

Land Use  
Subcommittee on  
Zoning & Franchises

Date	7-21-08
Start Time	
Finish Time	

## **Leader House / 100 West 93<sup>rd</sup> Street Text Amendment**

### Summary of Text

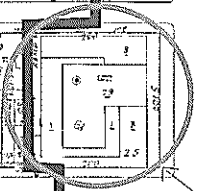
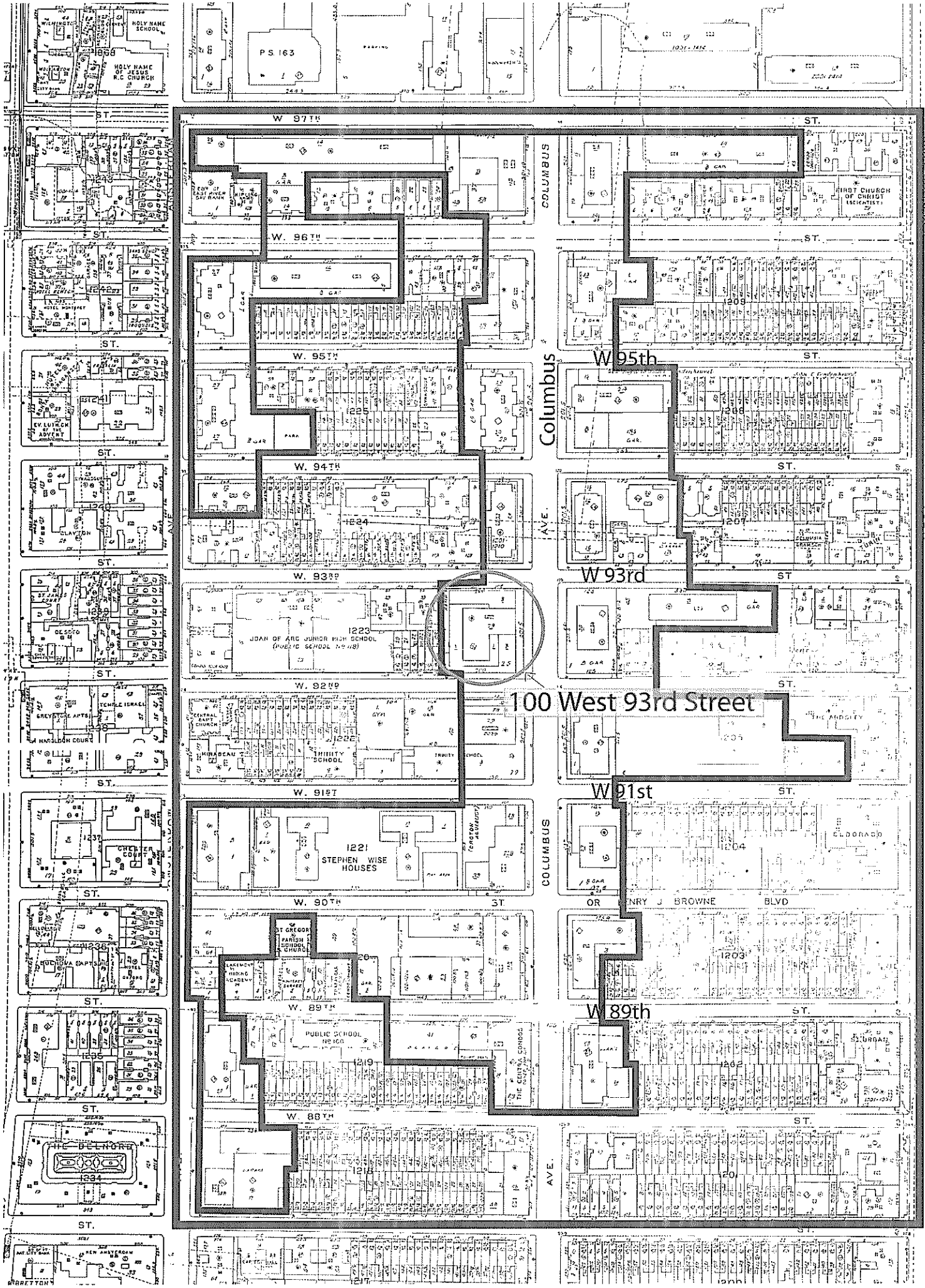
Properties within the Large Scale Residential Development (LSRD) in the former West Side Urban Renewal Area (WSURA) have historically been controlled by the floor area limits set by both the Urban Renewal Plan and the LSRD, which for many sites, is less than what would be allowed by the underlying zoning districts. Although the Urban Renewal Plan expired in 2002, the LSRD does not expire.

The proposed text amendment would permit individual property owners within C1-9 and C2-8 districts in the former WSURA LSRD to make an application to modify the LSRD. Modifications would be limited to commercial (retail) and community facility floor area, and the proposed text amendment includes several required conditions and findings, including:

- Enlargements are restricted to community facility uses and commercial uses in Use Groups 6A, 6C, and 6F (retail uses), and banks cannot occupy more than 25 feet of wide street frontage;
- Enlargements must contain at least three commercial (retail) establishments;
- 70% transparency is required on the ground floor up to a height of 12 feet;
- Required open space with appropriate circulation, seating, lighting and plantings shall be accessible and usable by all residents of the development;
- No residential use located above the ground floor may be converted to non-residential use;
- The enlargement should enhance the streetscape and the design should promote a harmonious relationship with the existing development and contiguous blocks;
- Environmental impacts must be analyzed cumulatively;
- Each application made under this text amendment must be referred out for a period of 45 days to the local Community Board for their review and comment.

### Summary of Proposed Modification to Leader House / 100 West 93<sup>rd</sup> Street

- Proposed enlargement to the first floor of the building and a partial enlargement of the second floor.
- The first floor will contain approximately 17,870 square feet of commercial floor area, split into three establishments, and 11,847 square feet of community facility floor area.
- The second floor will contain approximately 4,425 square feet of community facility floor area.
- There will be a new landscaped roof garden on the second floor for the use of all of the building's residents.
- Additional commercial area will be located in the cellar level.
- Existing parking will be reconfigured but will remain unchanged.



100 West 93rd Street

Map of City of New York, 1922

PLAT

SE

CENTRAL

PARK

SEC

Proposed 93rd Street Elevation



DANIEL GOLDBERGER ARCHITECTS  
110 WEST 23RD STREET, 10TH FLOOR  
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TEL: 212 677 2200  
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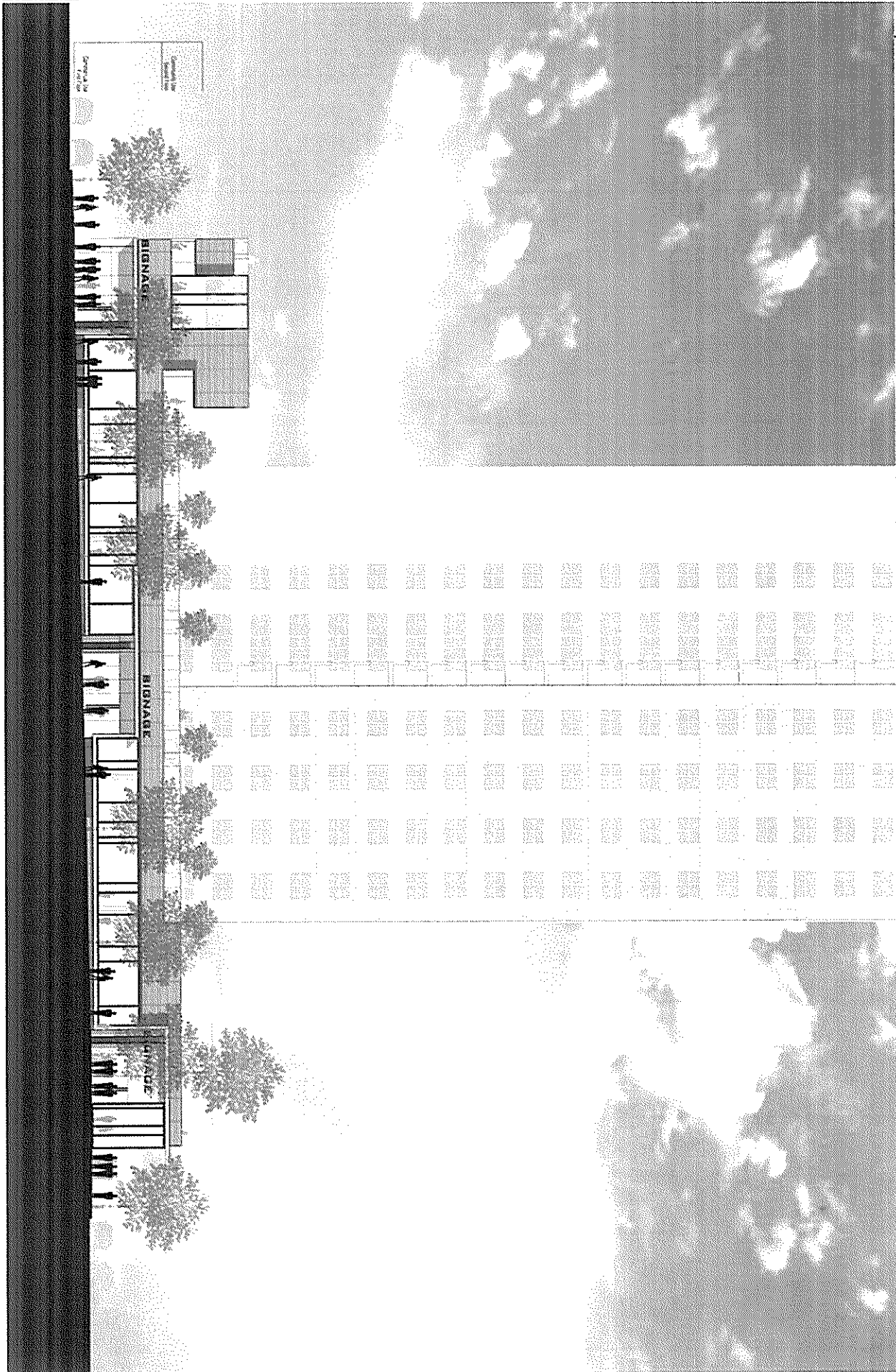
LEADER HOUSE ENLIGHTENMENT  
100 WEST 23RD STREET, NEW YORK  
NEW YORK, NY 10011  
TEL: 212 677 2200  
WWW.LHCORP.COM

DATE 02/22/07 REV C3/04/08  
SCALE 1/8" = 1'-0"  
TYPE Proposed Elevation

5.0



Proposed Columbus Avenue Elevation



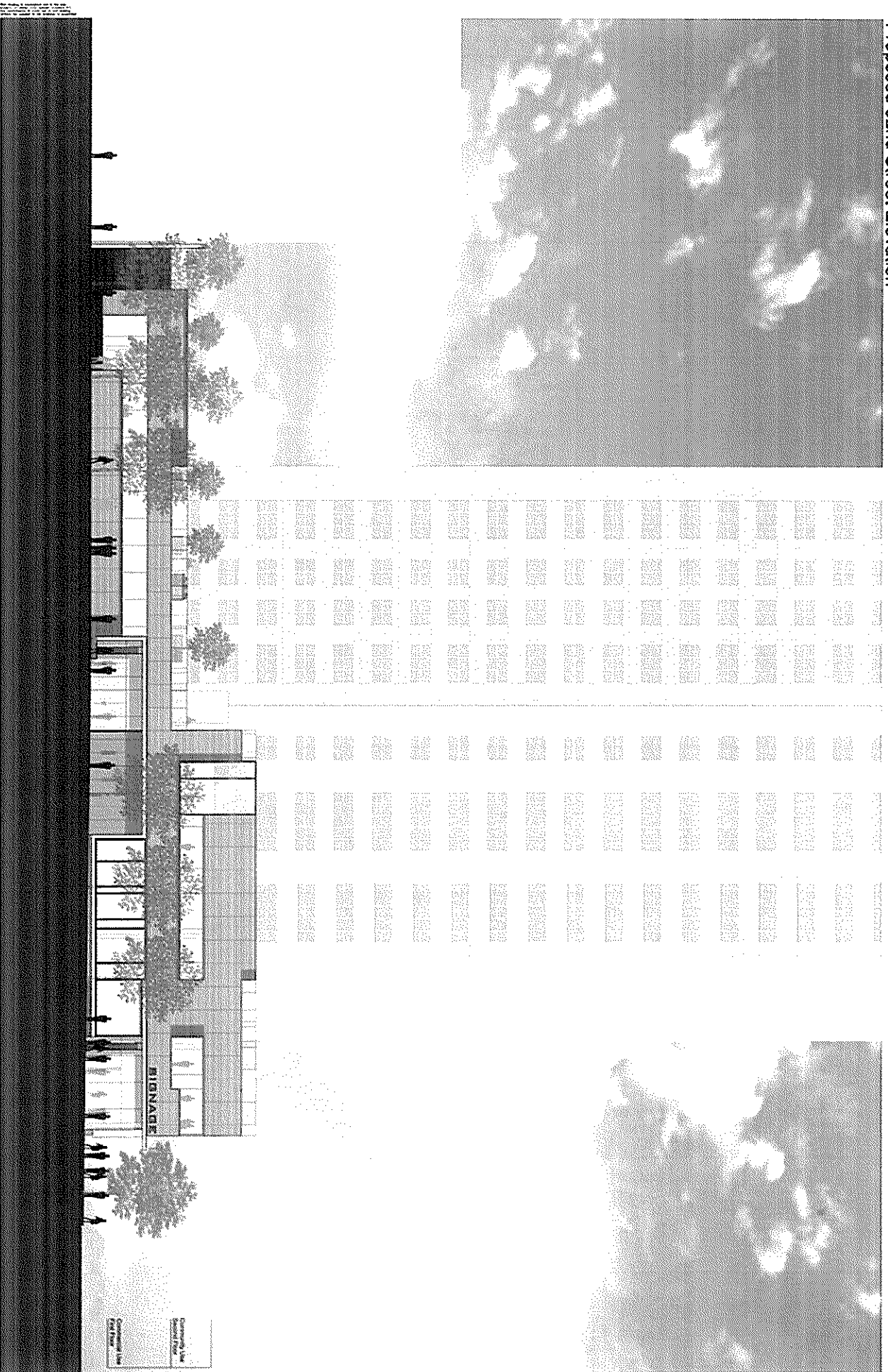
DANIEL GOUGHEN ARCHITECTS  
100 WEST 23RD STREET, NEW YORK, NY 10011  
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LEADER HOUSE COMPANY, INC.  
100 WEST 23RD STREET, NEW YORK, NY 10011  
MOORE GILGAY GROUP  
100 WEST 23RD STREET, NEW YORK, NY 10011

LEADER HOUSE ENLARGEMENT  
100 WEST 23RD STREET, NEW YORK

DATE: 03 22 07 REV: 03 24 08  
SCALE: 1/8" = 1'-0"  
1/4" = 1'-0"  
Proposed Front Elevation

Proposed 92nd Street Elevation



DANIEL DOWLING ARCHITECTS  
100 WEST 30th STREET, SUITE 200  
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LEADEN HOUSE ENLARGEMENT  
100 WEST 30th STREET, SUITE 200  
NEW YORK, NY 10018  
TEL: 212 261 1111  
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DATE 03.28.07, REV 05.03.08  
SCALE 1/8" = 1'-0"  
FILE Proposed 92nd Elevation

Proposed Rendering at Retail Entry



DANIEL GOLDBERGER ARCHITECTS  
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LEADER HOUSE COMPANY, INC.  
100 WEST 93RD STREET  
NEW YORK, NY 10024  
TEL: 212 249 1111  
WWW.LHCOMPANY.COM

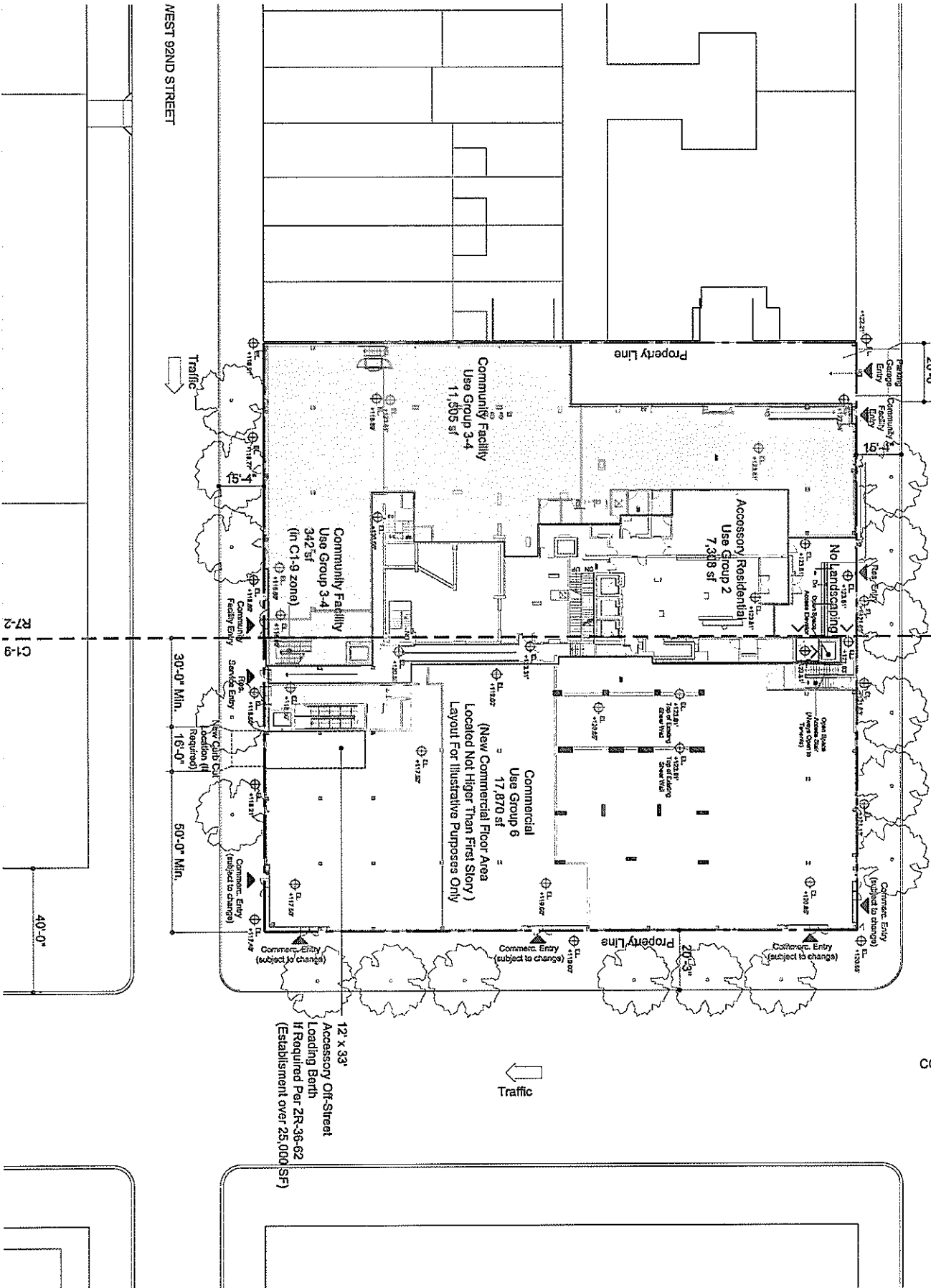
LEADER HOUSE ENLARGEMENT  
100 WEST 93RD STREET, NEW YORK

DATE: 03.23.07, REV. 03.04.08  
SCALE: 1/8" = 1'  
TITLE: Proposed Rendering at Retail Entry

ST 93RD STREET

COLUMBUS AVENUE

WEST 92ND STREET



7-2 Zone  
1-9 Zone

R7-2  
C1-9

Testimony of Ken Baer  
91 6<sup>th</sup> Avenue  
Brooklyn, NY 11217

Good morning!

I am testifying in favor of the zoning text amendments that would change the designation of 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> Places as well as 2<sup>nd</sup> Street, Carroll Street, and President Street between Smith Street and Hoyt Street from a wide street designation to a narrow street designation.

I have lived in Park Slope for the past 29 years, but have visited many friends in Carroll Gardens, as well as been involved in many political and community activities there. Carroll Gardens is a special place, and the wide streets contribute to its uniqueness.

For those of you who have never been to Carroll Gardens, it is hard to describe the ambiance of the community. People are respectful of one another, they are neighborly, and they each know that they share the common privilege of living in Carroll Gardens. Much of this feeling emanates from the architecture of the community. Allowing developers to construct buildings on these streets consistent with the wide street designation would put the community in jeopardy.

The front gardens on these wide blocks add to the beauty of Carroll Gardens, and to allow buildings to be constructed inconsistent with those that have been there for over 100 years would be an awful gesture. Please think of Carroll Gardens as a holy shrine that needs to be treated with dignity and diligent protection. Reducing the FAR and the height of new buildings allowed on these streets is a first step in protecting Carroll Gardens.

**PLEASE close this wide streets loophole. Please approve this text amendment IMMEDIATELY before more irreversible damage is done to the narrow streets with front gardens, and to one of my favorite places on earth: Carroll Gardens!**

**Thank you.**

My name is Maryann Young. I am a property owner and 12-year resident of Carroll Gardens, South Brooklyn, NY. I'm here to lend support to the passage of Carroll Gardens zoning text amendment (CD 6 N 080345 ZRK)...

AND plea with you to stand with us in our quest to protect our rights to live in a neighborhood that promote human-scale living that nourishes the quality of life and well-being of all and create a true community such as the one I am honored to live in and call my 'home' Carroll Gardens.

My focus to preserve this great and wonderful neighborhood is not for any financial gain or political aspiration. It is because I have found a neighborhood worth fighting for.

One of my first steps was to educate myself on the issues at hand. I took a course on zoning with the distinguished Doris Diether, a Village preservation advocate for 48 years and a zoning expert of citywide repute. From knowing a little bit more than before on zoning laws, I can say that I learned enough to understand the definitions pertaining to this zoning text amendment.

This is indeed a special situation and discovery that would give back to the community a leverage that will help to protect against the out-of-scale developments within these breathtaking blocks. . . blocks that were never meant to be destroyed because of an unintentional mistake, especially from a simple word "wide".

I am in favor of this amendment on the Place blocks because it is by far the best remedy available currently to save the blocks that truly represent this beautiful, unique community.

By protecting the historical nature of these charming blocks ...with classic brownstones and well groomed gardens, it will only ADD VALUE to these homes and the community as a whole.

More importantly, it will ease the fear of the many generations of families and friends who love their homes, who want to keep their sunshine and open space, and the sounds of quiet calm when they walk the streets home.

The community is behind this amendment. I have spoken to hundreds of my neighbors as I was collecting signatures, passing out flyers and fact sheets regarding this hearing and zoning text amendment and overwhelmingly, the people are in agreement. We NEED this zoning text amendment PASSED IMMEDIATELY.

Councilman Avella and members, I ask of you today ...TO DO THE RIGHT THING.

NARROW the "wide", PROTECT the rights of the people who live in this neighborhood and STAND BY those who represent the GREATER GOOD than the greed of a few. PASS this much needed zoning text amendment now and assist us with the process of providing contextual rezoning to ALL of Carroll Gardens today.

Thank you for listening and acting accordingly.

# Greenberg Traurig

Deirdre A. Carson  
Tel. (212) 801-6855  
Fax (212) 801-6400  
carsond@gtlaw.com

July 21, 2008

## **BY HAND**

Hon. Tony Avella,  
Chair  
& Members of the Zoning & Franchises  
Subcommittee of the New York City  
Council  
City Hall  
New York, New York

Re: Proposed Zoning Text Amendment Affecting First Through Fourth Places in Carroll Gardens, Brooklyn

Dear Chair Avella and Members of the Subcommittee:

This firm represents Oliver Developments, LLC, which is the owner and developer of a proposed new multiple dwelling located at 360 Smith Street, a/k/a 131 Second Place. We are here today to speak in opposition to the proposed text change as it is currently written.

The Oliver Developments project is located at the intersection of Second Place and Smith Street and includes within its perimeter an entrance to the F and G subway lines that was constructed on a property that has been in use as an open parking lot for decades. My client purchased the property several years ago, with the intention of constructing a new condominium apartment building on the site, employing the regulations provided under the Quality Housing Program, which allowed a maximum 3 FAR and height of 70 feet on a wide street at this location, prior to the amendment. It is no secret that the proposal before you was intended to prevent the construction of my client's building, among others.

When the particulars of my client's project first became known publicly, in addition to criticism about the height and bulk of the building, my client was attacked for his selection of an architect and the design of his building. Bowing to public criticism, he discharged that architect, engaged a new one, redesigned the building to achieve a different style, while retaining the permitted height and bulk, reengineered the foundations to the extent required and began expedited foundation construction, all at considerable expense. While he was in the process of addressing this concession to public opinion, the instant text change was announced.



The change is not part of a comprehensive plan, but merely a stopgap measure until a more comprehensive rezoning of Carroll Gardens is possible. For four streets in Brooklyn, the new text purports, for some purposes, to create an exception to the definitions of wide and narrow streets otherwise contained in the Zoning Resolution. The distinction between wide and narrow streets is drawn in the Zoning Resolution for the purpose of crafting regulations as to density, height and setback that allow light and air to get to the street. Even though the distance from street line to street line along Second Place is greater than 100 feet (a distance comparing favorably with wide streets in Manhattan), which would allow ample light and air to reach the street if my client's building were to be constructed, the zoning text will redefine this street as a narrow street.

We have consistently urged the public authorities promoting this text change to consider an exception for zoning lots that incorporate subway stations. My client, at his own expense, is being required to reconstruct the subway entrance on his property, inside his building, with the associated loss of FAR. Because of the subway structures beneath most of his land, he cannot build a basement or cellar, and thus must use most of his first floor for parking and mechanical uses, and his foundation has been specially engineered to accommodate the presence of the subway on his site. In many parts of the City, the Zoning Resolution rewards building owners who redevelop their properties and incorporate renovated subway stations inside their properties with floor area bonuses. We have suggested that a similar mechanism could and should be employed here. By a simple carve-out of any zoning lot containing an entrance to a subway station from the redefinition of wide and narrow streets, the proposed text could recognize the specific conditions inherent in my client's lot and protect the rest of the Places against developments that the community deems to be out of scale.

The inclusion of such a carve-out would be prudent and good public policy. Right now, in order to advance his construction, my client has closed and is tearing up the plaza on which the subway entrance opens. The entry to the subway station is through a narrow corridor that is not fully visible from the street and represents a potential safety hazard. Sidewalk sheds have been erected around the site, parking has been eliminated and a newsstand that formerly operated on the site has been closed. If this amendment passes without a carve-out, my client will be forced to seek a remedy at the Board of Standards and Appeals, a process that will likely take at least four months. Instead of working on the subway entrance during the low ridership months through the end of summer, the entrance work will be performed during the high ridership months that take us into and through the holiday season. Riders will be forced to enter and exit the station through a more remote exit. While we are confident that our client will prevail at BSA, the loss of convenience to the public will be significance.

Further, the continuing escalation of expense associated with the completion of this project threatens to eliminate those very qualities of good design that my client incorporated in the project at the community's request. The loss of quality finishes in the subway system and plaza, for example, will be a lost opportunity for the entire City that could be avoided by a carve-out, particularly, when there is absolutely no benefit to be gained by the community in insisting upon the inclusion of my client's property in the scope of the text amendment.

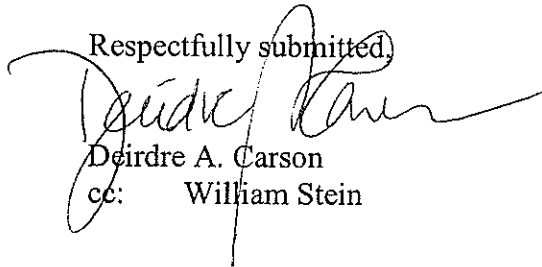
Hon. Tony Avella,  
July 21, 2008  
Page 3

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In closing, while we believe the case for a carve-out is powerful, we ask that, in the alternative, the Council postpone action on this amendment until its stated meeting in August. Such a delay would perhaps allow my client to complete its foundation and thereby avoid the necessity of a protracted and expensive BSA proceeding.

Thank you for your attention.

Respectfully submitted,



Deirdre A. Carson  
cc: William Stein

CARROLL GARDENS  
NEIGHBORHOOD ASSOCIATION INC.  
·Brooklyn, New York·  
carrollgardensbrooklyn.org cgna@yahoogroups.com

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21 July 2008

Hon. Tony Avella, Chair

Zoning and Franchises Sub-committee of the City Council Land Use Committee

City Council

City Hall

New York, NY 10007

(By Hand)

Public Hearing of the Zoning and Franchises Sub-committee

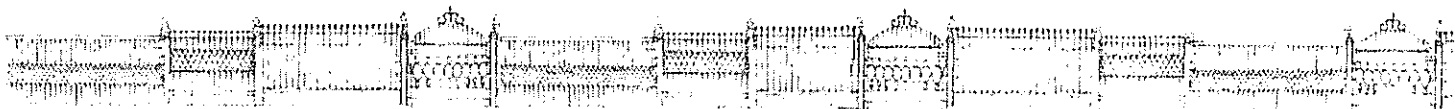
Re.: Item **N 080345 ZRK** - Carroll Gardens Zoning Text Amendment

My name is John Hatheway. I come before you as a co-chair of the Land Use and Zoning committee of the Carroll Gardens Neighborhood Association, and as a 25-year resident of Brooklyn – specifically a resident of Carroll Street between Smith and Hoyt Streets, one of the garden blocks affected by the proposed Zoning Text Amendment.

Let me state that I am strongly supportive of the proposed zoning amendment and I, along with numerous other residents, have been working on addressing this wide-street anomaly for over a year. The CGNA held many public meetings in an attempt to reach out to as many residents and inform them as fully as possible about the proposed change and its ramifications.

There are two important points to make in support of this proposed text amendment, and both points relate to the original intentions of laws and rules:

1) The 1846 law that created these garden blocks specifically defined the street width as 50 feet (two 13-foot sidewalks and a 24-foot wide carriage way.) The designer of this first planned community in Brooklyn, Richard Butts, intended to create a special and spacious set of streets by creating a city-owned court-yard space to set back buildings from the street. It was not his intention to create a wide, avenue-style street. The 1961 Zoning Resolution, in its definition of street width as property-line to property-line, did not take into account this special condition in Carroll Gardens.



CARROLL GARDENS  
NEIGHBORHOOD ASSOCIATION INC.  
•Brooklyn, New York•  
carrollgardensbrooklyn.org cgna@yahoogroups.com

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2) The Quality Housing Program was enacted as a part of the zoning resolution in 1987. Its intention is, as stated in the Zoning Resolution, "to foster the provision of multi-family housing that is compatible with existing neighborhood scale and character.

The greater building bulk bonuses the Quality Housing Program gives for properties on wide streets were assumed to be avenue-type streets, not the subject side streets of Carroll Gardens. The text did not take into account the anomaly of these side-street garden blocks. Presently the Quality Housing Program of the Zoning Resolution encourages development that is NOT compatible with the existing neighborhood scale and character!

This zoning text amendment corrects the zoning rules to conform to the original intents of the 1846 law and the Quality Housing Program, and for this reason I strongly urge your committee and the City Council to act quickly to approve this amendment as written.

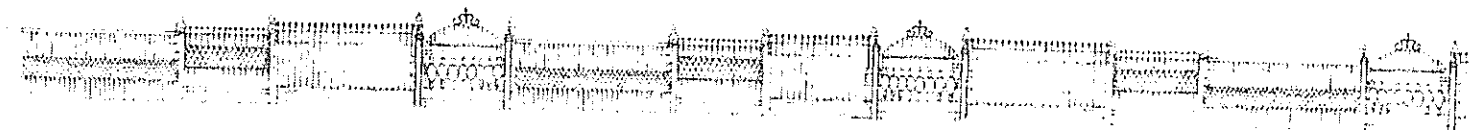
I again want to thank our councilman, Bill DeBlasio, for his advice and support of this issue and thank you to Purima Kapur and Jen Posner of the Brooklyn office of City Planning for their technical work and support.

Thank you for this opportunity to testify and to urge you to support this text amendment.

Respectfully submitted,

John H. Hatheway, Jr.

(RA 16631)





OFFICE OF THE BROOKLYN BOROUGH PRESIDENT

**Testimony by Brooklyn Borough President Marty Markowitz  
to the City Planning Commission  
Regarding the Carroll Gardens Text Amendment  
Monday July 21, 2008**

Good morning Chairman Avella and members of the Committee on Zoning and Franchises.

The application before the City Council presents a strategy by the Department of City Planning to address the need to preserve another of Brooklyn's gem neighborhoods. Carroll Gardens has a distinct character that deserves to be safeguarded against the pressures of development; development that does not respect these features. This proposed text amendment will help preserve the existing scale and character of the Carroll Gardens community.

Today's hearing gives another opportunity for the Carroll Gardens community to express their issues with the current state of their neighborhood. I would like to give credit to the efforts of Maria Pagano, Glenn Kelly and John Hatheway of the Carroll Gardens Neighborhood Association; Lucy DeCarlo, Triada Samaras and Rita Miller of The Coalition to Respectfully Develop; and the other member groups of the South Brooklyn Neighborhood Alliance that have assisted in this process by being the voice for this community. The leadership of Council Member Bill deBlasio and Community Board 6's Chair Richard Bashner, and District Manager Craig Hammermen should also be acknowledged for their efforts. The staff of the Department of City Planning, including the Director of the Brooklyn Office Purnima Kapur as well as the project leader Jennifer Posner, deserves the credit as well for their dedicated efforts and innovative approach.

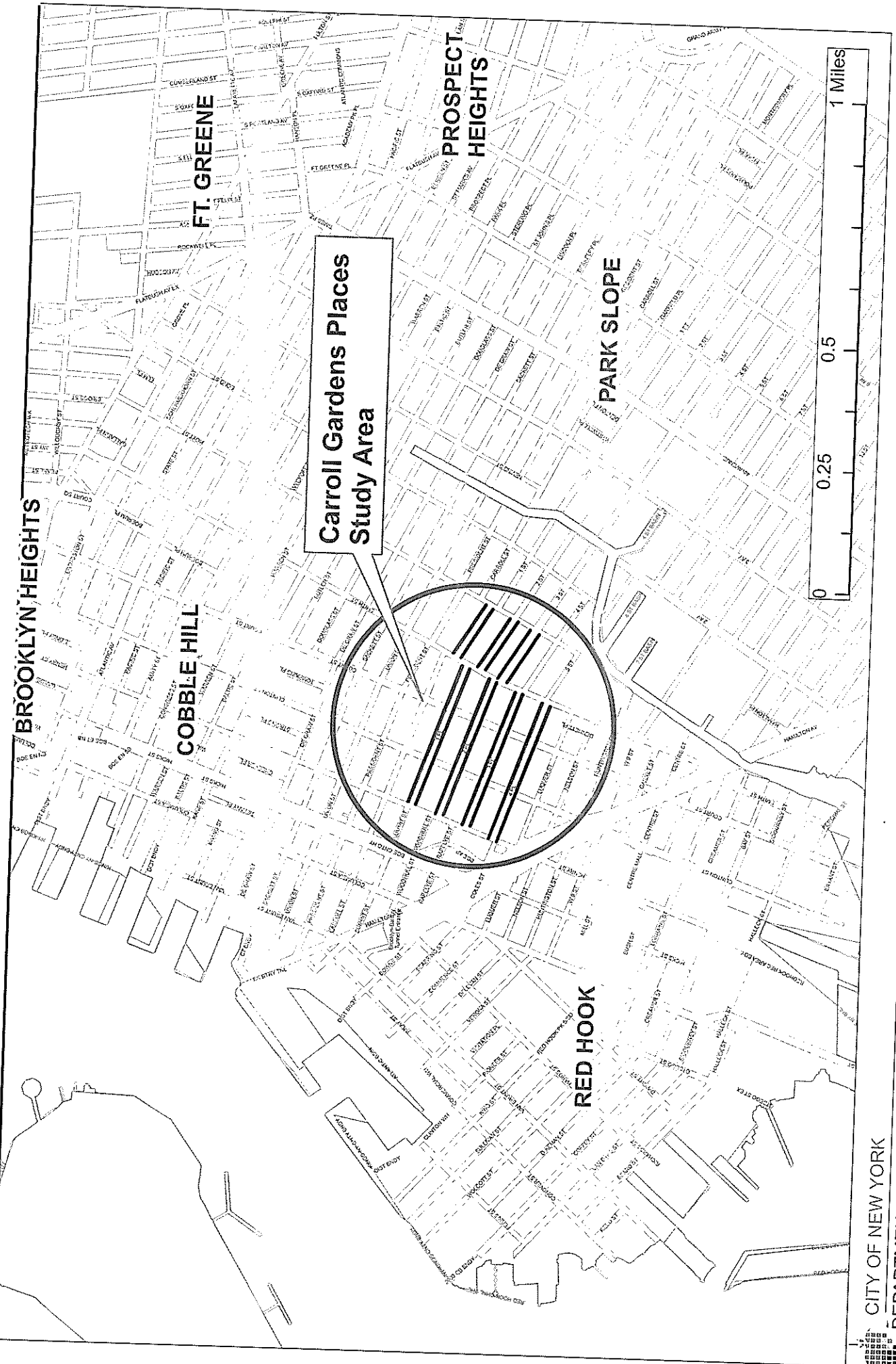
Due to the current zoning text, Carroll Gardens has a number of streets classified as wide but share the physical characteristics of other streets which are classified as narrow. This distinction in definition provides an opportunity for development that contrasts with the built environment, disrupting the ambience of the community. Although this text change will remove some development rights, most residents will still have the ability to add onto their property without compromising neighborhood character.

The text amendment proposal introduced by the Department of City Planning for Carroll Gardens addresses the need to combat out of scale development in this community. However, adoption of this text is merely a first step to properly address the development pressures being faced here. I look forward to follow-up actions by City Planning that will focus on establishing a rezoning proposal that will produce a set of districts reflective of what exists on these "Place" blocks of gardens giving the neighborhood its name.

I place my trust now with the City Council to approve this application that achieves the goal of properly defining the Carroll Gardens "garden streets" as narrow.

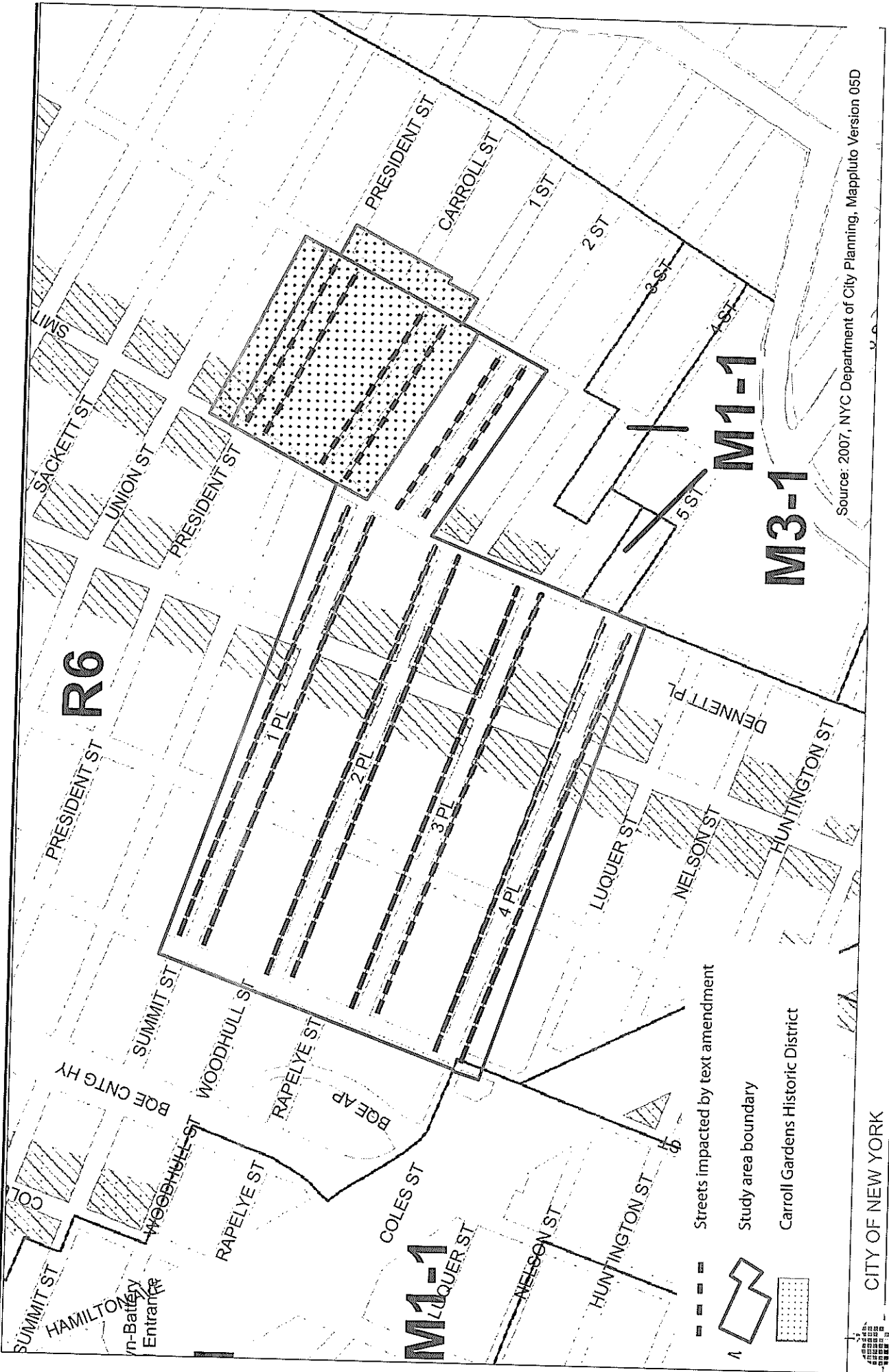
Thank you

Carroll Gardens Zoning Text Amendment  
**Figure 1: Locator Map**



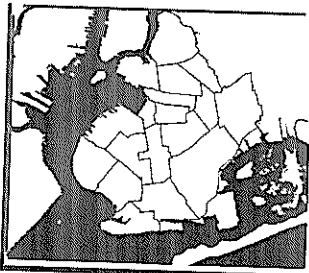


# Carroll Gardens Zoning Text Amendment Existing Zoning



Source: 2007, NYC Department of City Planning, Mappluto Version 05D





# Carroll Gardens Zoning Text Amendment

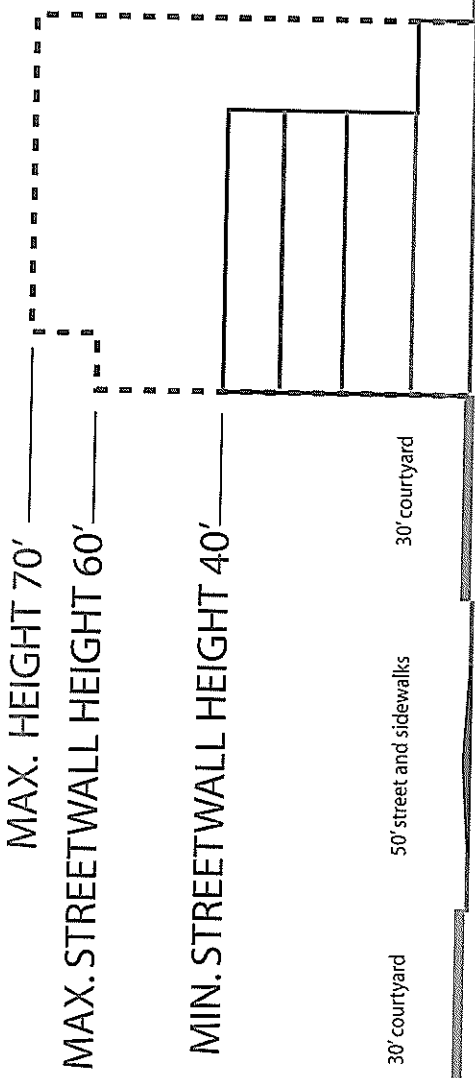
## *Street and Courtyard Widths*

50' sidewalks  
+ roadway

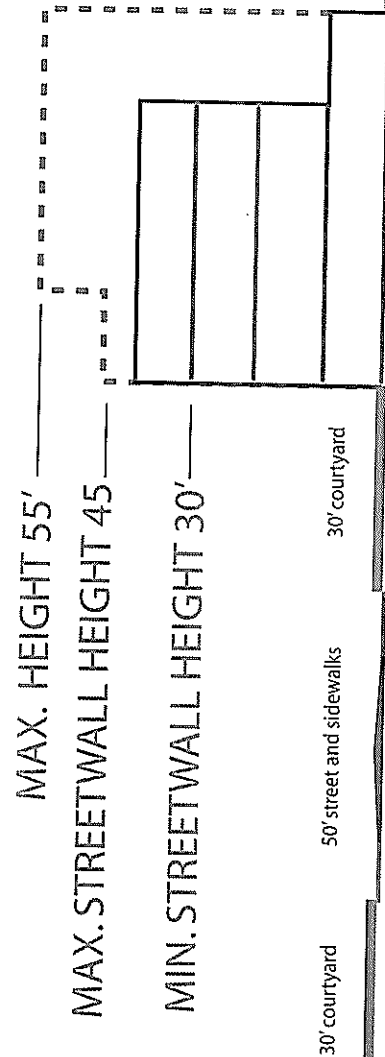
33'  
front yard

33'  
front yard

Mapped Street width = 116'



**EXISTING CONDITION**  
**R6 - Wide Street Quality Housing**  
**3.0 FAR**



**PROPOSED CONDITION**  
**R6 - Narrow Street Quality Housing**  
**2.2 FAR**



CITY OF NEW YORK

**MANHATTAN COMMUNITY BOARD FOUR**

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tel: 212-736-4536 fax: 212-947-9512  
www.ManhattanCB4.org

**JEAN-DANIEL NOLAND**  
Chair

**ROBERT J. BENFATTO, JR., ESQ.**  
District Manager

April 7, 2008

Hon. Amanda M. Burden  
Chair, City Planning Commission  
22 Reade Street  
New York, NY 10007

**Re: Hudson Yards Additional Text Amendments II: Application N080184 ZRM**

Dear Chair Burden:

Your office has referred to us for comment this application for 13 additional changes in the zoning text that was approved in January 2005 as part of the Hudson Yards rezoning.

One of the proposed changes, Item 12 revising the language for the bonus for new theater in the 42<sup>nd</sup> Street Perimeter Area of the Special Clinton District, was held over, partly at our request, from the first set of Hudson Yards Zoning Text changes arising out of the agreements between the city and the City Council as the Hudson Yards ULURP process was completed. The other 12 changes in this application have been requested by the Department of City Planning as a result of its experience in working with the Hudson Yards zoning text over the last three years. Unfortunately, the application does not include any of the changes, arising out of our own experience in working with the Hudson Yards zoning text, which this board has discussed with DCP on several occasions while this application was being developed.

This letter provides our comments in the following order:

- Theater Bonus Text – Item 12
- The rest of the application - Items 1-11 and 13
- Additional items that should be included in the application

**THEATER BONUS TEXT**

*12. Revising the language of the bonus for New Theater in the 42<sup>nd</sup> Street Perimeter Area of the Special Clinton District.*

After the text change for the theater bonus provisions of Zoning Resolution Section 96-25 was withdrawn from the first set of Hudson Yards text changes in December 2005, you wrote to us inviting us to work with your office on further revision of that section. Our

suggestions were set out in our letter to you dated March 7, 2006. We are pleased that so many of our suggestions have been incorporated into the text change now being proposed, including:

- Clarifying that the bonus is two feet for each foot of theater or performing arts space with a total bonus of 3 FAR
- Limiting “accessory” floor area
- Establishing a maximum theater size of 299 seats, ensuring that the theaters will be the small Off-Broadway theaters that we all intended
- Clarifying what has to be built to get the bonus, including core, shell and building systems, with oversight by the Department of Cultural Affairs
- Prohibiting adult uses

Thank you for giving our initial comments such serious consideration and including them in this new text change.

However, the text that is now being proposed requires further changes shown on the attached mark-up and summarized as follows:

1. The portion of Subarea P2 of the 42<sup>nd</sup> Street Perimeter within which the bonus is available should be shown on Appendix A of the Special Clinton District text, to eliminate the frequent misimpression that the bonus is available throughout Subarea P2.
2. We continue to believe that the bonus should require a special permit, not certification, with required findings concerning the effect on the surrounding area (as now required for the theater rehabilitation bonus in ZR Section 81-745). Adding floor area that includes theater and performing arts uses requires considerations that are more complex than the mathematical calculation involved in a certification.
3. Non-profit performing arts space should qualify for the bonus only if the development also includes two theaters. This is consistent with the original intent of the theater bonus, which was, in part, to replace the two small theaters that were demolished to create Related’s development site.
4. The five-year inspection reports must be publicly available, by delivery of a copy to this board or some other means.
5. Various clarifying revisions, as shown on the attachment.

## **THE REST OF THE APPLICATION**

### **Special Hudson Yards District**

1. *Lots that abut the Mid-Block Park are also considered to abut Hudson Boulevard for purposes of all bulk controls.*

We have no objection to these amendments.

2. *The 100% retail requirement for the lots that abut the Mid-Block Park between West 38<sup>th</sup> and West 39<sup>th</sup> Streets is removed.*

Since this one-block section of the park will not have street frontage, DCP proposes to eliminate the requirement that buildings facing the park have 100% of their frontage devoted to retail.

Frontages along the park must be active and transparent; the park must not be surrounded by blank walls. We accept that ground-level activity need not be retail, but insist that the transparency requirement in the third paragraph of Section 93-14 must continue to apply along the park. The amendment as presently constructed (simply changing Map 2) would eliminate the transparency requirement along with the retail requirement, since, per the first sentence of Section 93-14, Map 2 shows both retail requirements and transparency requirements. We do not believe this was DCP's intention. The transparency requirement must remain.

3. *Developments on lots with frontage on Hudson Boulevard & Park are permitted to temporarily waive the glazing requirements under certain circumstances.*

We have no objection to this amendment. However, this provision should include a requirement that the glazing requirements must be met as soon as possible. The proposed text in the application says only that buildings "shall be designed in a manner that will enable the glazing requirements . . . to be met." The text should make it clear that compliance will be required.

4. *The 90-foot streetwall requirement is waived for small existing buildings on 10<sup>th</sup> Avenue.*

We have no objection to this amendment.

5. *Recesses are permitted along 9<sup>th</sup> & 10<sup>th</sup> Avenues and West 34<sup>th</sup> Street and the language of bulk regulations for developments along 10<sup>th</sup> Avenue is clarified.*

We strongly oppose these amendments. Continuity of street walls is something that this community negotiated for and achieved in the Hudson Yards rezoning. It was intended to encourage development consistent with the area's historic character, filling in the gaps created when the Lincoln Tunnel tore through the heart of the neighborhood. The "flexibility of design" sought by DCP with this amendment would make buildings stand out rather than fit in. We oppose.

6. *Streetwall/sidewalk widening controls for the portion of Subdistrict E that fronts 8<sup>th</sup> Avenue is implemented. [Subdistrict E is the full block south of the Port Authority Bus Terminal.]*

We support this amendment.

7. *Correcting the text to permit perfect substitution in the D1 & D2 Subareas of transferable development rights transfers from the Phase II Hudson Boulevard & Park for the District Improvement Bonus.*

We support this amendment.

8. *Eliminating the required transit easements and subway entrances for the sites along the east side of 11<sup>th</sup> Avenue between West 34<sup>th</sup> and 36<sup>th</sup> Streets.*

As the engineering for the #7 Subway Extension has evolved since the Hudson Yards zoning was approved, the locations for the easements required for the West 34<sup>th</sup> Street Subway Station have changed, and the necessary easements have been secured by private agreement between the Hudson Yards Development Corporation and the property owners. We have no objection to eliminating the easements from the zoning text.

However, we note that the new location of the southern entrance, in the middle of the park, between 33<sup>rd</sup> and 34<sup>th</sup> Streets seems odd. An entrance next to a street would be more convenient for pedestrians and less intrusive to the park, and we request that such a change implemented in the confirmation if the station allows.

9. *The text that describes the aspects of procedure for obtaining the Transferable Development Rights (TDRs) generated by the MTA's Eastern Rail Yards is amended.*

The description of this change in the application does not match the text, and the difference between the current text and the proposed change is not clear. We therefore oppose this amendment.

The description says that the amendment would remove the requirement of recording a restrictive declaration describing the TDR transaction before any building permit could be issued for construction.

The current text says that recording the declaration is “a precondition to issuance of any building permit, including any foundation or alteration permit, for any #development# or #enlargement# on the receiving site.”

The proposed text would say that recording the declaration is “a precondition to issuance of any building permit for any #development# or #enlargement# utilizing #floor area# distributed pursuant to this Section, including foundations with respect thereto.”

The difference between these two passages is not clear.

If a development uses TDRs from the Eastern Rail Yards, the formalities must be completed before a building permit for the foundation is issued. (See also our comments in 10 below.)

**Special Hudson Yards District and Special Garment Center District**

*10. The text that describes the aspects of procedure for obtaining the District Improvement Bonus (DIB) is amended and clarified.*

We comment only on the amendment that would remove the limitation that a building permit cannot be issued for construction of a development for which the DIB is obtained until the deposit into the District Improvement Fund is made.<sup>1</sup> We oppose this amendment. The DIB has been created to realize the city's development goals throughout the Special Hudson Yards District. The bonus is now so generous that no rational developer would build an as-of-right building and leave the bonus unused. DIB payments are an essential part of the Hudson Yards Financing Plan; if DIB payments don't come in, the amount the city has to pay to service the bonds increases.

Developers should not be allowed to start construction of a smaller building and subsequently obtain the bonus for a larger building. The larger building will involve complexities that should be thought through before any work begins. If a developer is not ready to complete the DIB formalities, it's a sign that the project is not ready to move forward.

We have no objection to the other portions of this amendment. However we note that the contribution amount for the DIB is now just \$109.36 per square foot of floor area, while development rights are being sold in the area in private transactions for \$250 per square foot and more. The DIB price is therefore significantly discounted against the market price for development rights, and represents a hidden public subsidy for development in Hudson Yards and a lost opportunity for the financing plan.

This situation has arisen because the DIB contribution amount is adjusted annually based on the Consumer Price Index, which really bears no relation to price fluctuations in the real estate market. We regret that there is no independent index for real estate prices to propose as an alternative, and request that efforts be made to identify or create an appropriate index for this purpose.

**Special Clinton District**

*11. Remove from the calculation of zoning floor area future transit floor area in the assembled site between West 41<sup>st</sup> and 42<sup>nd</sup> Streets and Dyer to 10<sup>th</sup> Avenue.*

A small portion of this site (5223 sq. ft.) is to be constructed so that it can be converted into subway station space when the 10<sup>th</sup> Avenue Station is constructed. Until the Station is completed the developer would like to use the space for retail space, without having it count as zoning floor area.

We agree that it is desirable to allow the space to be used temporarily, so that the streetwall is activated. But since the space is part of the transit easement, it is essentially

---

<sup>1</sup> We note that the proposed text fails to mark one small bit as new: at the end of the first paragraph of Section 93-31 the words "allowing more than the basic maximum #floor area#" should be underlined.



public space, and should only be used for a non-profit or non-market rate use that meets a public or community need for the area. It should not become “free floor area” for the developer.

We support this amendment only if use of the space is restricted to a non-profit or non-market rate tenant selected in consultation with this Board. A similar restriction should be added to the parallel provision in the Special Hudson Yards District text, ZR Section 93-65.

### **Special Midtown District**

*12. Correct a reference to the Special Clinton District.*

We support this amendment.

### **ADDITIONAL ITEMS THAT SHOULD BE INCLUDED IN THE APPLICATION** [Note to CB4 colleagues – this section is a little rough and will be revised, but here are the main points. AHL]

1. The public facilities bulk transfer provision in Section 93-223(c) should be removed. It was included to benefit the Rockrose development now nearing completion on Tenth Avenue between 37<sup>th</sup> and 38<sup>th</sup> Streets. It has no further applicability and should be removed.
2. The mid-block commercial overlay between 9<sup>th</sup> and 10<sup>th</sup> Avenues, 35<sup>th</sup> to 40<sup>th</sup> Streets should be removed. Bars and restaurants are incompatible uses on residential side streets.
3. Limit non-residential uses on 9<sup>th</sup> Avenue between 35<sup>th</sup> and 40<sup>th</sup> Streets to ground floor uses serving area residents. This stretch of 9<sup>th</sup> Avenue is the neighborhood’s “Main Street” lined with low-rise walk-up tenement buildings. The Hudson Yards rezoning was intended to “encourage predominantly residential development” in this area and reinforce its distinctive built character. To our dismay, one of the few development sites in the area, at the SW corner of 39<sup>th</sup> Street and 9<sup>th</sup> Avenue, is being used for construction of a mixed-use building with a luxury boutique 90-key hotel and 96 residential Condo units. A similar fate should be prevented on the area’s few remaining development sites.
4. The commitment during the Hudson Yards rezoning to make the central provisions of the Special Clinton District, Special Hudson Yards District and the P2 portion of the Special Garment Center District more consistent concerning protection of existing residential buildings remains unfulfilled.
5. Where Dyer Avenue functions as a street (between 34<sup>th</sup> and 36<sup>th</sup> Streets and 41<sup>st</sup> and 42<sup>nd</sup> Streets), it should not generate development sites or transferable development rights.

6. Changes are needed in the Special Clinton District text to allow the relocation of the residents of 544 West 35<sup>th</sup> Street. That building has been condemned to make way for the Hudson Boulevard and Park and its tenants are being relocated to the Special Clinton District by the Department of Housing Preservation and Development. Minor changes are needed in the Special Clinton District text to allow this to occur.

As always, thank you for considering our comments.

Sincerely,



Jean-Daniel Noland  
Chair  
Manhattan Community Board 4



Anna Hayes Levin  
Chair  
Clinton/Hell's Kitchen Land Use

cc: Department of City Planning  
Erika Sellke  
Dominick Answini  
Manhattan Borough President  
Anthony Borelli, Director, Land Use Division  
Mike Kent  
City Council  
Daniel DeCerbo, Special Projects, Land Use Division  
Local Elected  
City Council Speaker Christine Quinn  
NYS Assemblyman Richard Gottfried  
NYS Senator Thomas Duane  
Congressman Jerold Nadler



**The City of New York  
City Council  
Committee on Zoning and Franchises**

**Public Hearing  
Monday, July 21, 2008**

**EAST RIVER WATERFRONT TEXT TESTIMONY**

I am Michael E. Levine, Director of Planning for Manhattan Community Board One. I am pleased to present the following statement regarding the Proposed East River Esplanade Pier Zoning Text Amendment on behalf of the Board's Waterfront Committee and the Board.

Community Board One is pleased that the New York City Economic Development Corporation's East River waterfront plan seeks to improve access to the waterfront, enhance pedestrian connectivity, and create waterfront amenities for public and community use. We fully support creating additional open space amenities for Lower Manhattan communities and basic infrastructure improvements to support new waterfront and community activities.

New public uses on the piers and the use of space under the FDR Drive for community, cultural, and limited commercial development are a welcome addition to the area, as is the addition of public access to and around the Battery Maritime Building. Likewise, Community Board One strongly supports creating a continuous bikeway/walkway along the waterfront.

Community Board one has reviewed the proposed zoning text amendment submitted by The New York City Department of Small Businesses Services of the Economic Development Corporation. This amendment proposes to revise section 62-416 of the Zoning Resolution, which addresses special regulations for lots that include parks.



The proposed text amendment addresses waterfront public access and visual corridor requirements and design standards for the waterfront areas in Manhattan Community Districts 1 and 3. We understand that the proposed text amendment is necessary to release the Esplanade Project from strict adherence to several of the requirements of Section 62-416 that address the shore public walkway, open recreation walkway and public walkway planting area, but cannot be met because of the presence of the FDR Drive above the project site and the site's unique shoreline conditions.

We also understand that the proposed text amendment would enable phased implementation of the Esplanade Project. Varied jurisdiction over different segments of the project by Federal and State entities may require permits to build each segment of the Esplanade under different timetables. This will allow each segment of the project to proceed independently of the others.

We are particularly pleased with the provision that provides a review function for the affected Manhattan Community Boards--One and Three. This will give the community board the opportunity to determine whether the requirements of section 62-416 for any given specific phase have been met prior to certification by the City Planning Commission Chairperson. We support this proposed revision specifically *because* of its unique provision for community board review.

Additionally, we recommended in a resolution adopted by Community Board One on May 27, 2008, which is attached, that this provision be expanded to include joint review with the affected the City Council member.

We thank you for the opportunity to comment on this excellent approach to implementation of the much anticipated East River Esplanade Plan and we look forward to continuing to work with the Department of City Planning and the Economic Development Corporation on its completion.

COMMUNITY BOARD #1 – MANHATTAN  
RESOLUTION

DATE: MAY 27, 2008

COMMITTEE OF ORIGIN: WATERFRONT

COMMITTEE VOTE:	7 In Favor	0 Opposed	2 Abstained	0 Recused
PUBLIC VOTE:	2 In Favor	0 Opposed	1 Abstained	0 Recused
BOARD VOTE:	39 In Favor	1 Opposed	0 Abstained	0 Recused

RE: N 080358 ZRM  
Proposed East River Esplanade Zoning Text Amendment

WHEREAS: The East River Esplanade Project includes pavilions and temporary outdoor activities under the FDR Drive, consistent seating, paving, planting and lighting along the edge of the water, a uniform bikeway along South Street, and a walkway over the water between the Battery Maritime Building and Pier 11 including appropriate planting, seating, railing and lighting, and

WHEREAS: The New York City Department of Small Businesses Services of the Economic Development Corporation has submitted an application to the Department of City Planning to amend the Zoning Resolution relating to Section 62-416, Special Regulations for Zoning Lots that Include Parks, and

WHEREAS: The proposed text amendment relates to requirements for waterfront public access and visual corridor requirements and design standards for the waterfront area in zoning lots which are predominantly developed as publicly accessible open space in Manhattan Community Districts 1 and 3, and

WHEREAS: The proposed text amendment is necessary to relieve the Esplanade Project from strict adherence to several of the requirements of Section 62-416 relating to the shore public walkway, open recreation walkway and public walkway planting area, which cannot be met because of the presence of the FDR Drive above the project site and the site's unique shoreline conditions, and

WHEREAS: The proposed text amendment would allow for a phased implementation of the Esplanade Project because Federal and State permits are needed for implementation of portions of the Esplanade and phased implementation would mean that other portions could proceed independently, and

WHEREAS: The phased implementation of the Esplanade Project would be facilitated by allowing the requirements of section 62-416 to be satisfied by review of plans for a specific phase(s) by the affected Manhattan Community Boards 1 and 3 and a City Planning Commission Chairperson's certification, and

WHEREAS: The Economic Development Corporation and/or the Department of Small Business Services will submit to the relevant Community Board a site plan of the design of the proposed implementation phase for a period of no less than 45 days and consider any comments and recommendations made by the affected community board and provide a report to the Chairperson of the City Planning Commission including responses to such comments and recommendation, and

WHEREAS: The Esplanade Project has been the result of an intensive community outreach process conducted by The Economic Development Corporation and the Department of Small Business Services to provide for continued public input, and

WHEREAS: Councilman Alan Gerson requested that the affected councilmember be afforded the opportunity to participate in the plan review process, now

THEREFORE .

BE IT

RESOLVED

THAT:

CB #1 approves the proposal to amend the Zoning Resolution relating to Section 62-416, Special Regulations for Zoning Lots that Include Parks, provided that planting areas are maximized where possible, and

BE IT

FURTHER

RESOLVED

THAT:

CB#1 requests that the zoning text amendment be revised so that review of plans for a specific phase(s) by the affected Manhattan Community Boards 1 and 3 include joint review with the affected councilmember.

## Carroll Gardens Zoning Text Amendment

My name is Jan Bednarek. I have lived in Carroll Gardens for several years.

I support the proposed amendment. I think that it closes a loophole in the current zoning regulations. There is no good reason why the height limits on the blocks with gardens should be higher than those on the other residential blocks in the neighborhood. It is important to preserve the character of our neighborhood.

While I support the proposed amendment, I do not feel that it goes far enough to address all of the neighborhood's zoning problems. Our neighborhood wants and needs contextual zoning.

Jan Bednarek  
198 Union Street  
Brooklyn, NY 11231



## Carroll Gardens Zoning Text Amendment

My name is Mary Mattner. I have lived and owned property in Carroll Gardens for several decades.

I strongly support the proposed amendment. It is a useful interim measure to place stricter limits on the height of several blocks in the neighborhood. A survey conducted by the Carroll Gardens Neighborhood Association showed strong support for more restrictions on building heights to help preserve the character of our neighborhood.

The blocks covered by the proposed amendment unjustly have more lenient height restrictions than the other residential blocks in the neighborhood. These blocks deserve at least the same protection as the other residential blocks, particularly since these lovely blocks are the ones which gave Carroll Gardens its name.

While the proposed amendment is important to our neighborhood, it should only be the first step in changing the zoning in Carroll Gardens. The entire neighborhood desperately needs contextual zoning to preserve the charm of the neighborhood. I believe that most homeowners would gladly give up some of their development rights to preserve the character of the neighborhood. Our neighborhood needs and deserves respectful rules for development.

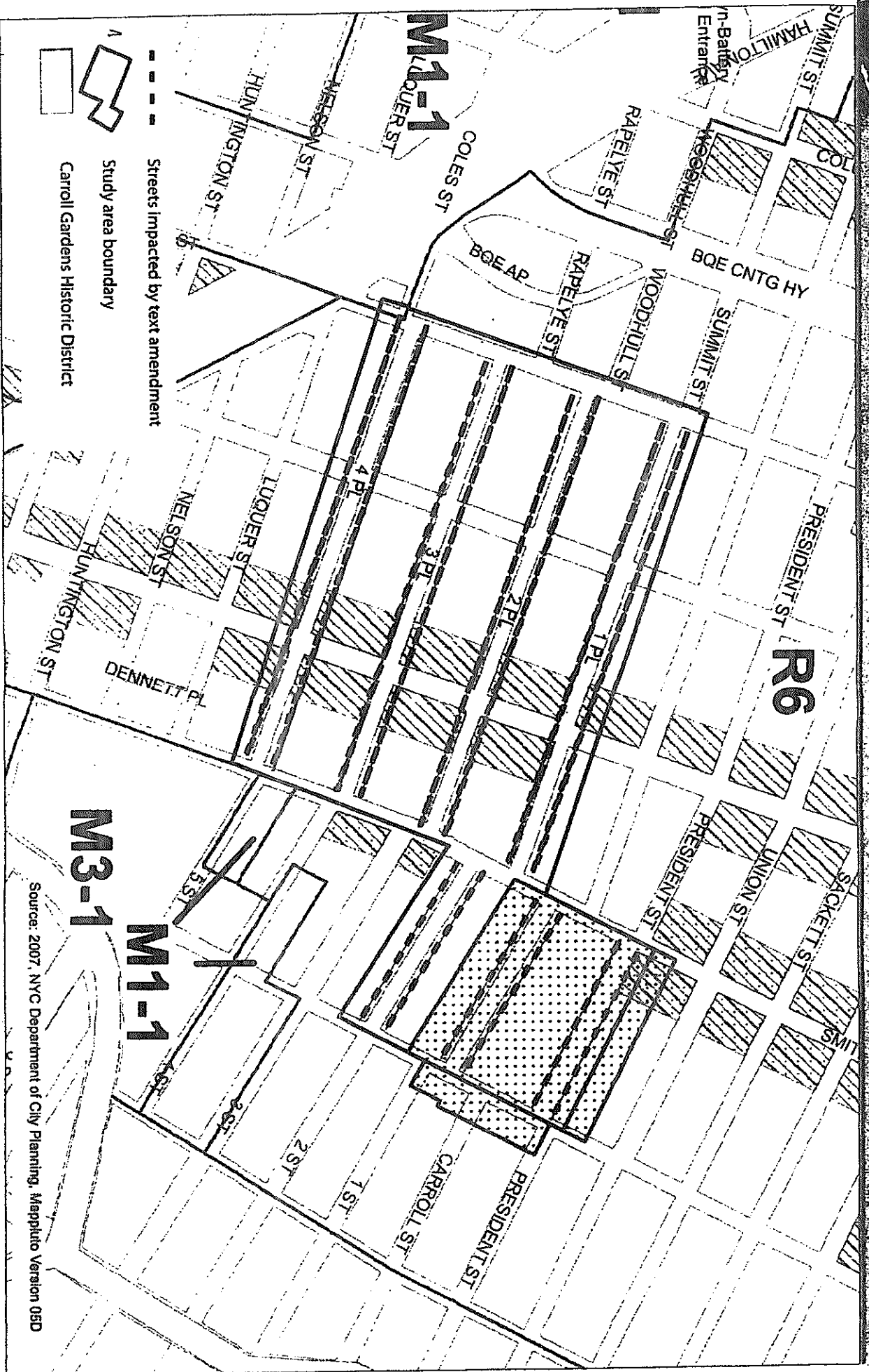
I want to thank the Brooklyn office of City Planning for

suggesting the amendment that is being reviewed now. I also thank our elected officials and Community Board for supporting the proposed amendment.

Mary Mattner  
198 Union Street  
Brooklyn, NY 11231



# Carroll Gardens Zoning Text Amendment



- Streets impacted by text amendment
- Study area boundary
- ▨ Carroll Gardens Historic District

Source: 2007, NYC Department of City Planning, Mapping Version 05D

# PARKSLOPE/CARROLL GARDENS

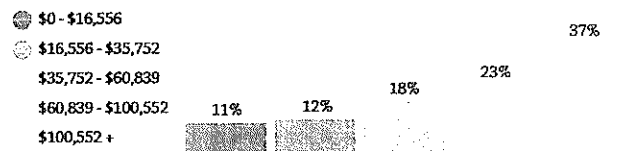


Park Slope/Carroll Gardens is one of the smallest CDs in the City and has some of the oldest housing. The small number of units authorized by new building permits in 2006 indicates that not much new housing is being built. In addition, the percentage of vacant land area and the rental vacancy rate are below the borough-wide rates. Although the residents of CD 206 enjoy the sixth highest median household incomes in the City, they face very high housing costs. The median sales price per unit for 2-4 family homes ranks second in the City. The neighborhood has not experienced the level of subprime lending that much of the City has. CD 206 is less racially diverse than the borough as a whole, has a far lower share of foreign-born residents than the borough average, and has a relatively low percentage of households with children.

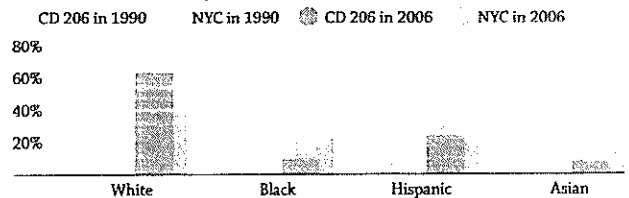
CD 206 is less racially diverse than the borough as a whole, has a far lower share of foreign-born residents than the borough average, and has a relatively low percentage of households with children.

	2006	Rank
Population	110,032	54
Population Density (1,000 persons per square mile)	27.4	40
Median Household Income	\$74,205	6
Income Diversity Ratio	4.4	40
Median Rent Burden (renter households)	24.4%	54
Rental Units that are Subsidized (percentage) ('05)	13.7%	23
Rental Units that are Rent-Regulated (percentage) ('05)	30.0%	44
Median Age of Housing Stock	86	2
Acres of Open Space (per 1,000 residents) ('04)	1.6	29

Percent of Households in CD 206 in Each New York City Income Quintile



Racial and Ethnic Composition of CD 206 versus New York City



Rental Vacancy Rate	5.7%	2.4%	2.3%	2.1%	9	47
Certificates of Occupancy	53	34	112	211	37	34
Units authorized by new building permits*	0	101	283	283	46	40
Homeownership Rate	27.9%	28.7%	34.8%	34.7%	24	25
Vacant Land Area Rate	4.5%	1.7%	2.2%	2.3%	32	36
Index of Housing Price Appreciation (2-4 family building) <sup>1</sup>	64.5	100.0	191.9	213.3	-	4
Median Price per Unit (2-4 family building) <sup>1</sup>	\$204,376	\$219,512	\$464,516	\$464,583	1	2
Median Monthly Rent	\$816	\$955	\$1,271	\$1,252	18	6
Serious Housing Code Violations (per 1,000 rental units)	14.3	27.1	21.7	17.9	27	42
Tax Delinquencies (percentage) (delinquent ≥ 1 year)	-	4.9%	1.2%	1.3%	-	32
Home Purchase Loans (per 1,000 properties)*	45.2	62.2	63.7	62.2	8	25
Purchase Loans that were Subprime (percentage)*	3.3%	1.0%	2.5%	2.1%	47	47

	1990	2000	2005	2006	Rank (1990)	Rank (2006)
Rental Vacancy Rate	5.7%	2.4%	2.3%	2.1%	9	47
Certificates of Occupancy	53	34	112	211	37	34
Units authorized by new building permits*	0	101	283	283	46	40
Homeownership Rate	27.9%	28.7%	34.8%	34.7%	24	25
Vacant Land Area Rate	4.5%	1.7%	2.2%	2.3%	32	36
Index of Housing Price Appreciation (2-4 family building) <sup>1</sup>	64.5	100.0	191.9	213.3	-	4
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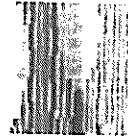
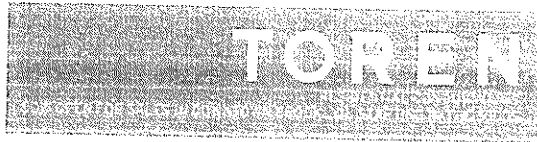
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Topics

Neighborhoods



« Condo of the Day: Resale at the Mill Building Brooklyn Versus Manhattan: The \$1M Chasm »

July 10, 2008

House of the Day: 28 2nd Place




This brownstone at 28 2nd Place in Carroll Gardens is a bit unusual. It's 34 feet (and four windows) wide, double the width of many houses. As a result, the three-story house is almost 5,000 square feet and has another 3,300 square feet of air rights. From the looks of the exterior, this'll need some work. The asking price of \$3,900,000 suggests the seller thinks the likely buyer is a developer who will slap some ugly addition onto the roof. Hopefully, any such developer will remember the lesson of the Carroll Gardens atrocity on 3rd Place before heading down such a path.

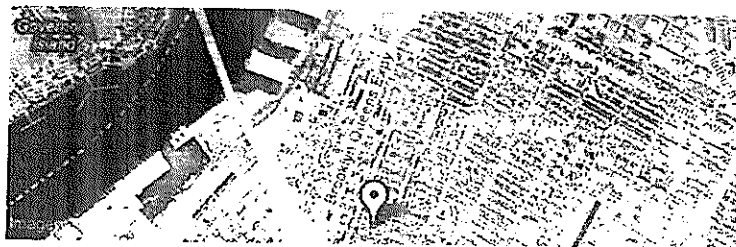
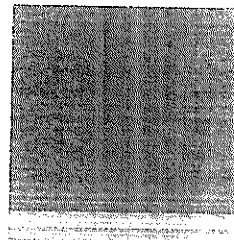
28 2nd Place [Irongate] GMAP P\*Shark

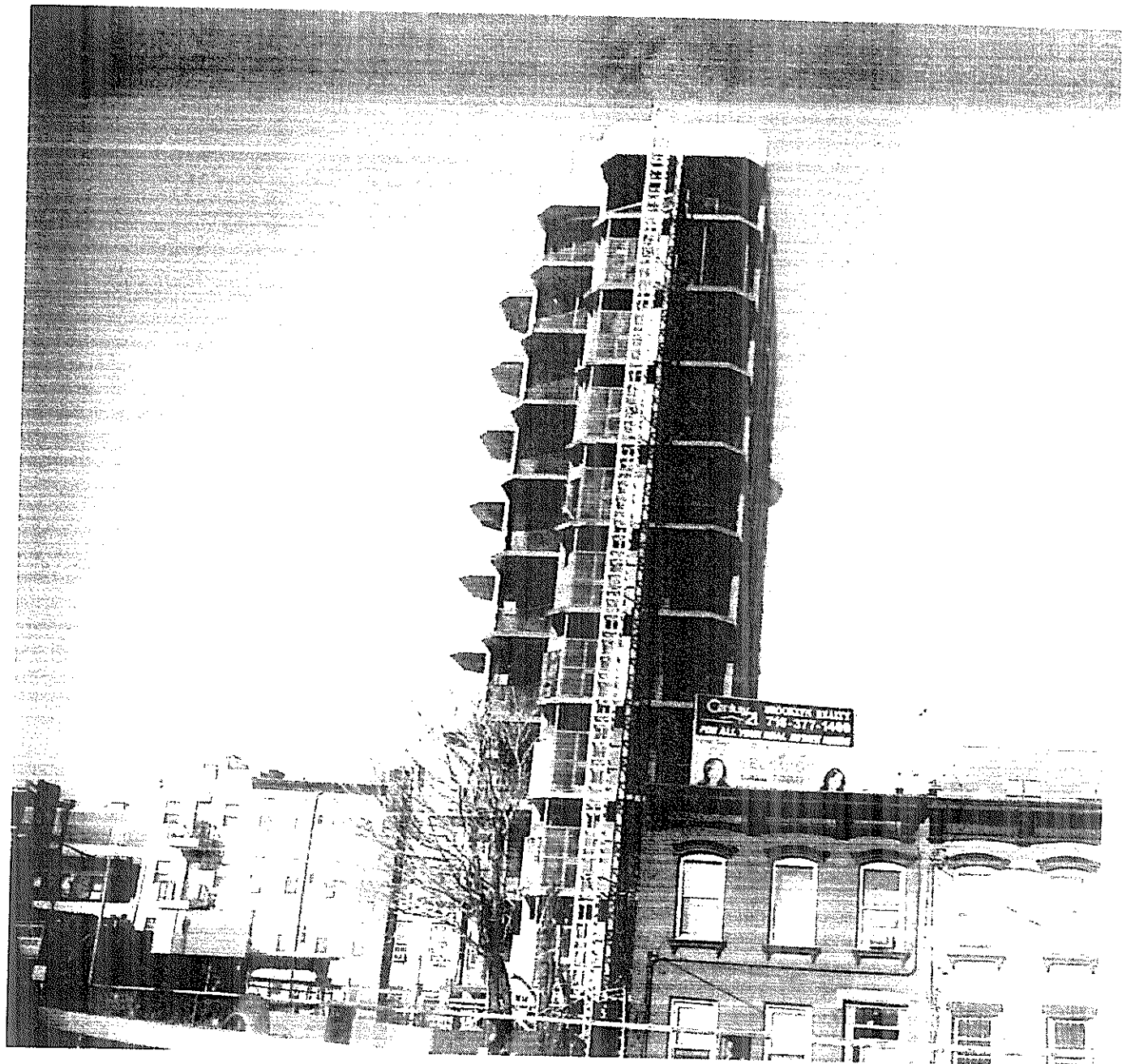
Photo by Kate Leonova for Property Shark

COLLECTION



A collection of modern townhomes, maisons, duplex and single floor condominium homes





**Carroll Gardens Neighborhood Association's Neighborhood Survey**  
**Executive Summary of Data Collected**  
**June 12, 2006**

*Survey Sample*

- This survey was distributed in Carroll Gardens, Brooklyn, defined as falling within the boundaries of Degraw Street, Hicks Street, Hamilton Avenue, and Hoyt Street.
- The survey was intended for Carroll Gardens residents. However, a few non-residents responded. Rather than rejecting these responses, we included them as being the input of interested parties – for example, business owners or frequent visitors to the Eileen C. Dugan Senior Center. Moreover, the known number of non-resident responses was extremely low, and had a negligible impact on results.
- Our 868 respondents included all ages and lengths of residency in Carroll Gardens. They represented at least 8% of the adult population of the survey area. Just under half of respondents were homeowners, compared to a 26% homeownership rate for the neighborhood as a whole.

*Themes*

- A dominant theme of the survey responses was the desire to preserve the character of the neighborhood. Across all categories, respondents were concerned that Carroll Gardens is at risk of losing its essential characteristics, including but not limited to small-scale buildings, 19<sup>th</sup>-century architecture, and local merchants.
  - 91% of respondents were concerned or very concerned about the height or size of new buildings.
  - 83% said they would support stricter height and bulk limits on new construction.
  - Even among those concerned with the affordability of the neighborhood, the vast majority supported further restrictions on the size of new buildings.
  - There is considerable interest in preserving the architectural integrity of the neighborhood; about 46% of those outside the Carroll Gardens Historic District said they would like their homes to be considered in any future expansion of the district. However, a significant number were uncertain about the desirability of this designation, but only 25% were opposed.
  - Many mentioned architectural integrity when asked about their other concerns related to the built environment.

Title No.

SCHEDULE FOUR in which we set forth restrictive covenants, conditions, easements, leases of record, if any  
**LAWS ESTABLISHING LINES OF FIRST PLACE,  
 SECOND PLACE, THIRD PLACE AND FOURTH  
 PLACE AND COURTYARD RESTRICTIONS.**

Chapter 376 Laws 1850.

2. Section three of the act entitled "An act to alter the commissioners map of the city of Brooklyn and for other purposes", passed May 12, 1846, is hereby amended so as to read as follows:

3. It shall be lawful for the mayor and common council of the city of Brooklyn and they are hereby fully authorized and empowered to take and appropriate to and for the uses and purposes of public streets four pieces or parcels of land of the width of one hundred and sixteen feet ten and one half inches each, extending from the easterly side or line of Henry Street to the westerly side or line of Smith street on lines parallel with Luqueer street, as said Luqueer street is laid down on the said map, to be called "First Place," "Second Place," "Third Place, and "Fourth Place". The northerly side or line of First Place shall begin at a point on the easterly side or line of Henry Street, distant two hundred and thirty-three feet five inches, and one-fourth of an inch southerly from the southerly side or line of Carroll street, as said Carroll street is laid down on the said map. The northerly side or line of Second Place shall begin at a point on the easterly side or line of Henry street, distant two hundred and sixty-six feet ten inches and one-half of an inch southerly from the southerly side or line of First Place. The northerly side or line of Third Place shall begin at a point on the easterly side or line of Henry Street, distant two hundred and sixty-six feet ten inches and one-half of an inch southerly from the southerly side or line of Second Place. The northerly side or line of Fourth Place shall begin at a point on the easterly side or line of Henry street, distant two hundred and sixty-six feet ten inches and one-half of an inch southerly from the southerly side or line of Third Place. The carriage way of each of said Places shall be twenty-four feet wide, and the sidewalks thirteen feet wide. The buildings to be erected upon the lots fronting upon said Places respectively, shall be built on a line thirty-three feet five inches and a quarter of an inch back from the sides or lines of said sidewalks, and the intervening space of land shall be used for court-yards only.

3. The amendment hereby made shall not in any way relieve any person or property from any of the expenses already accrued on any proceedings had to open said streets or Places, or any of them, under the original act, but shall be included in any proceedings to open under the provisions of the act thus amended. . . . .



**SCHEDULE FOUR** in which we set forth restrictive covenants, conditions, easements, leases of record, if any:  
**LAWS ESTABLISHING LINES OF FIRST PLACE,  
SECOND PLACE, THIRD PLACE AND FOURTH  
PLACE AND COURTYARD RESTRICTIONS.**

Chapter 248 Laws 1846.

3. It shall be lawful for the mayor and common council of the city of Brooklyn, and they are hereby fully authorized and empowered, to take and appropriate to and for the uses and purposes of public streets, four pieces or parcels of land of the width of fifty feet each, extending from the easterly side or line of Henry Street to the westerly side or line of Smith street, on lines parallel with Luqueer Street, as said Luqueer street is laid down on the said map, to be called "First Place" "Second Place", "Third Place" and "Fourth Place". The northerly side or line of First place shall begin at a point on the easterly side or line of Henry street, distant two hundred and thirty-three feet five inches and one-fourth of an inch southerly from the southerly side or line of Carroll Street, as said Carroll street is laid down on the said map. The Northerly side or line of Second place shall begin at a point on the easterly side or line of Henry street, distant two hundred and sixty-six feet ten inches and one-half of an inch southerly from the southerly side or line of First place. The Northerly side or line of Third place shall begin at a point on the easterly side or line of Henry street, distant two hundred and sixty-six feet ten inches and one-half of an inch southerly from the southerly side or line of Second place. The Northerly side or line of Fourth place shall begin at a point on the easterly side or line of Henry street, distant two hundred and sixty-six feet ten inches and one-half of an inch southerly from the southerly side or line of Third place. The carriage way of each of said places shall be twenty-four feet wide, and the side walks thirteen feet wide. The buildings to be erected upon the lots fronting upon said places, respectively, shall be built on a line, thirty-three feet five inches and a quarter of an inch back from the sides or lines of said places, and the intervening space of land shall be used for courtyards only. . . . .

*Edw. J. ...*

1/11

## “COURTYARD”

### Statute:

NYC Administrative Code §19-132 **Restrictions on First Place, Second Place, Third Place and Fourth Place in the borough of Brooklyn.**

The buildings to be erected upon the lots fronting upon first place, second place, third place and fourth place in the borough of Brooklyn, shall be built on a line thirty-three feet five inches and a quarter of an inch back from the sides of lines of such places as they are now established by the map of the city, and the intervening space of land shall be used for courtyards only.

NYC Administrative Code §19-136(b) **Obstructions**

It shall be unlawful for any person, directly or indirectly, to use any portion of a sidewalk or courtyard, established by law, between the building line and the curb line for the parking, storage, display or sale of motor vehicles.

### Other Issues:

Does case law support prohibition of parking and turning courtyards into driveways?

### Etymology:

Origin of *courtyard*

Latin: court → *co* + *hort* → *Hort* → *garden*

Old English: yard → *geard* → *enclosure*

Old German: yard → *gart* → *enclosure*

### Merriam Webster

Courtyard: a court or enclosure adjacent to a house.

### Black's Law Dictionary:

Curtilage (sometimes used interchangeably): the land or yard adjoining a house, usually within an enclosure.

### Case Law Exerpts:

*Matter of Clinton* (1901):

-courtyard is a space authorized use for stoops, porches and piazzas and for steps and approaches to a house and for such other purposes as are usual and proper for a plot fronting on a street and appurtenant to a residence.

-On whether courtyards on the end of a block constitute a public use: “it is proper that some regard should be had for the aesthetic tastes, the comfort, health, and convenience of the

# CARROLL GARDENS

NEIGHBORHOOD ASSOCIATION INC

•Brooklyn, New York•

carrollgardensbrooklyn.org cgna@yahoo.com

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## Top 10 reasons to vote YES for the Carroll Gardens text amendment:

10. The inappropriate use of the front courtyards in Carroll Gardens has been an issue addressed at the monthly public meetings of the First Place TriBlock Association since the early 1990's. TriBlock, and later, CGNA meetings were held at the Scotto Funeral Home, 106 First Place, from September to June of each year from 1990 to Jan. 2008.

9. Residents Barbara Brookhart and Frank Verderame have researched, called, written and reported their progress thru DOB, DOT, DCP, and several Mayoral administrations at the TriBlock and later CGNA monthly meetings since the 1990's.

8. The Brooklyn Office of the Department of City Planning responded to the neighborhood concerns about the out of context, out of scale building boom by analyzing the research of Barbara Brookhart, Frank Verderame, John Hatheway and Glenn Kelly. The DCP staff examined the data from 1846, the deed restrictions, the 1961 zoning, and the 1987 Quality Housing Program.

7. DCP representatives Howard Slatkin and Jen Posner updated the CGNA meeting audiences on the progress every year. John Hatheway and Glenn Kelly gave reports at 7 out of the 10 CGNA general meetings from September to June, 2007; and 8 out of the 9 CGNA general meetings from September to May, 2008.

6. In the last 24 months the issue has been reframed by CGNA Land Use Co Chairs Glenn Kelly, John Hatheway and the Director of the Brooklyn Office of City Planning, Purnima Kapur. The text amendment was introduced AND reported at CGNA meetings, in the press and on line.

5. CGNA meeting notices are posted monthly in the local press. Meeting issues are reported by the local press and occasionally the city dailies. Interviews have been broadcast on NY1 and Brooklyn Cable TV; discussions and comments from the CG community are posted daily on the CGNA Yahoo group and other neighborhood e-groups, local interest and real estate blogs. Copies of newspaper articles, photographs and letters supporting the CGNA meetings and public discussion from 2004, 5,6,7,8 have been submitted to the Borough President and CB6.

4. All of our local elected officials: CC Bill De Blasio, State AM Joan Millman, Sen. Marty Connor, Cong. Nydia Velasquez, US Rep. Yvette Clarke and BP Marty Markowitz have publicly announced their support for the text amendment. They have voiced their support at CGNA meetings, in letters, in the press and on numerous electronic media outlets.

3. CORD has submitted 85+ pages of recorded public discussion on the courtyard issue to the CB6 Land Use Chair, validating the public pressure CORD has maintained on these issues. All the local civic advocacy groups including the 11 local land use advocacy groups comprising the South Brooklyn Neighborhood Alliance publicly support the text amendment.

2. The fact sheet "What is the Place block text amendment?" was created out of a sincere commitment to inform the residents of the garden blocks about the text amendment. The fact sheet was distributed at subway entrances, the Court St Summerfest, mano a mano, in public venues AND taped to every door of every building on every block included in the text amendment, with an announcement of the Boro President's hearing on May 7, TWICE.

1. THE NUMBER ONE REASON TO VOTE YES ON THE TEXT AMENDMENT:  
TO PROTECT THE GARDEN BLOCKS OF CARROLL GARDENS.

Respectfully submitted by

Maria Pagano, President, CGNA

May 14, 2008

## What is the Place block text amendment?

A text amendment is the tool used by City Planning to correct an inappropriate zoning designation. The zoning stays the same; in this application, the text amendment simply restores the Place blocks to their original street width designation at the City Planning office.

### 1. How did this happen?

When the Place blocks were designed by Richard Butts in 1846, there were no zoning laws. He laid out the first “planned” brownstone community in Brooklyn to his own standards. He plotted blocks with lots of 100 ft., offset by front courtyards of 33’5.25. He laid out 13 ft. sidewalks and a 24 ft wide “carriage way” down the center of each block; the public area began at the front gate which consisted of a sidewalk, the street and a sidewalk, totaling 50 ft. across.

The City of NY organized a zoning plan in 1961 and measured the streets differently. A Street was defined as the distance from property line to property line. This makes the Place block front gardens part of the street. The streets are now classified as “wide” (75 ft. or more), as in arterial streets like Court St or “narrow” (50ft. or less); mainly side streets, often residential.

This is the current law, which the text amendment addresses.

The Place blocks are now treated like Court St; a wide street. The benefits: A wide street can be developed deeper, bigger and taller. As wide streets, Place blocks can accommodate more height, bulk and mass; designs like Clarett’s for the ILA site are possible with wide street designation.

The Place blocks are now measured from property line to property line. This is not appropriate, as the gardens were never intended to be included in the street measurement. Butts wrote his intended courtyard use into law; homeowners can check their deeds to find these regulations attached.

The text amendment as written by City Planning will correct the inappropriate “wide” street designation. The Place blocks will match the height and bulk permitted on the other residential side streets of Carroll Gardens.

### 2. What difference does it make?

Wide street designation provides extra floor area and height; bigger, taller buildings can be built. Under the Quality Housing Program of City zoning, a building in our R6 zoning district on a wide street can have a maximum height of 70 ft, with the maximum floor area of 3.0 times the lot area. A building on a narrow street can go up to 55ft. and a maximum floor area ratio (FAR) of 2.2 times the lot area.

### 3. What is my FAR?

Go to [www.oasisnyc.net/OASISMap.htm](http://www.oasisnyc.net/OASISMap.htm). Type your address and borough into the search box at the top, click and find out.

### 4. How does this affect my property value?

The value of your house should increase- by maintaining the size and scale of new buildings and additions, existing buildings will be worth more. For example: recent additions and the new construction on 4<sup>th</sup> Place between Court and Smith are permitted within the current wide street designation. If you were the developer, your building would be bigger and you’d have the potential of making more money. What would your house be worth if you lived next door?

The Carroll Gardens Neighborhood Association has been involved in untangling this issue over the past few years as more and more neighbors challenge the over-scaled buildings constructed on their brownstone blocks. A team of interested residents have diligently traced the history of these Garden blocks to their source with the help of elected officials and city agencies. They have presented their findings for discussion and information at the monthly public meetings of the CGNA.

The work of many residents has gone into this project, and they are confident that the text amendment presented by the Department of City Planning will distinguish the Place blocks as the first professionally planned residential community in modern mid-19th century Brooklyn.

This information is presented as a public service by the Land Use Committee of the CGNA. We urge homeowners who have specific concerns to contact the Brooklyn Office of the Department of City Planning (718)780-8282 or [nyc.gov/planning](http://nyc.gov/planning), or to consult with an independent professional.



## NOTICE OF PUBLIC HEARING



OFFICE OF THE BROOKLYN BOROUGH PRESIDENT

### PUBLIC HEARING

Notice is hereby given that the Brooklyn Borough President will hold a public hearing on the following matter in the **Community Room, Brooklyn Borough Hall, 209 Joralemon Street, Brooklyn, New York 11201, commencing at 5:30 P.M. on May 7, 2008.**

**CALENDAR ITEM**

**CARROLL GARDENS ZONING TEXT AMENDMENT  
COMMUNITY DISTRICT 6**

**080345 ZRK**

The Department of City Planning has submitted an application for amendments to the Zoning Resolution. The proposed text amendments would apply the narrow street zoning provisions for height, setback and floor area ratio to streets which are mapped as wide on the City map but share a similar character to other narrow streets in the area. These streets are 1<sup>st</sup> Place, 2<sup>nd</sup> Place, 3<sup>rd</sup> Place, and 4<sup>th</sup> Place; and Second Street, Carroll Street and President Street between Smith Street and Hoyt Street in Brooklyn Community District 6.

June 2, 2008

Department of City Planning

22 Reade Street

New York, NY 10007

To Whom It May Concern:

I am a resident of Carroll Gardens. I have lived her since 1995. I love my neighborhood and the beauty of the various sections.

The proposed amendment to the zoning regulations will make the Place Blocks in Carroll Gardens fit into the neighborhood's zoning and will ensure the continuation of the beauty of our neighborhood. Measuring . Measuring the requisite distance from the front of the house is inappropriate to the neighborhood. By measuring from the front gate will make the zoning and future building appropriate to the neighborhood.

Please support the zoning amendment as it is proposed.

A handwritten signature in black ink that reads "Diane D. Buxbaum". The signature is written in a cursive, flowing style.

Diane D. Buxbaum, MPH

365 Sackett St.

Brooklyn, NY 11231

For ID Purposes Only: Environmental Scientist, USEPA Region 2, Conservation Chair, Sierra Club, New York City Group

CARROLL GARDENS  
NEIGHBORHOOD ASSOCIATION INC.  
•Brooklyn, New York•  
carrollgardensbrooklyn.org cgna@yahoogroups.com

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May 7, 2007

Borough President Marty Markowitz  
Borough Hall  
209 Joralemon Street  
Brooklyn, NY

Dear Marty:

I am Maria Pagano, current President of the CGNA, and I am here as a resident and community advocate to support the Text Amendment presented by the Brooklyn Office of City Planning.

I would not be here were it not for the excellent professional advice and support of your office, as represented by Richard Bearak; Mr. Bearak has not only addressed the CGNA public meetings, but has served as a tremendous resource to us as we learn about zoning and protecting our neighborhood. Your Special Assistant, John Heyer has been focused on the courtyard issue as it has unfolded.

I would also be remiss, should I not immediately recognize the true dedication and tenacity of City Councilmember Bill DeBlasio and his staff, most notably Tom Gray. Tom has facilitated our research and discovery process as the issue of protection for the courtyards of CG became paramount.

We have been aided by the united professional support of State Assemblywoman Joan Millman and State Senator Marty Connor, who, thru their very able staff, have listened, encouraged and enlightened us as we worked thru the channels of government.

We are particularly indebted to Craig Hammerman, District Manager of CB6 for his unfailing encouragement, guidance and counsel over the many years we have been working thru this issue.

I am convinced this Text Amendment would never have come to be, were it not for the clarity and insight the Brooklyn Director of City Planning, Purnima Kapur and her staff, Howard Slatkin and Jen Posner brought to the dialogue. They listened, they questioned and they worked with us as we learned. Zoning 1,2,3. The protection of the courtyards has been on the CGNA agenda since the mid-1990's. It has only been in the last year or two that John Hatheway reframed the issue so that the many years of work by Barbara Brookhart and Frank Verderame could find a resolution. Director Kapur's Text Amendment is stunning in its simplicity: correctly identify the garden blocks as "narrow", residential streets just like the rest of the side streets in Carroll Gardens. This is what Richard Butts wrote into his plans in 1846; every building owner carries the restrictive covenant on their garden block deed. It is not new. I will leave more description to others.

Thank you, Mr. Borough President, for the opportunity to acknowledge the simple elegance of the Text Amendment. After the many years of research and wrangling we have come to a simple, solid resolution working with the dedicated and talent resources available thru our city agencies and elected officials.

Sincerely,

Maria Pagano

Attachments: Agenda, news articles and photos supporting the public discussion of courtyard use, 2004,2005,2006, 2007,2008

# CARROLL GARDENS

NEIGHBORHOOD ASSOCIATION INC.

•Brooklyn, New York•

carrollgardensbrooklyn.org cgna@yahogroups.com

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April 30, 2008

Honorable Michael R. Bloomberg  
Mayor, City of New York  
City Hall  
New York, NY 10007

Dear Mayor Bloomberg:

The neighborhood of Carroll Gardens is unique because it is a planned community, created by law in 1846, and is distinguished by the 33' gardens that front its 19th century brownstone row houses. We are currently one of the more than 50 neighborhoods asking the Landmarks Preservation Commission to consider our historic district application.

Given this demand, it is imperative that the Landmarks Commission be able to operate effectively. The Carroll Gardens Neighborhood Association believes it is imperative that the Landmarks Preservation Commission's budget be put on course for an increase of at least \$1 million, which will give them the staff, resources and technology they need to run an open, efficient agency. This amount would restore the Commission's 1991 highpoint funding level, adjusted for inflation. On the road to achieving this parity, we ask you, at a minimum, to restore the proposed cuts to LPC's budget, renew last year's \$300,000 increase and establish this increase as a baseline for future landmarks budgets.

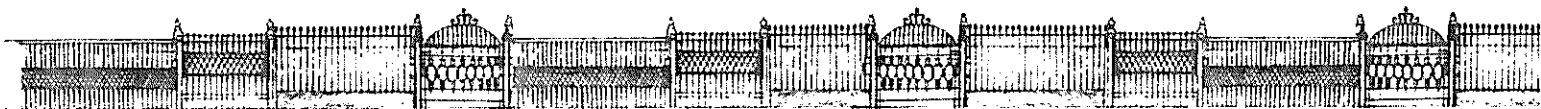
We appreciate that your plan for 2030 understands the importance of neighborhood character. Historic districts help protect that character by raising property values and providing popular places to live. Addressing the demand for additional districts is crucial to our city, even with difficult budget times ahead.

Thank you for your consideration.

Sincerely,

Maria Pagano  
President

cc: Deputy Major Patricia Harris





# News...



FROM COUNCIL MEMBER

## BILL de BLASIO



District Office • 2907 Ft. Hamilton Parkway • Brooklyn, NY 11218 • (718) 854-9791 • Fax (718) 854-1146  
City Hall Office • 250 Broadway, 17th Floor • New York, NY 10007 • (212) 788-6969 • Fax (212) 788-8967  
deblasio@council.nyc.us

### MEETING NOTICE

Apr 24 Landmarks/Land Use

PUBLIC HEARING on 115 King Street/78 Sullivan Street (BSA Cal. No. 16-92-BZ).

- ▶ Discussion and formulation of a recommendation on a variance application submitted to the Board of Standards and Appeals (BSA Cal. No. 16-92-BZ) to permit the reinstatement of variances originally granted, an extension of the term of years pursuant to Zoning Resolution section 11-411, and the legalization of a change in use to warehouse, carpentry shop and furniture warehouse and business office with accessory parking in accordance with Zoning Resolution sections 11-413, 52-33 and 52.34, as well as a 278 square foot mezzanine for office use pursuant to Zoning Resolution section 11-412, for the property at 115 King Street aka 78 Sullivan Street (Block 556, Lot 15) between Van Brunt/Richards Streets.
- ▶ Presentation and review of a Certificate of Appropriateness application submitted to the Landmarks Preservation Commission for new front entrance door, rooftop alterations, and front yard paving and other façade alterations at 523 3rd Street, Park Slope Historic District.
- ▶ Presentation and review of a Certificate of Appropriateness application submitted to the Landmarks Preservation Commission for an alteration to the entrance steps and installation of handrails at 226-236 Kane Street, Kane Street Synagogue, Cobble Hill Historic District.
- ▶ Presentation and review of a revised unenclosed sidewalk cafe permit application submitted to the Department of Consumer Affairs on behalf of The Cherry Tree Corp. at 65 4th Avenue (between Bergen and St. Marks Places), to permit 10 tables and 24 seats.
- ▶ Presentation and review of proposed Zoning Resolution Text Amendment (#N080345ZRK), known as the Carroll Gardens Places Text Amendment, submitted by the Department of City Planning that would define 1st Place, 2nd Place, 3rd Place and 4th Place between Henry Street and Smith Street; and 2nd Street, Carroll Street and President Street between Smith Street and Hoyt Street, in the Carroll Gardens neighborhood of Brooklyn Community Board 6 as 'Narrow Streets' for zoning calculation purposes.

Brooklyn Community Board 6  
250 Baltic Street  
(Court/Clinton Streets)  
Auditorium  
6:00 PM

*Green Swindler - insurance  
Green Swindler - insurance  
Green Swindler - insurance  
Green Swindler - insurance  
Green Swindler - insurance*

*May 17/May 18*

# CARROLL GARDENS

NEIGHBORHOOD ASSOCIATION INC.  
•Brooklyn, New York•  
carrollgardensbrooklyn.org cgna@yahoo.com

We, the concerned citizens of Carroll Gardens and South Brooklyn, join the Carroll Gardens Neighborhood Association (CGNA), Carroll Gardens Coalition for Respectful Development (CORD), Baltic and Warren Neighbors, Columbia Waterfront Neighborhood Association, the Union-Sackett Block Association and Council Member Bill DeBlasio and Assembly Member Joan Millman

in  
**calling upon the Department of City Planning to begin an immediate  
downzoning study of Carroll Gardens.**

The Department of City Planning has downzoned in nearby neighborhoods without putting in place any protections in adjoining neighborhoods like Carroll Gardens.

Carroll Gardens is the target of developers as one of the few downtown Brooklyn neighborhoods with **no building height limitations**. City Planning has been slow in responding to our persistent requests for zoning protection. While we encourage and welcome housing for entry level residents, the current luxe development does not address these populations.

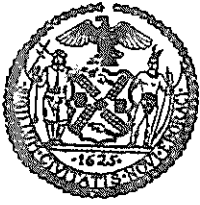
We are determined to preserve what makes Carroll Gardens so unique and attractive, the low-scale row houses and walk-up apartment buildings, small stores on the commercial streets, the openness and sunlight in our streets and in our yards.

There are several **large construction projects** recently completed, under construction and in the planning/approval stages:

- 11 2nd Place: new 10,000 SF, 6-story condo on a block of 3 and 4 story 140year old buildings.
- 100 Luquer Street: under construction, a new 11-story, 30,000 SF concrete apartment tower on a thru-block lot, amidst 3-story row houses; architect: Karl Fischer
- Bond Street: building wraps around existing 2-story brick house on the corner of Bond and President; horizontal rectangular windows disguise the number of floors; approx. 5 stories; architect: Robert Scarano.
- 120 3rd Place: 2-story & penthouse addition to a 4story rowhouse, among other 4-story row houses
- 333 Carroll Street: 4-story addition to a 3-story brick factory (under construction) on a block of 2-story rowhouses, destroying vistas down landmark blocks; architect: Robert Scarano.
- 360 Smith Street: Proposed 7-story, 70' tall apartment building among 4-story brownstones; architect: Robert Scarano.
- 185 Huntington Street: Proposed 3-story addition and 30' rear extension to a 2-story brick row house among other 2-story houses; developer: Alex Barrett.

**We insist that city officials, City Planning and the Department of Buildings act NOW  
while we can still preserve and protect our neighborhood!**





# THE CITY OF NEW YORK COMMUNITY BOARD SIX

**Marty Markowitz**  
Borough President

**Jerry Armer**  
Chairperson

**Craig Hammerman**  
District Manager

March 29, 2006

Howard Slatkin  
Department of City Planning  
Brooklyn Office  
16 Court Street, 7<sup>th</sup> floor  
Brooklyn, NY 11241

Dear Howard:

Attached please find some correspondence on the outstanding issue of the court-yard uses on First, Second, Third and Fourth Places in Carroll Gardens in my district.

In a subsequent conversation with then-Borough Commissioner Susan Hinkson she had recommended that since this provision of the City's Administrative Code is currently contained in Title 19 (Transportation), the Department of Buildings has had a difficult time enforcing it. Her simple solution was to see if the language could be lifted from Title 19 and inserted into the Zoning Resolution or Buildings Code. By placing the provision squarely under their jurisdiction Buildings' enforcement role would be more clear-cut.

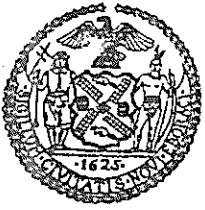
Please do not hesitate to contact me should you require anything further.

Sincerely,

A handwritten signature in cursive script that reads "Craig".

Craig R. Hammerman  
District Manager

cc: Maria Pagano, President, CGNA



# THE CITY OF NEW YORK **COMMUNITY BOARD SIX**

Marty Markowitz  
Borough President

Jerry Armer  
Chairperson

Craig Hammerman  
District Manager

March 17, 2004

Susan Hinkson  
Borough Commissioner  
Department of Buildings  
210 Joralemon Street  
Brooklyn, NY 11201

Dear Commissioner Hinkson:

I am writing to you on behalf of several concerned residents to request clarification of the legally-approved uses of court-yards along First, Second, Third and Fourth Places in the Carroll Gardens section of our district.

Previously your agency had assumed jurisdictional responsibility for the enforcement of the City's Administrative Code § 19-132 which states, "The buildings to be erected upon the lots fronting upon first place, second place, third place and fourth place in the borough of Brooklyn, shall be built on a line thirty-three feet five inches and a quarter of an inch back from the sides or lines of such places as they are now established by the map of the city, *and the intervening spaces of land shall be used for courtyards only.*" (emphasis added) We thought that our interpretation, that the use of these "intervening spaces" for carports or the storage of vehicles, was a violation of this provision. As such, it was our understanding that the installation of curbcuts was by extension illegal at these locations.

Enclosed please find an unanswered correspondence to your predecessor dated May 31, 2001 on this matter related to a flagrant violation of this code by a property owner at 518 Clinton Street (Block 370, Lot 36), even after the property owner had gone through an entire appeal process and failed to obtain an approval from the Board of Standards and Appeals. We hoped your agency would continue to maintain an active interest in upholding this little-known provision as it is an important one that helps maintain the character and built form of our Carroll Gardens neighborhood.

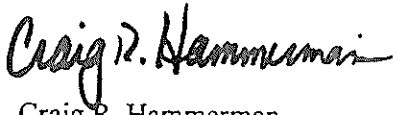
Over the years we have reported other instances where what we thought to be illegal curbcuts have been reported to your agency. Some examples of locations include 100 Second Place (complaint #3114150), 110 Third Place (complaint #3114151), 126 Third Place (complaint #3114153) and 128 Third Place (complaint #3114154). Sadly, when we followed up on these violations it would appear that all but one had been dismissed. This leaves us to wonder whether the agency has either reversed its previous interpretation of this provision, whether the agency is no longer enforcing this provision and whether our community is now susceptible to potentially being overrun with the installation of curbcuts.

I would appreciate it if you would investigate this matter and apprise us of the following:

- 1) Can we get a response to you from on our previous letter related to 518 Clinton Street (copy enclosed)?
- 2) Can you please advise us if the Department of Buildings is no longer issuing illegal curbcut violations based on § 19-132 of the Administrative Code?
- 3) How can the Department of Buildings ensure that the built form and character of our Carroll Gardens community remains in tact and that our "intervening spaces" remain for courtyard use only?

Please do not hesitate to contact me if anything further is required. I look forward to your reply.

Sincerely,



Craig R. Hammerman  
District Manager

cc: First Place & Summit Street Tri-Block Association



# THE CITY OF NEW YORK COMMUNITY BOARD SIX

Howard Golden  
Borough President

Irene Lo Re  
Chairperson

Craig Hammerman  
District Manager

May 31, 2001

Tarek Zaid, Borough Commissioner  
Department of Buildings  
210 Joralemon Street  
Brooklyn, New York 11201

Dear Commissioner Zaid:

Attached please find a copy of a correspondence dated August 30, 2000 from the Department of Buildings (DOB) to the owner of 518 Clinton Street, Ms. Iffet Guldal, pertaining to the illegal curb cut installation at the aforementioned address.

In the August 30<sup>th</sup> letter forwarded to Ms. Guldal last year the department had ordered the property owner to restore the sidewalk and curb to its original condition (page 2, item 5). Residents have contacted the District Office to report that to date she has not taken any corrective action to remedy the violation.

On behalf of Ms. Guldal's neighbors I would like to inquire as why her non-compliance with the DOB order has not been pursued. This is particularly troubling because in response to a letter dated July 13, 2000 from District Manager Craig Hammerman to the DOB' Brooklyn Office, the department confirmed that it had made a mistake in reissuing the permit for a curb cut at 518 Clinton Street.

In my hope that there will not be an additional eight months of Ms. Guldal's failure to return the curb and sidewalk at the above mentioned to 'grade' in accordance to the DOB order, please let me know if I can be of any assistance. I look forward to receiving your response detailing DOB's actions thus far in this regard as well as its plan for future action. Thank you for the opportunity to comment on this matter.

Sincerely,

Valerie L. Acham, Assistant District Manager

Enc.

C.c.: Hon. Howard Golden, Brooklyn Borough President  
Hon. Stephen DiBrienza, City Council Member  
Kathie Keegan, Brooklyn Borough Commissioner – DOT  
Karen Bracco  
Gaetano Pontrelli

June 3<sup>rd</sup>, 2008

To Whom It May Concern,

I am writing to you to express my thoughts and opinions on the text amendment. You have my permission to pass this along to the parties who may be able to help with this endeavor. I did express my opinion the public hearing at Marty Markowitz's office, held on May 7<sup>th</sup> 2008, at which time 33 speakers spoke in favor of this text amendment and 10 against this application.

I am a resident and owner on First Place and have been living here for 35 years, my husband for 50 years. I chose to stay in this neighborhood because of its beauty and brownstones. I have been getting very nervous lately watching these monstrous buildings going up around us not to mention beautiful brownstones growing tumors on top of them. This development is rapidly growing like a cancer and it is quite disturbing. I, after last night's meeting that was held at Scotto's Funeral Home, by Carroll Gardens neighbors NOT Carroll Gardens Neighborhood Association, discovered that most of the opposition to the text amendment was made by people who are only interested in development and out of sheer greed in my opinion, and that was made perfectly clear.

I am also in agreement with getting the passing of the text amendment **right** away. I however am in favor of a 50' cap on the height requirement as well, but I feel let's at least get this passed which I feel will allow us some protection from having the appearance of these blocks change drastically and in the blink of an eye because that's how fast this development is taking place. I know the opposition is calling this a band aid but you know that band aids can prevent infection. If I cannot attend tomorrow's meeting and speak before the City Planning Commission this can be read on my behalf.

Sincerely,  
Colleen Giunta  
CGNA Member  
& Resident of First Place

103 Second Place  
Brooklyn, New York 11231  
April 26, 2008  
Emailed 4/26/08  
Duplicate mailing 4/26/08

Ms Purnima Kapur, Director  
Ms. Jennifer Posner  
Department of City Planning  
16 Court Street  
Brooklyn, New York 11241-0103

RE: CARROLL GARDENS PLACES TEXT  
AMENDMENT PRESENTATION

Dear Ms. Kapur and Ms. Posner,

I attended the CB6 Land Use Committee meeting on April 24, 2008. I was pleased to express both my own and CORD's support for Zoning Text Amendment Number N080345ZRK as well as to submit hundreds of letters of support from property owners and residents.

It was, however, surprising to hear that some of the board members felt that the presentation's meeting notice and consequently, the essence of the zoning amendment and how it would affect the homeowners, had not been sufficiently presented or circulated throughout the community.

I have attended many fairly crowded CGNA meetings over the course of the last year or so, when this unique wide street situation has been discussed. The reduction in FAR that would result, the lower height, how it would affect newly built quality housing were all presented when talking about what a change in the wide street situation would mean. The CGNA made a valiant effort to appeal to the Department of Buildings to change this through the Administrative Code, citing the old Brooklyn Law of 1846. The "loophole, as it was often referred to, was discussed on more than one occasion at these meetings, whether it was in general terms during informational rezoning presentations given by John Hatheway with the assistance of Glenn Kelly, or in more specific terms when discussing particular development projects and how different zoning regulations govern their size. The ultimately unsuccessful outcome of the CGNA's attempt to change this through the Administrative Code was also discussed.

The subject frequently arose. I recall one particular CGNA meeting, I believe it was in January of this year, when the results of the community boards' vote on City Council Resolutions 619 and 620 was the topic; which led to yet another conversation of what



could be done to put the specific blocks covered in this zoning amendment on a more level playing field, zoning wise, with the rest of the streets in Carroll Gardens.

The upcoming presentation and review of the zoning amendment scheduled for the April 24<sup>th</sup> Land Use Meeting was announced and briefly discussed at the last CGNA meeting, held on April 10<sup>th</sup>, prior to another zoning presentation by Mr. Hatheway. I had a copy of the zoning text amendment with me that evening. I offered it to anyone there who wanted to read it ---many attendees were interested in participating in CORD'S letter of support campaign and foregoing the upcoming, announced, DCP presentation, they signed on the spot that night. I mention this only to point out that, to most of the people there, this was a very familiar subject and an eagerly anticipated change.

I attended several different local group meetings where the amendment was discussed. Information about the amendment was published in local newspapers including the Brooklyn Paper and the Courier.

On the internet, information was widely available. There were stories on Gowanus Lounge, Brownstoner, Curbed, Brooklyn Streets, USBA and of course, CORD's newsletter and blog. Most of these blogs carried the story from the time the DCP Chairwoman, Amanda Burden first informed the Borough President's office of the coming referral right through to announcing the specifics for The Land Use Committee meeting. There were certainly plenty of list serves and e groups which sent out the news about Thursday's meeting as well.

On Wednesday, 4/23, on my way out, I even found a meeting notice, at my front door, on Second Place, which was from Councilman DeBlasio's office. (I have enclosed a copy) It clearly listed all of the items on the agenda for the 4/24 Landmarks/Land Use meeting, with the zoning text amendment portion printed in bold letters and a map on the reverse side. Tom Gray mentioned at the meeting, that he was indeed responsible for hand delivering and distributing those flyers in the neighborhood.

I thought it was a very good turnout for the presentation in spite of the fact that the meeting was being held during a week when the schoolchildren were off, a time when typically, families take vacations. There was no mention of any letters or emails sent by residents in advance complaining of the scheduling of the meeting or stating that they were unable to attend the presentation yet wanted the opportunity to review the details, ask questions, or express an opinion regarding the DCP's proposal.

I simply do not know how much more information could have possibly been put out there to alert people that this informational presentation regarding this zoning amendment was being held. There were public meetings where it was announced. There was an enormous amount of information available online and in the newspapers. There were flyers distributed. If one was truly concerned, curious, or confused about what this amendment was and what it could mean, it was pretty clear that Thursday night's meeting was the place to be.

Take some or most or all of the letters of support completely out of the equation, and the fact still remains that “narrowing” these specific blocks versus maintaining the status quo was a frequent discussion both in public forum and print. Your actual presentation of the amendment to the Land Use Committee was announced via many venues.

I understand that you are neither responsible nor in control of how the community board wishes to proceed at this point and that is exactly as it should be. I do feel however, compelled to speak out of what I myself attended, witnessed, read and understood.

In closing, I wish to thank you for your excellent presentation. I think that you successfully explained a very complicated, very detailed issue in a clear, concise, forthright, extremely patient and totally professional manner.

Sincerely,

Rita Miller  
Second Place Resident/Property Owner  
CORD Member

CC: Amanda Burden, Chair, DCP  
Borough President Marty Markowitz  
Councilman Bill DeBlasio  
Assemblywoman Joan Millman  
Senator Martin Connor  
Craig Hammerman, CB6 District Manager

encl

**Tuesday, April 22, 2008**

**FROM: SOUTH BROOKLYN NEIGHBORHOOD  
ALLIANCE**

April 24th Carroll Gardens Wide Streets Zoning Text  
Amendment

A zoning text amendment has been introduced by the City Council to City Planning for Carroll Gardens. It is designed to protect the blocks of First, Second, Third and Fourth Place from Henry to Smith Streets, and extending to Second, Carroll and President Streets between Smith and Hoyt Streets. The text amendment would re-classify those blocks as "narrow" streets as laid out in the original plans of 1846. We believe it is imperative that the improper wide-street designation be changed to protect the openness of the signature front gardens for which Carroll Gardens is named.

We support this zoning text amendment as a proactive measure, which will allow for harmonious new development while preserving and enhancing the brownstone community that is Carroll Gardens. We urge both our advisory and elected representatives -our Community Board members and the Brooklyn Borough President to join with the Department of City Planning and the City Council to approve and implement this text amendment with all expedience.

Community Board 6-Landmarks/Land Use  
250 Baltic Street  
Thursday April 24th  
6:00 PM

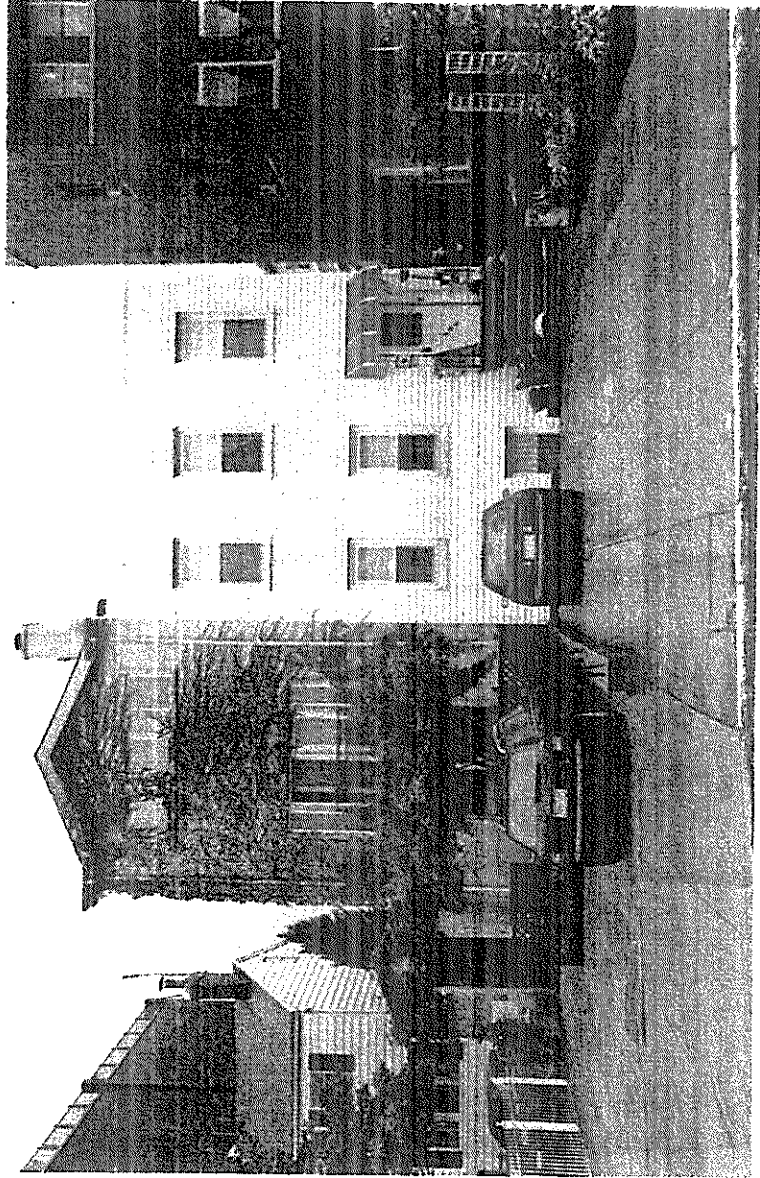
CARROLL GARDENS

# Buicks Amid the Bushes

**W**HEN Carroll Gardens was developed in the 1840's, the homes on the "place" streets in that Brooklyn neighborhood were sold with long front yards — courtyards — and deeds stipulating that they must be retained. If you bought a brownstone on Third Place, for instance, you could plant a pine tree or tend a garden, as many people who live there do, but you couldn't pave over the courtyard to create a parking space. Over the years, however, a handful of homeowners have received city permits to create curb cuts, which allow for paved driveways to be built.

The paving has frustrated community groups and preservationists, but their only recourse is to sue the city, which legally controls the front yards. "These restrictions were designed to maintain the character and look of the neighborhood," said Tony Avella, a City Councilman from Queens. Mr. Avella is sponsoring a bill to require the Department of Buildings to evaluate and enforce deed restrictions, as long as they don't violate public policy by restricting by race or religion, for example.

"If you don't do something to preserve these areas, the city will have lost something you can never



On streets like Fourth Place between Court and Smith Streets, it's grass vs. gas.

Jonathan Pickles for The New York Times

get back," said Mr. Avella, noting that the problem also existed in Queens neighborhoods like Douglaston and Little Neck, where a two-story, bucolic feel is being threatened by development.

On Fourth Place in Carroll Gardens, it may already be too late to address the problem. Some blocks contain almost as many driveways as yards, giving the area the look of a suburban neighborhood. "The worst example is on Fourth Place between Smith and Court Streets," said Robert Furman, chairman of the Four Borough Neighborhood Preservation Alliance, a group that plans to hold a news conference today in front of a recently paved-over yard.

According to Buddy Scotto, a longtime resident who owns the Scotto Funeral Home, the curb-cut issue dates to the 1960's, when a homeowner on Second Place applied for a permit to pave his yard. But without appropriate laws to control the problem, neighbors have little recourse. "I'd be very reluctant to tell someone, 'You're not supposed to do that,'" Mr. Scotto said. "It's their home."

He added: "I have four buildings. It would be wonderful to pull my heurtes right up to the door. But I wouldn't want to cut into the curb and pave over these gardens." **STEVEN KURUTZ**

# Carroll Gardens/Cobble Hill

## COURIER

A Courier-Life Publication

Barrett Hill/Red Hook

15-2500

October 24, 2005

### Courtyard Advocates Kick Up Opposition to Cars

By Joe Maniscalco

Legislation on the books which they say epitomizes the Carroll Gardens' most defining characteristic, the preservation of its courtyards, called for new legislation on Sunday that would stop the city from issuing new curb cuts.

Joe Furman, chairman of the Four Borough Neighborhood Preservation Alliance and a handful of supporters joined City Councilmember Tony Avella on 4th Street to talk about the problem of courtyards being transformed into curbs.

"I don't do something to preserve these areas, the city has already done that. I don't do something you can never get back," said Furman.

Legislation that the chair of the Council of Franciscan Committee chair has introduced in the City Council would compel the Department of Buildings to enforce "restrictive covenants" outlined on the deeds of Carroll Gardens homeowners living on 1st to 4th places.

Those deeds go all the way back to the 19th century and clearly seem to outline the parameters and intent of the city-owned courtyards.

Buildings "shall be built on a line 33-foot five inches and a quarter of an inch back from the sides or lines of said sidewalks,

and the intervening space of land shall be used for courtyards only," the old law which predates Brooklyn's consolidation with New York City and later transferred over to the administrative code, states.

While many Carroll Gardens homeowners have begun using their floral front courtyards to park their automobiles off the streets, others like Carroll Gardens Neighborhood Association member Barbara Brookhart charges that they actually cost the neighborhood parking spots.

"They install curb cuts here on the street and nobody else can park there," she said.

Section 19-136b of the code states that it is "unlawful for any person, directly or indirectly, to use any portion of a sidewalk or courtyard, established by law between the building line and the curb line for the parking, storage, display of motor vehicles."

As it stands now both the Department of Buildings and the Department of Transportation have not taken any action to curb the practice.

According to Avella, the only recourse now left to upset neighbors is to sue to have curb cuts removed. But those actions, even when successful, cost homeowners dearly in legal fees.



Councilman Tony Avella (far left) joins with preservationists in Carroll Gardens on Sunday.

Photo by Claudio Papapietro

# Fight to Preserve Courtyards

Don't need from cover

If city simply don't bother. Home-owners like the ones on 4th Place between Smith and Court streets who already have curb cut, and car ports in their front courtyards won't lose those additions when Avella's measure prevail in the City

of 2007. "I think they'll be grandfathered in," said Avella. Community Board 6 district manager said the measure has been critical of the city's plan to eliminate neighborhood courtyards and car ports and curb cuts.

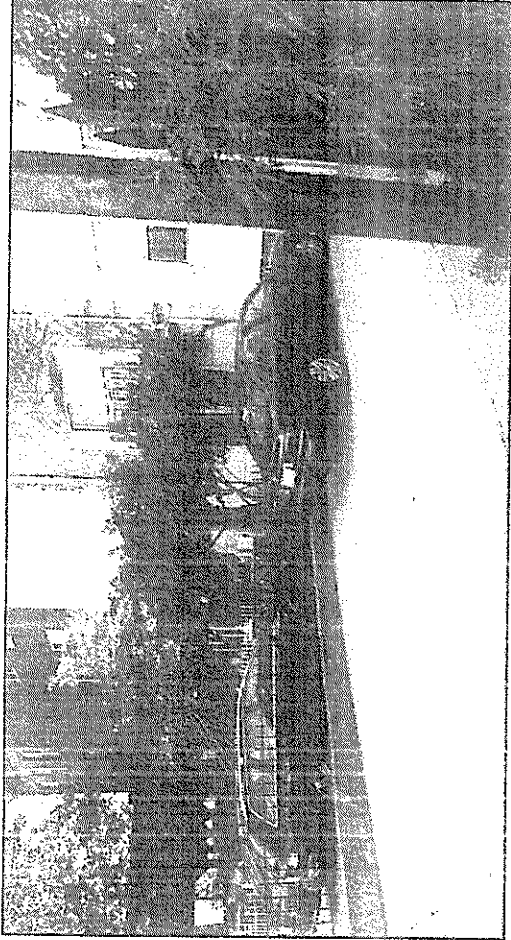
The board has called on the city's Department of Counsel to rule on guidelines for enforcing the law. It also called on the Department of Buildings and the

Department of Transportation to begin enforcing the measure.

Avella's measure would allow local civic organizations like the Carroll Gardens Neighborhood Association to register restrictive covenants with the city.

"The new developers along 4th Place between Smith and Court streets all have parking - all of which has been allowed in the last 10 years," said Brookhart. "This is something we want to stop because we say it is against the city code."

Avella has a number of other measures pending before the City Council aimed at getting a handle on overdevelopment, including one that would place a temporary moratorium on new construction in areas undergoing rezoning.



Some say car ports like this are destroying the character of Carroll Gardens.

Photo by Claudio Papapietro



# GARDENS HILL CARROLL COBBLE COURIER

August 17, 2007

Your Neighborhood — Your News

# WAIT YOUR TURN

## Gardens rezoning

*Continued from page 5*

streets which developers might use to construct even larger developments than normally allowed on supposedly narrow streets.

"Developers have already exploited this," Hatheway warned.

Hatheway reemphasized the need to rezone Carroll Gardens as soon as possible.

"We don't want to be so presumptuous as to leapfrog over others, but the political pressure is going to be important on this one," he said.

## Gardens told to stand in line for downzoning

By Joe Maniscato

You're still going to have to wait your turn.

That's the city's message to Carroll Gardens residents who continue to cry out for new safeguards against overdevelopment.

After submitting a written request to the Department of City Planning asking for a review of zoning regulations in Carroll Gardens,

Director Amanda H. Burden informed members of CORD (Carroll Gardens Coalition to Respectfully Develop) — a local group concerned with out-of-scale development — the city was "committed to

pursuing a review of current zoning in the area," but couldn't say when it might actually happen.

"Because of the numerous neighborhood rezoning efforts we have underway in communities throughout Brooklyn, we are unable to commit to a precise time frame," Burden wrote.

Local residents outraged about out-of-scale development popping up all over Carroll Gardens, like the highly controversial multi-leveling proposal for 360 Smith Street, formed CORD and have been advocating for a building moratorium to remedy the

*Continued on page 2A*



# Anger Over roof collapse

## Residents say there was trouble at the site

By Jane Mariscac

Neighbors are calling the roof collapse on a building under construction at 90 First Place last week just another indication that development in their neighborhood has run amok.

The collapse took place after a night of heavy rain on July 29 and immediately drew reaction from upset neighbors, the FDNY and the Department of Buildings.

"This is really a good picture of what we don't want to happen here," said Carroll Gardens Association President Maria Pagano. "To me it's like the wild west."

The few of many in Carroll Gardens that unbri- dled development is being allowed to continue at the expense of existing homeowners is a feeling shared throughout many in the borough and, indeed the city.

According to the Department of Buildings, this latest incident involved a 15 by 25-foot section of

the roof at the rear of the building that came crashing down — most probably due to the rain — but officials are still investigating.

Eric Brody, the project's development manager, declined to comment on the incident.

Contractors for the building owner had been rehabbing the interior of the building for the last four months or so.

The DOB says that six complaints have been registered against the construction, but none of them indicated that the roof was in danger of collapse.

Two of the complaints the DOB received came after the roof had already fell in.

The DOB maintains that the complaints received prior to the collapse had nothing to do with the condition of the roof. Two of those complaints, they say, had to do with permits that were later found to be in order.

Neighbors say that 90 First Place has been completely gutted from the inside out and that there

was trouble with the demolition right from the very beginning.

Celia Cacace lives diagonally across from the building on 1st Place. She says that there were many indications that contractors weren't doing the right thing.

For example, Cacace says contractors working on the upper floors of the building routinely tossed debris into a dumpster on the street instead of sending it down a covered chute. She also says they pulled dump trucks into the front courtyard of the building repeatedly hitting a tree on the property as well as neighbor's automobile.

The latter infraction reportedly cost the contractors a \$1,000 fine. Cacace also charges that contractors improperly used rental trucks without commercial license plates to haul away debris.

"They endangered the lives of people," Cacace said. "They don't care. They want to get in there and do it one, two, four — and get out."

Cacace expressed her concerns about the work going on at 90 First Place to Assemblymember Joan Millman's office about a week before the rear part of the roof collapsed.

"Certainly this is a big concern for our office," Millman spokesperson Sam Cooper said. "We're thankful no one is hurt."

Cooper agreed with Cacace that local developers are often guilty of "rushing" through their projects at the expense of safe building practices.

"Construction is something you shouldn't cut corners on," he said.

A stop work order has been issued on 90 First Place. The developers will have to resubmit their plans and demonstrate that they are in compliance with DOB rules before they are legally allowed to continue at the site.

Cooper complained that the DOE lacks both the staff and resources to go after rogue builders.

DOB inspectors visited

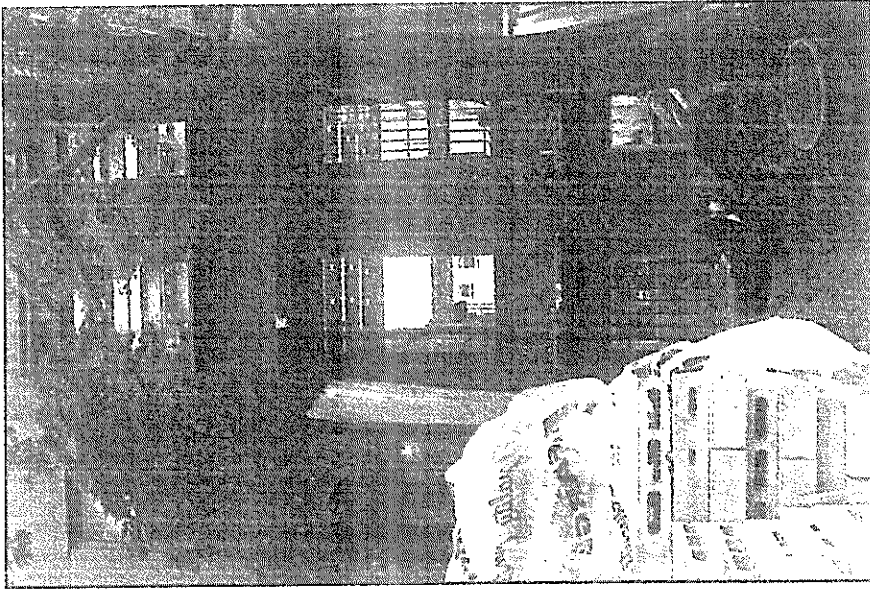


Photo by Ted Levin

A stop work order remains in effect on 90 First Place after the roof collapsed last week.

the building site back in May to investigate whether or not contractors had obtained the required permits necessary for ongoing construction at the site. The

DOB says those permits were found to be in order. "People have been complaining all along, but nobody listened," said local resident Barbara Brookhart.



# GARDENS HILL CARROLL COBBLE COURIER

October 12, 2007  
Your Neighborhood - Your News

SERVING BOERUM HILL, CARROLL GARDENS, COBBLE HILL & RED HOOK

# BUILDING FOES STUCK IN GEAR

Photos by Kendall Rodriguez

## Drive to preserve brownstones stalls

By Joe Maniscalco

Carroll Gardens has not one, not two, but three different strategies for addressing overdevelopment in their traditional brownstone community.

Despite all the heat, however, what many consider out-of-character development continues unabated, while efforts to address it appear stalled.

Now, it looks as if even those who favor some kind of action against new development in the community are unable to agree on what to do next.

At Monday night's meeting of

# Gardens stuck in place

*Continued from cover*

the Carroll Gardens Neighborhood Association held on 1<sup>st</sup> Place, members argued about the merits of expanding the neighborhood's historic district, pushing for downzoning or winning a temporary building moratorium.

If successful, the expansion of the Carroll Gardens Historic District would encompass about 72 blocks and roughly 4,000 buildings, according to Vincent Favorito, member of both the Carroll Gardens Neighborhood Association and the Four Borough Neighborhood Preservation Alliance.

As reported here earlier, supporters believe that landmark status could be accomplished relatively soon with the proper support.

But Glenn Kelly, member of the Carroll Gardens Neighborhood Association's executive committee said that the group leadership was ambivalent about actively pursuing expanding the historic district.

"We have not yet decided we're going to pursue that," he said. "We want downzoning."

Efforts to convince City Planning to consider rezoning Carroll Gardens have thus far managed to get only a loose commitment to study the



This display criticizes the height of proposed buildings in Carroll Gardens.

request in three years.

Such inaction has spurred members of CORD – Carroll Gardens Coalition to Respectfully Develop – to push for a politically unpopular temporary building moratorium.

"There's some question about what legal precedent there might be," Carroll Gardens Neighborhood Association member John Hatheway said.

While all three strategies were being bandied about, Hatheway admitted that the situation "doesn't bode well for what's happening on Smith and Court streets."

Critics of both big developments – at 360 Smith Street and 340 Court Street – say the projects and others like them will be detrimental to the low-rise character of the community if allowed to proceed.

In regards to expanding Carroll Gardens Historic District – a move supporters believe would preserve the current housing stock from overdevelopment – Favorito said that it could be pursued in concert with CGNA downzoning efforts.

"It can be done parallel," Favorito said. "That is not inconsistent. The sooner we get going the better."

Hatheway suggested that the reluctance on the part of some in the community to lobby harder for some kind of action may be due to Carroll Gardens' history of stability.

But with more big development projects planned for the community many are wondering why Carroll Gardens can't seem to make any progress combating them.

Pointing to surrounding communities that have been successful in winning new protections against overdevelopment, one exasperated resident declared, "Why can't Carroll Gardens get this done?"

# 'Wide Street' compromise

## Resident calls for alternative to zoning text amendment

By Joe Maniscalco

Carroll Gardens residents interested to safeguarding their traditional low-rise community from overdevelopment view passage of a zoning text amendment affecting six blocks in the neighborhood as the first step in realizing the downzoning they've always wanted.

The zoning text amendment now proceeding through the public review process would eliminate the "wide street" designation currently affecting 1<sup>st</sup> Place, 2<sup>nd</sup> Place, 3<sup>rd</sup> Place, 4<sup>th</sup> Place, Second Street, Carroll Street and President Street between Smith and Hoyt streets.

Technically, a developer would now be able to move in and build a much larger building on any one of those blocks because their signature front courtyards are considered to be

part of the street.

The zoning text amendment enjoys widespread political support. Community Board 6's Land Use Committee already voted in favor and Borough President Marty Markowitz is expected to announce his support for the change next week.

But on Monday night, 2<sup>nd</sup> Place resident Judith Thompson urged the Carroll Gardens Neighborhood Association [CGNA] — one of the most vocal groups in support of the zoning text amendment — to consider supporting a compromise plan.

"Not everyone agrees with the narrow street downzoning that is occurring in Carroll Gardens," Thompson said. "There is no need to push us into a pigeon hole that we don't fit into."

Thompson suggests modifying the new propos-

al so that the floor area ratio on each of the six affected blocks would go from the existing 3.0 to 2.4 instead of the 2.2 called for in the zoning text amendment.

She'd also like to see language in the zoning text amendment pertaining to building setbacks tweaked.

By making these changes, Thompson says that a 55-foot height limit and a minimum 40-foot backyard requirement would be preserved while allowing homeowners like her to expand if they desired.

"If it is possible to make these changes I think our neighborhood will be protected from inappropriate development without placing an undue burden on small homeowners and tenant residents, and without hurting our local businesses," Thompson told the *Courier*.

The CGNA's Glenn Kelly, however, said that at this point modifying the zoning text amendment wasn't up to the CGNA.

"City Planning wrote the text amendment," he said. "We are not responsible for what they offered."

Community Board 6 was expected to take a full vote on the proposed zoning text amendment this week.

A public hearing held last week at Borough Hall brought out groups like CORD — Carroll Gardens Organization for Respectful Development — in support of the zoning text amendment, and developers like Oliver House builder William Stein who oppose it.

The Department of City Planning and the New York City Council must still approve the zoning text amendment before it goes into effect.

## Some

### fume over

### Gardens

### rezoning

By Joe Maniscalco

Carroll Gardens' wide street text amendment is heading for a public hearing before the City Planning Commission this week with official support from both Community Board 6 and Borough President Marty Markowitz, but critics still want to put the brakes on it.

Supporters of the measure believe that it represents the first tangible step to rezoning Carroll Gardens against overdevelopment.

Opponents, however, have argued that the zoning text amendment will hurt existing homeowners interested in enhancing their properties.

In addition to those concerns, those same critics are now charging that the proposed changes will actually contribute to taller buildings on Carroll Gardens' signature Place blocks.

According to 2nd Place resident Judith Thompson, the text amendment, if ultimately approved, would create a "dangerous situation that did not exist before" by actually inducing developers to build 13-story high-rises on presently low-rise blocks.

The proposed zoning text amendment seeks to reduce the existing Floor Area Ratio, or FAR,

## Gardens zoning text amendment

*Continued from cover*  
from 3.0 to 2.2, but opponent say that developers could combine lots and exploit height factor rules resulting in the kinds of towering structures many in Carroll Gardens believe will ruin the community.

Supporters dismiss such concerns as a red herring and an effort to spread fear in the community. This week Tom Gray, district director for City Councilmember Bill de Blasio, said that "City Planning does not anticipate the use of height factor zoning on any of the lots impacted."

According to Gray properties affected by the zoning text amendment are too small to utilize height factor zoning while larger lots like the ones at 340 Court and 360 Smith

streets have opted build under the quality housing program.

Critics, however, remain wary. Neighborhood civics like the Carroll Gardens Neighborhood Association and CORD (Carroll Gardens Organization for Respectful Development), as well as de Blasio, have been pushing hard to get the zoning text amendment passed.

The City Planning Commission' hearing on the zoning text amendment will be held at 10 a.m. on June 4 inside Spector Hall, 22 Reade Street in Manhattan.

If approved, the measure will be sent to the New York City Council for consideration. There will be another public hearing at that time.

# NEIGHBORHOOD REPORT



MICHAEL NAGLE FOR THE NEW YORK TIMES

One law allowed deep gardens; another counts them in determining street width.

## CARROLL GARDENS

# The Big Front Yards That Rob the Streets

By GREGORY BEYER

**I**N 1846, the City of Brooklyn passed a law requiring that front yards along certain streets in Carroll Gardens be 33 feet 5 1/4 inches deep.

In time, the big yards were responsible for the name of the neighborhood, and for its reputation as a fine place to view Christmas lights during the holidays. But most recently, those trademark gardens have stirred up a bit of controversy.

Although the yards serve as leafy margins to the streets, creating ample open space between the rows of brownstones arrayed on either side, they also put those streets into the "wide" category for zoning purposes. This means developers can build structures on those streets that are taller than would otherwise be allowed.

In recent months, some local residents, with one eye on all the construction, have been objecting to this rule.

"You have developers who are doing things that are really opportunistic and speculative, and we have to live with it," said Maria Pagano, president of the Carroll Gardens Neighborhood Association. "We want to acknowledge that our streets are not capable of handling these buildings."

The streets themselves are not wide, the residents add; it is the front yards that push the street width over the 75 feet that is the outer limit for the classification of a street as "narrow." But why, they ask, should the front yards count?

The City Planning Commission will hold

row. On the several streets that would be affected, the maximum building height would be reduced to 55 feet from 70.

But not all of Carroll Gardens supports the idea. One skeptic is Buddy Scotto, 80, a lifelong resident and the owner of Scotto Funeral Home on First Place, one of the streets at issue.

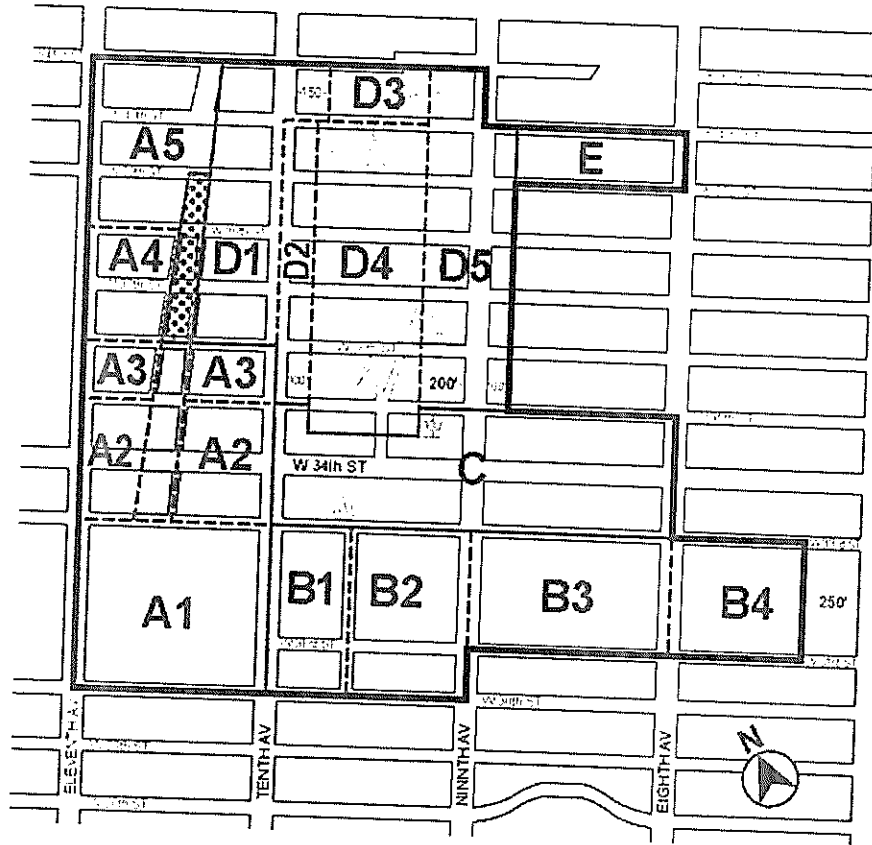
"In the '60s, I was ready to abandon the neighborhood like everybody else," Mr. Scotto said the other day as he watered the trees and flowers that inhabit his 33 feet 5 1/4 inches. The desire back then was to attract developers, he said, but today the sentiment has been reversed, with most of his neighbors "panic-stricken" by anti-development mania.






Mr. Scotto owns several residential buildings in the neighborhood, as does his daughter Debra, a local developer who dismisses the proposal as a faulty "quick fix." Both father and daughter insisted they had no financial stake in the outcome.

Craig Hammerman, district manager of Community Board 6, has endorsed the proposal to reclassify the streets, but he said that many people were worried that it would unduly restrict local development. Nevertheless, he said, something must be done. Although the Department of City Planning has promised to consider a broader rezoning of Carroll Gardens — a plan that many residents prefer as a more complete bulwark against development — no timetable has been set for it.

"There's no hope or expectation," Mr. Hammerman said, "that they will be get-

# SPECIAL HUDSON YARDS DISTRICT



-  Special Hudson Yards District
  -  Subdistricts
  -  Subareas within subdistricts
  -  Phase 1 Hudson Blvd. and Park
  -  Phase 2 Hudson Blvd. and Park
- Large-Scale Plan Subdistrict A**  
 Eastern Rail Yard Subarea A1  
 Four Corners Subarea A2  
 Subareas A3 through A5
- Farley Corridor Subdistrict B**  
 Western Blocks Subarea B1  
 Central Blocks Subarea B2  
 Farley Post Office Subarea B3  
 Pennsylvania Station Subarea B4
- 34th Street Corridor Subdistrict C**
- Hell's Kitchen Subdistrict D**  
 Subareas D1 through D5
- South of Port Authority Subdistrict E**

**Proposed Special Hudson Yards  
and Clinton Districts Text  
Amendments**

NYC Council Zoning Subcommittee  
July 21, 2008

# Proposed Amendments

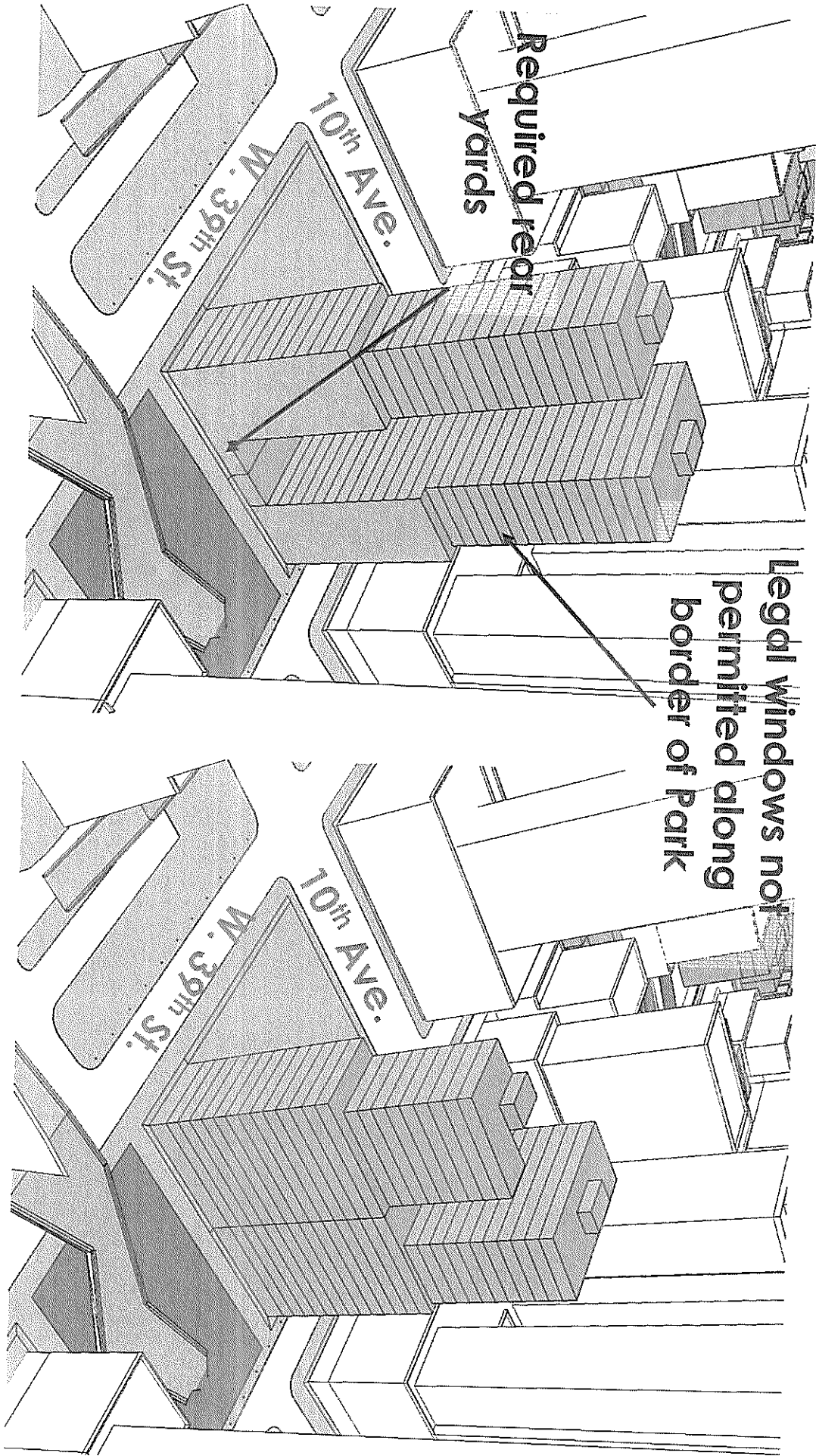
1. Clarifying bulk rules for lots adjacent to Hudson Blvd. & Park
2. Removing retail requirement for lots between 38<sup>th</sup> & 39<sup>th</sup> fronting Hudson Blvd. & Park
3. Removing glazing requirements for the portions of buildings that border the Park and Boulevard in some circumstances
4. Permitting existing residential buildings on 10<sup>th</sup> Ave. that do not attain a 90' street wall
5. Making street wall articulation more flexible
6. Imposing street wall & sidewalk widening requirements on 8<sup>th</sup> Ave. btw. W. 38<sup>th</sup> & W. 39<sup>th</sup>
7. Removing zoning mandated subway station location on 11<sup>th</sup> Ave.
8. Revising HY District Improvement Bonus and Transferable Development Rights procedure
9. Permitting future 42<sup>nd</sup> St transit entrance to currently not be considered floor area



# Hudson Boulevard & Park



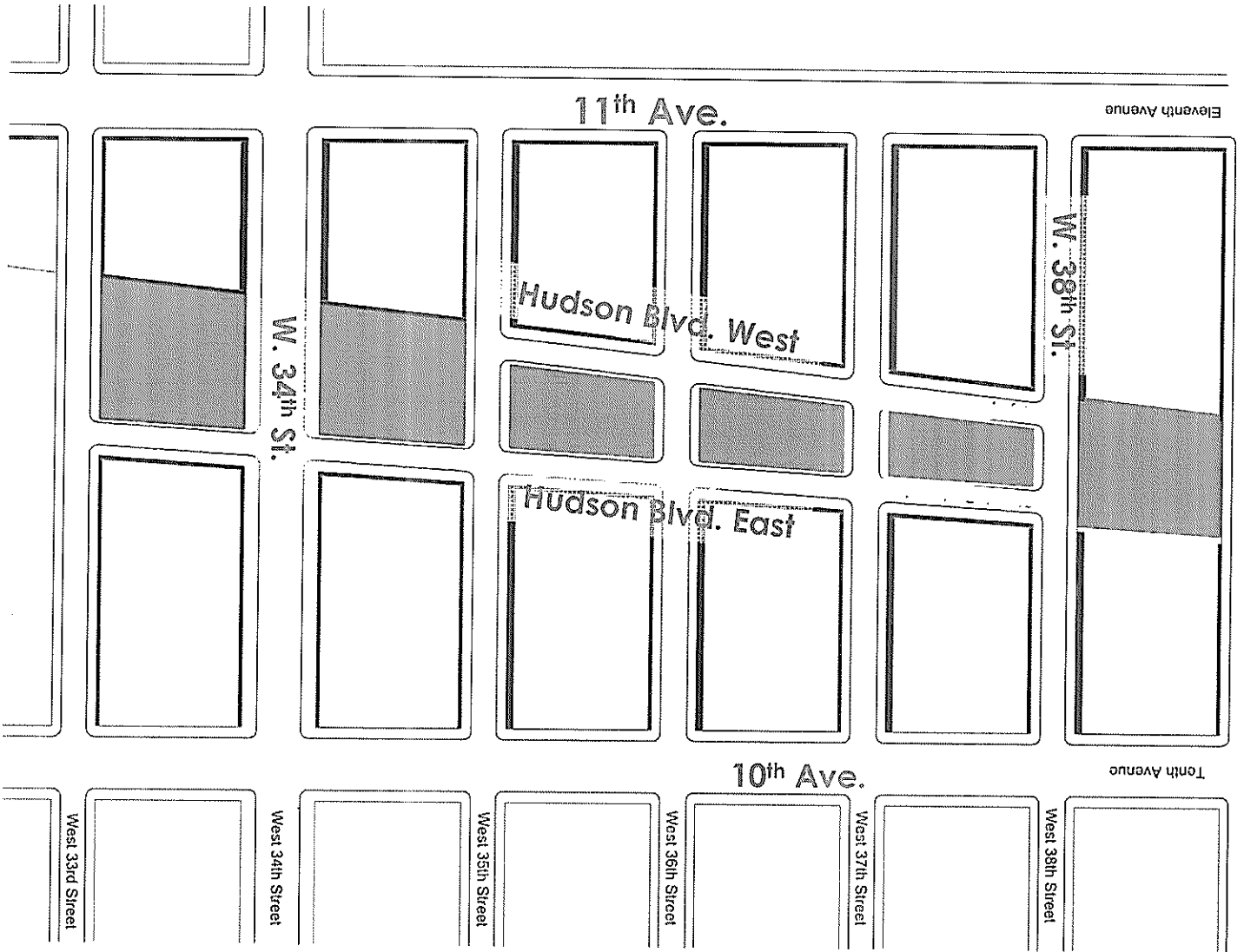
# Looking southeast to two potential buildings along Parks



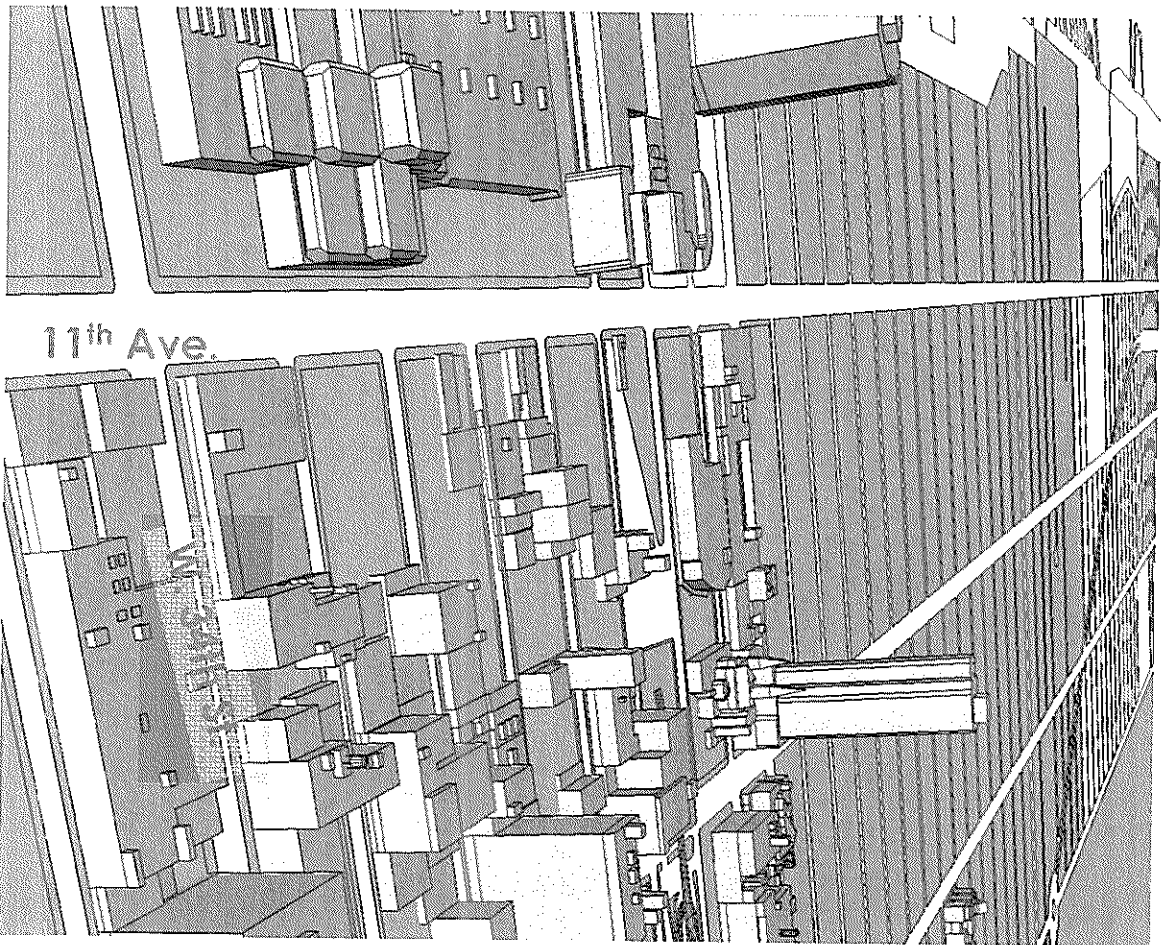
Under Current Regs.

Under Proposed Regs.

# Hudson Boulevard & Park



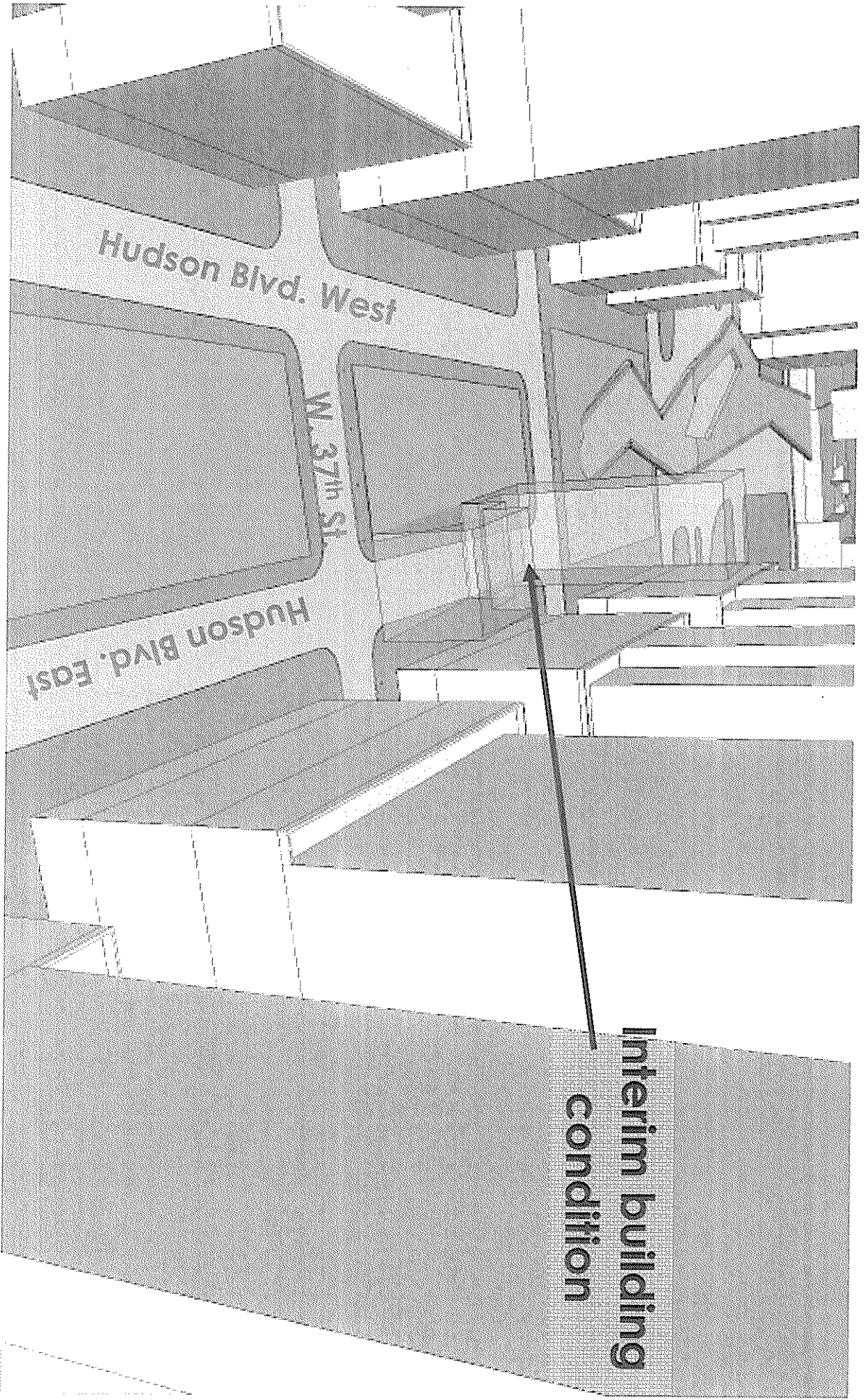
**Current view looking north  
between 10<sup>th</sup> & 11<sup>th</sup> Aves.**



**Future view looking north  
between 10<sup>th</sup> & 11<sup>th</sup> Aves.**



# View north within future park



Interim building  
condition

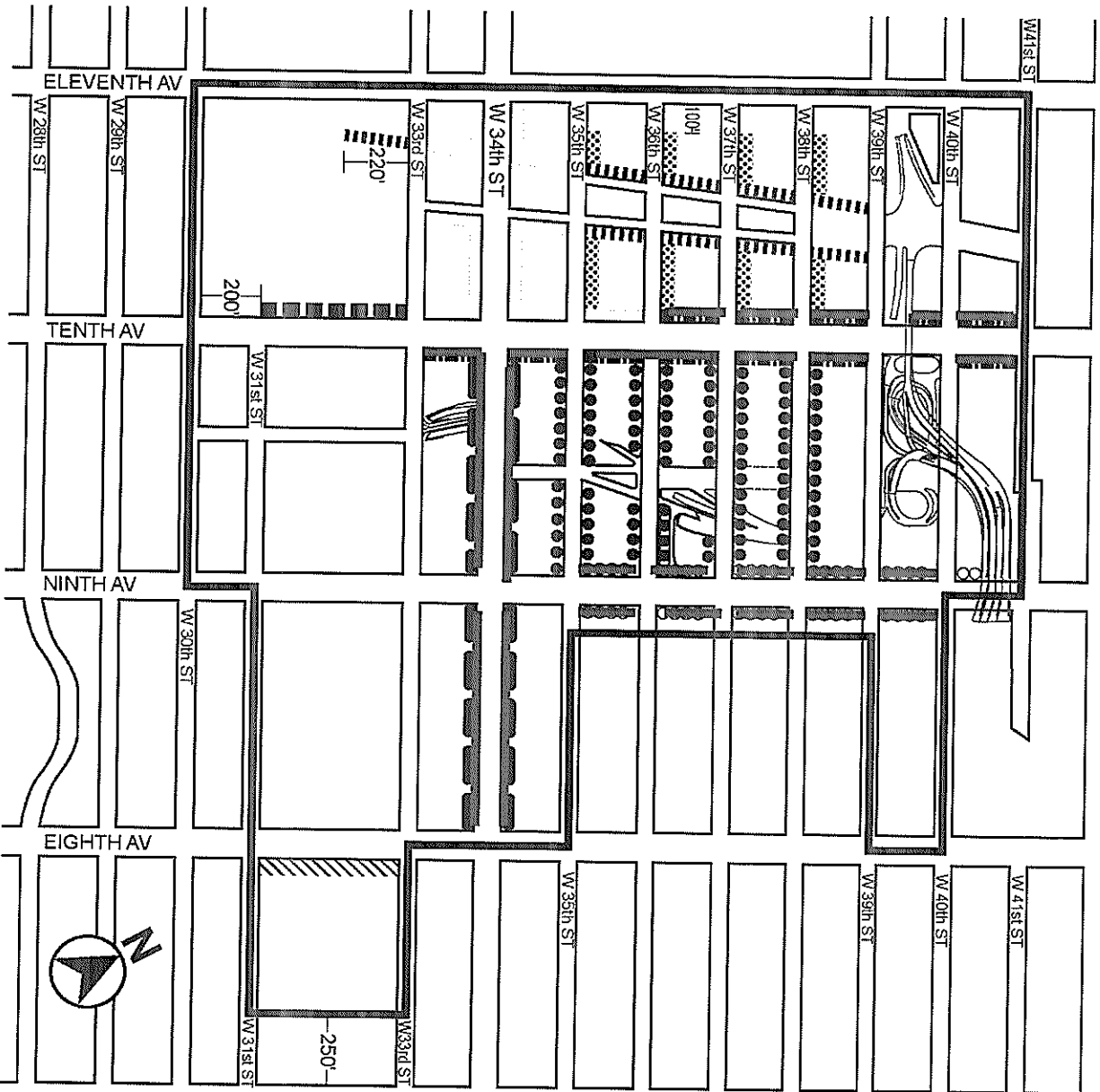
Hudson Blvd. West

W. 37th St.

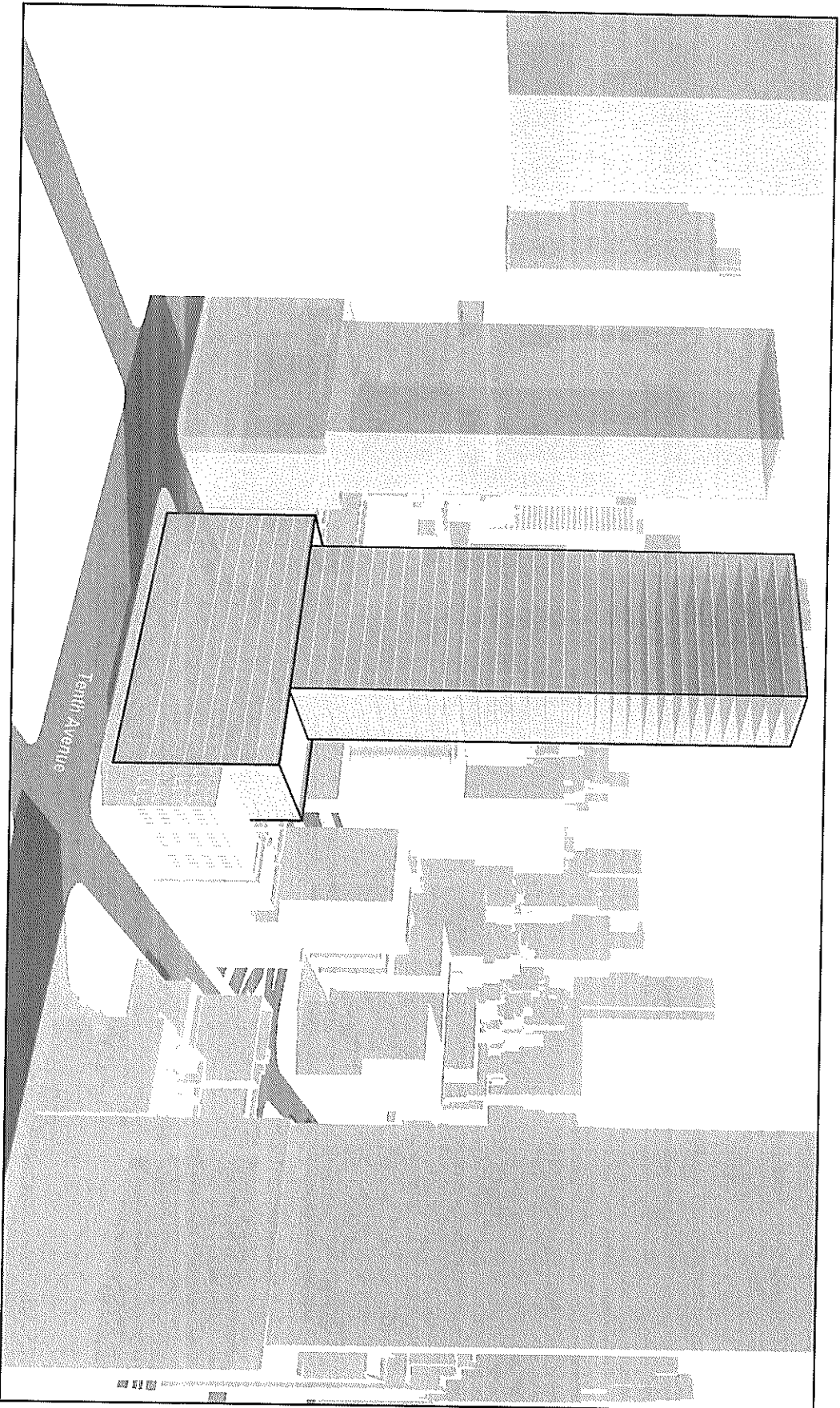
Hudson Blvd. East



**Frontage in red has a mandatory 100% streetwall requirement**



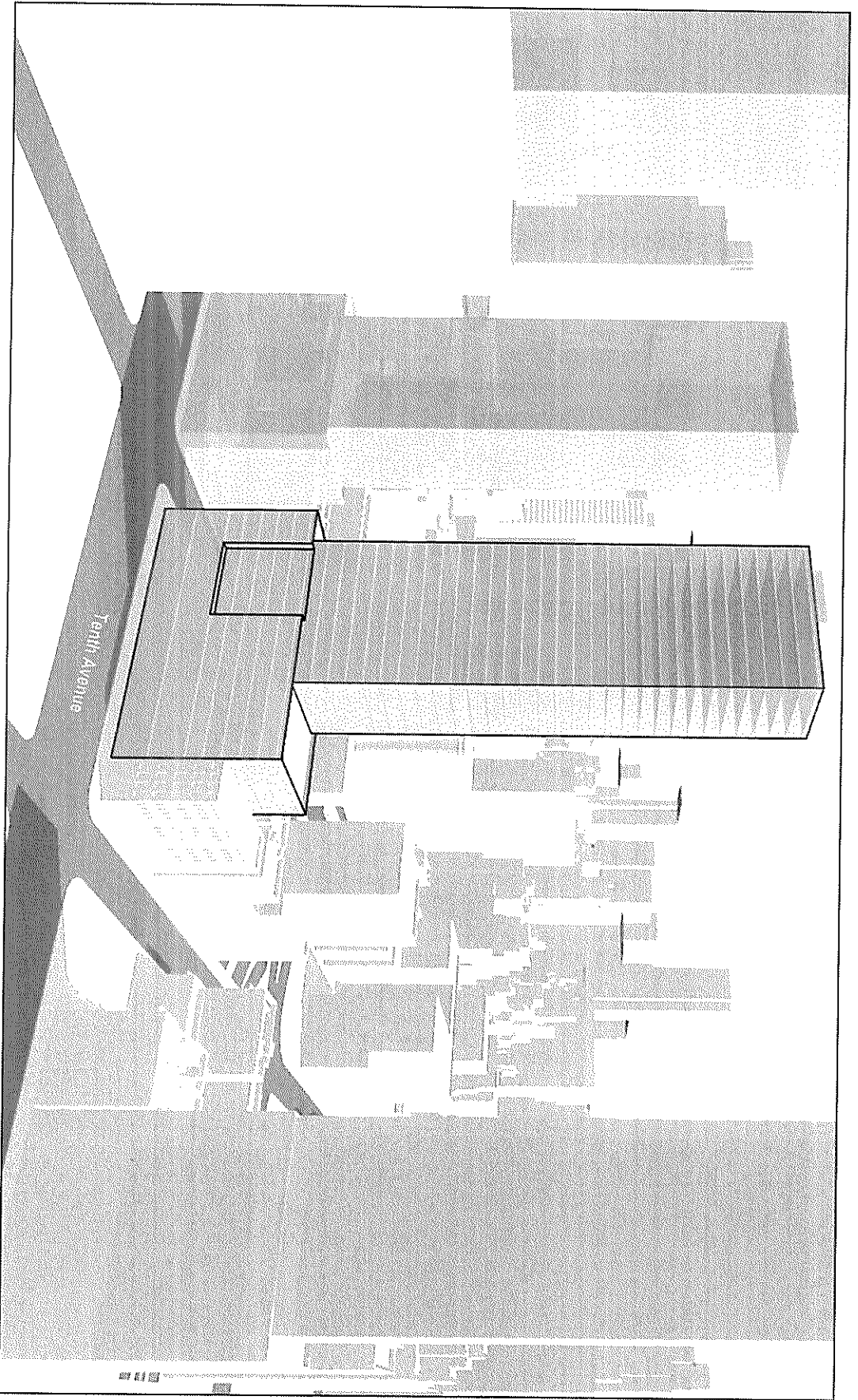
Special Hudson Yards District



**EXISTING REGULATIONS**

**Hudson Yards FUCAs – Tenth Avenue**  
11.23.2007

No recess permitted



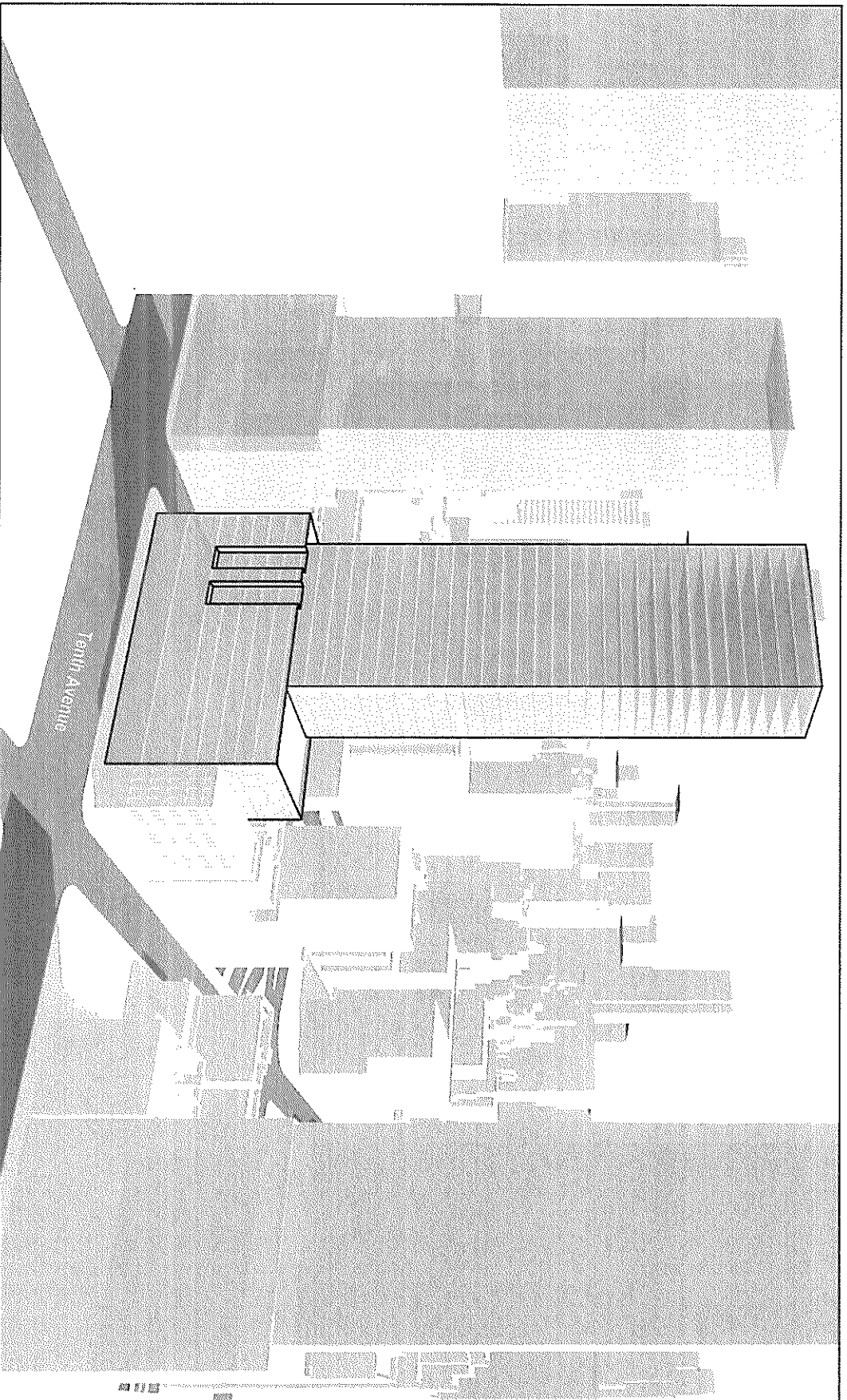
**PROPOSED MODIFICATIONS**

Recesses permitted above second story

**Hudson Yards FUCAs – Tenth Avenue**

11.23.2007



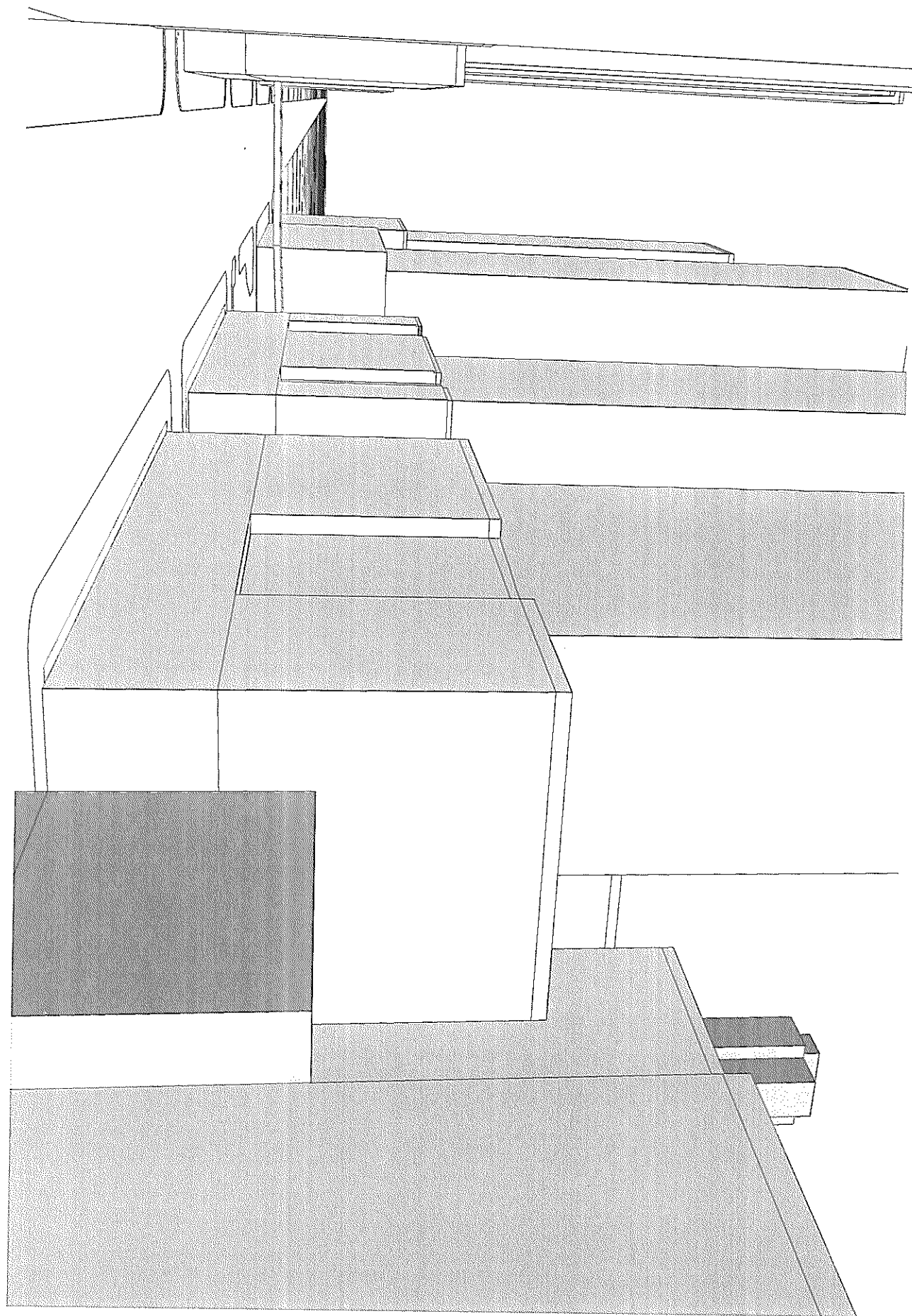


**PROPOSED MODIFICATIONS**

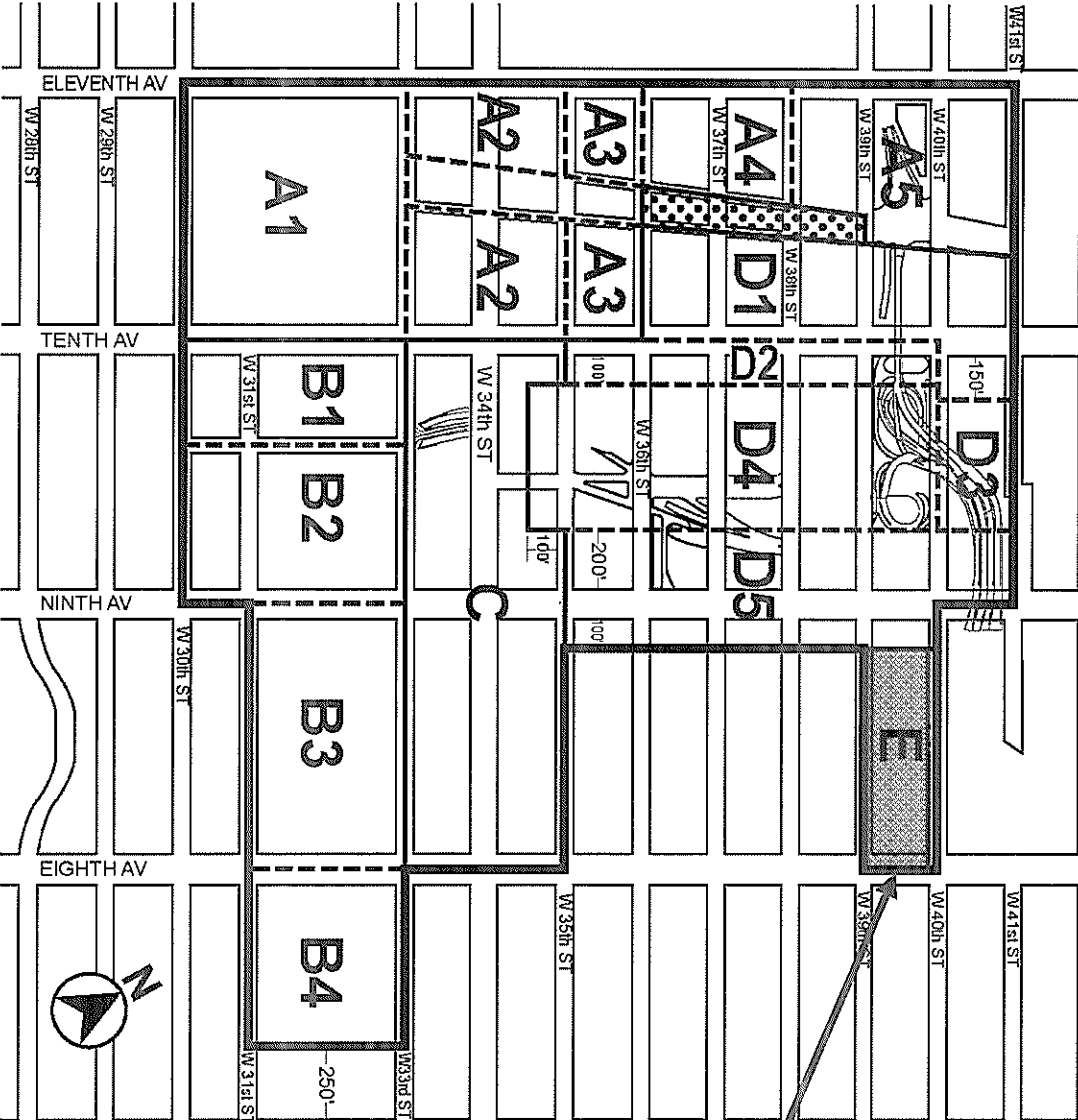
Recesses permitted above second story

**Hudson Yards FUCAs – Tenth Avenue**

11.23.2007



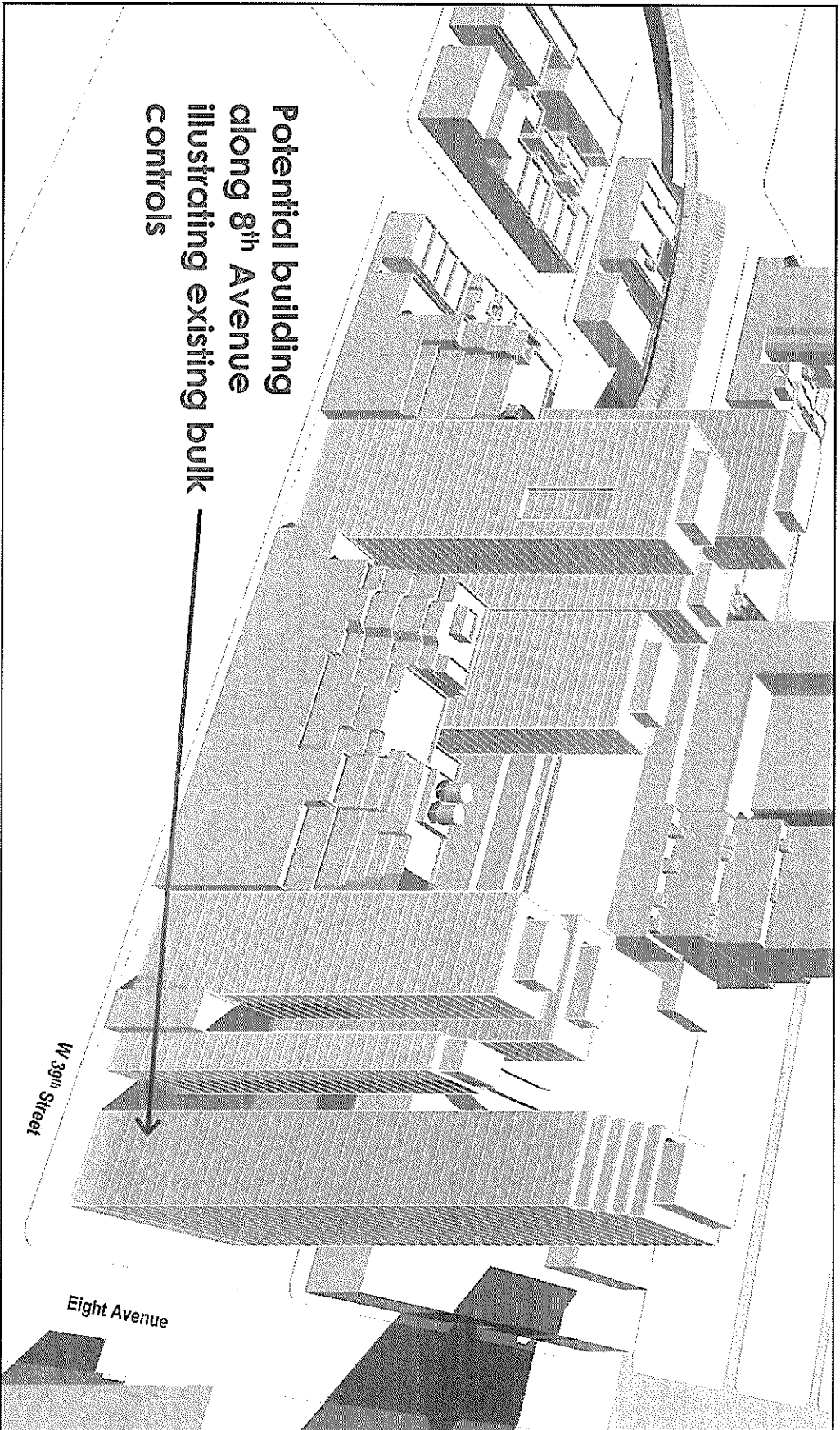
Map 1: Special Hudson Yards District, Subdistricts and Subareas



Block south  
of Port Auth.  
Bus Terminal

Special Hudson Yards District

Subdistricts



Potential building  
along 8th Avenue  
illustrating existing bulk  
controls

W 39th Street

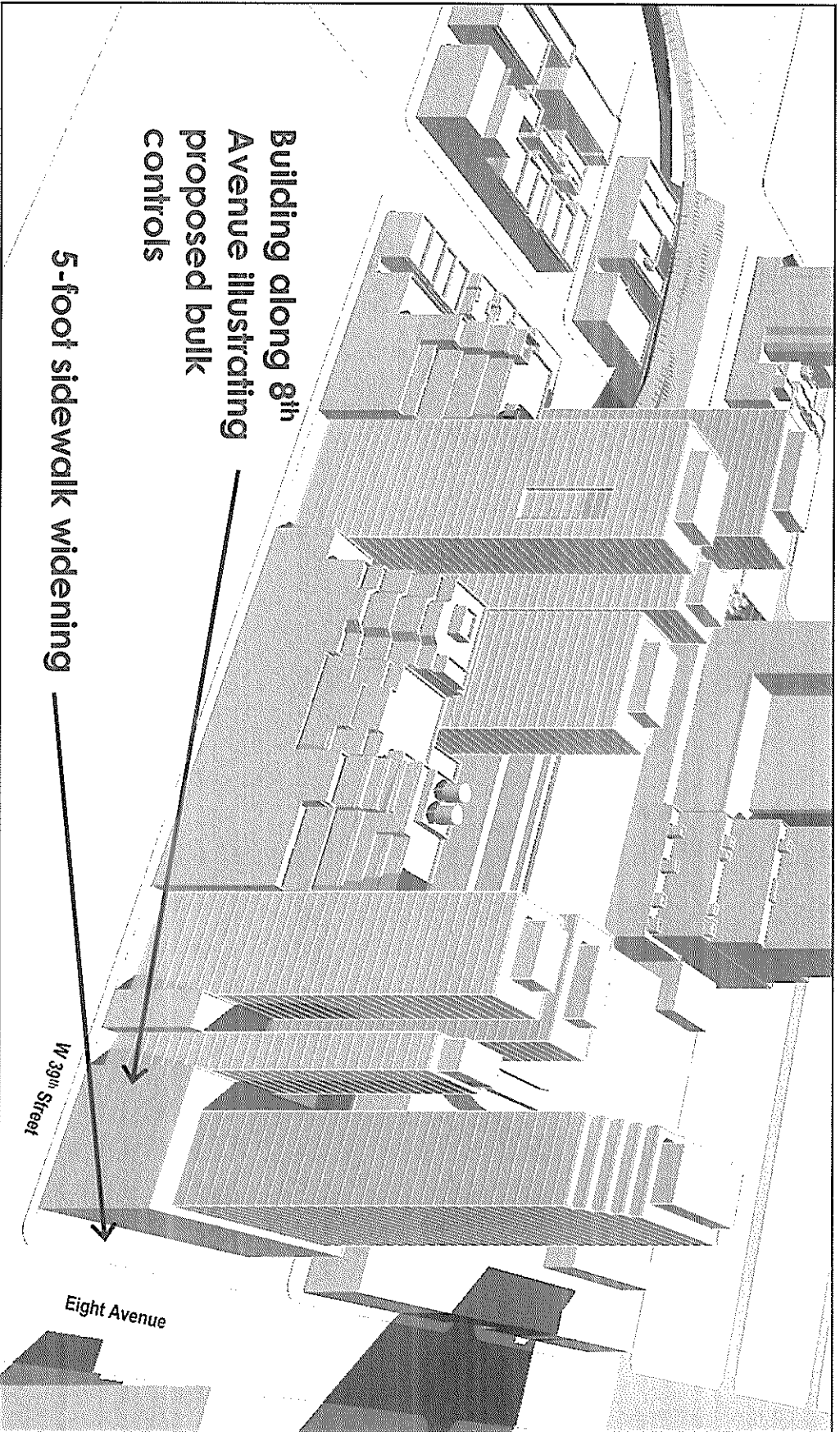
Eight Avenue

**EXISTING REGULATIONS**

**Hudson Yards FUCAs – South of Port Authority Bus Terminal**

11.23.2007

No streetwall required



**PROPOSED MODIFICATIONS**

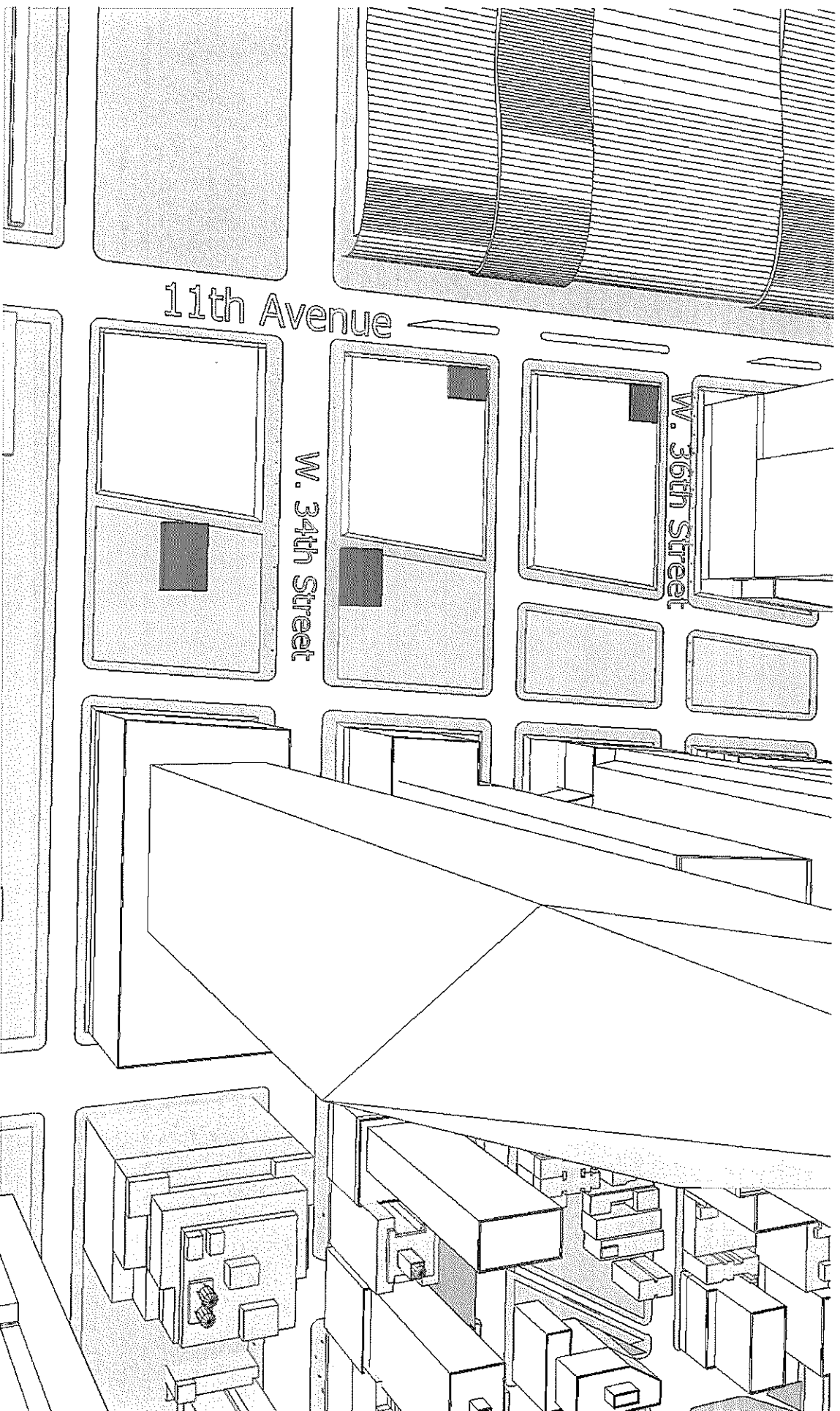
**Hudson Yards FUCAs – South of Port Authority Bus Terminal**

11.23.2007

**With 90' streetwall on 8th Avenue**

# 34th Street Subway Station

## Locations





# Hudson Yards DIB/TDR Amendments

- Clarify that as-of-right construction will not exclude development from getting the DIB or the TDR from the Eastern Rail Yards
- Require an executed restrictive declaration before deposit of contribution
- Provide CPC with rulemaking authority to revise procedure
- Change date of yearly price increase
- Remove secured payment as an option
- Permit use of TDRs from HB&P to substitute for DIB

# Proposed Amendment Specific to Special Clinton District

