the legal status of the sign and report its findings to Department staff.

There were no other speakers and the hearing was closed.

CONSIDERATION

The Commission believes that the proposed disposition of city-owned property is appropriate.

The subject properties are located on Block 1962, Lot 35 (434 West 119th Street) and Block 2001, Lot 2. The properties range from 675 to 6,350 square feet within R8 and M1-2 zoning districts and are not included in the city's capital program for housing, commercial, or open space development. The Commission notes that the application includes one designated landmark, the former Croton Gatehouse (Block 1962, Lot 35). Accordingly, the Landmarks Preservation Commission (LPC) staff has informed DCAS that they have no issues with this proposed disposition.

The Commission is aware that Community Board 9 and the Borough President adopted resolutions to disapprove this application, and notes their concern. At the public hearing, the Commission heard testimony from two speakers who reside in an adjoining residential cooperative building to Block 2001, Lot 2. The building's shareholders have invested money in improving and maintaining the property, and expressed interest in acquiring it from the city. Both shareholders were in favor of the disposition application, which would facilitate their ability to purchase the subject lot. The Commission notes that under the New York City Charter, DCAS is proscribed from conveying city-owned property through a "sole source" disposition process. City-owned property under the jurisdiction of DCAS must be disposed through a public auction process. Regarding a proposed accessory, extension or enlargement use restriction, the Commission notes that the lot is zoned M1-2; the adjoining co-op is zoned R8. Consequently, the proposed disposition restriction is not applicable in this case.

At the public hearing, the Commission asked DCAS to inspect Block 2001, Lot 2, to ascertain to what extent a billboard sign, affixed to the northern facade of the adjoining warehouse building, encroached onto the subject lot. DCAS informed Department staff that on February 23, 2004, it inspected Block 2001, Lot 2, and found that the billboard sign extends approximately 1 to 2 feet over the lot line into the subject lot. Moreover, the lighting provided for the sign intrude approximately 4 to 5 feet over the lot line. Department staff has learned that the sign received legal permits from the Buildings Department to be placed at its present location. However, in conversations with DCAS, the city could require the sign company to pay a fee (i.e., rent) for

encroaching over the city-owned lot. DCAS has informed Department staff that they would take appropriate action to address the billboard sign encroachment issue.

The Commission notes that Block 2001, Lot 2 is a small (675 square feet, 9 feet x 75 feet) vacant lot that has no possibility of assemblage with other vacant city-owned lots. Given its size and zoning (M1-2), it is unlikely that this lot would be developed independently pursuant to zoning. However, Lot 2 adjoins a residential building and could be developed with a billboard sign as-of-right, prior to the finalization of any rezoning proposal for the property, as suggested by the Borough President. Accordingly, the Commission urges DCAS not to lease the property for billboard use. Moreover, if DCAS determines that this property should be disposed, then the Commission additionally urges DCAS to consider disposing of this property, at first attempt, with a restriction that prohibits billboard signs from being constructed on the lot. The Commission believes that the proposed restriction would enable DCAS to dispose of the property, while addressing the concerns of the Commission, the Community Board, Borough President and shareholders in the adjoining co-op building. The proposed restriction would also reduce the likelihood of signage clutter at this location.

Regarding the former Croton Gatehouse (Block 1962, Lot 35), the Commission believes that this property should be disposed through a programmed mechanism other than a public auction, to better ensure the gatehouse's future preservation and use. At the public hearing, DCAS stated that it would enter into a licensing agreement with Columbia University to allow access for inspection and engineering assessment, after which Columbia would make a final decision on

acquiring the property. DCAS has informed Department staff that preliminary discussions were held between DCAS, Columbia and EDC about a possible sole source disposition to Columbia through EDC. The Commission notes that a sole source disposition could have conditions that support the Gatehouse’s landmark status and preserves its unique built character. The Commission supports an ongoing dialogue among all parties, and believes that this disposition application would facilitate the sole source disposition process, enabling Columbia or any other appropriate entity to acquire the property in the long term.

RESOLUTION

RESOLVED, by the City Planning Commission pursuant to Section 197-c of the New York City Charter, that the disposition of two (2) city-owned properties, pursuant to zoning:

<u>Block</u>	<u>Lot</u>	<u>Location</u>
1962	35	434 West 119 th Street
2001	2	Riverside Drive

Borough of Manhattan, Community District 9, proposed in an application by the Department of Citywide Administrative Services, dated September 22, 2003, is approved.

The above resolution (C 040121 PPM), duly adopted by the City Planning Commission on March 10, 2004 (Calendar No. 31), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

AMANDA M. BURDEN, AICP, **Chair**
KENNETH J. KNUCKLES, Esq., **Vice Chairman**
ANGELA M. BATTAGLIA, RICHARD W. EADDY,
JANE D. GOL, CHRISTOPHER KUI, JOHN MEROLO,
KAREN B. PHILLIPS, DOLLY WILLIAMS, **Commissioners**

ANGELA R. CAVALUZZI, R.A., **Commissioner voting no**