

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON ZONING & FRANCHISES

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October 16, 2008

Start: 9:30am

Recess: XX:XXpm

HELD AT: Hearing Room
 250 Broadway, 14th Floor

B E F O R E: TONY AVELLA
 Chairperson

COUNCIL MEMBERS:
 Albert Vann
 Simcha Felder
 Helen Sears
 Larry B. Seabrook
 Melinda R. Katz
 Michael E. McMahon

A P P E A R A N C E S

Len Garcia-Duran
City Planning

James Morali
Project Manager
City Planning

Philip Rampulla
Rampulla Associates Architects

Camilla Hanks
Downtown Staten Island Council

Patrick Hyland
Vice President
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David Goldfarb
Resident

Mary Ballock
Artist and Community Activist

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President
St. George Civic Association

Michael Harwood
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Marvin Mitzner
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Jennifer Hong
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Community Board 1

A P P E A R A N C E S (CONTINUED)

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Christian Hylton
Counsel
New York City County, Zoning & Franchises Committee

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2 CHAIRPERSON AVELLA: Good morning,
3 everyone. I'd like to call this meeting of the
4 Subcommittee on Zoning & Franchises to order.
5 Joining me are Council Members Al Vann, Simcha
6 Felder, Helen Sears, Larry Seabrook and Melinda
7 Katz. And, I know Mike McMahon is on the floor.

8 First item on the agenda will be
9 the St. George rezoning. And, I'd like to call up
10 City Planning to give their presentation.

11 LEN GARCIA-DURAN: Good morning.
12 Morning, Chair Avella, Council Members, Chair Katz
13 and other Council Members and good morning to
14 Council Member McMahon, who I understand's on the
15 floor. We're here to introduce the St. George
16 Special District this morning. I will also, first
17 off, I want to thank Council Member McMahon and
18 the Borough President for their assistance in
19 support in crafting this proposal. We have been--
20 thank you.

21 The Department has been working
22 with, over the past year, with a number of
23 representatives throughout the community,
24 residents, property owners, business members,
25 elected officials to craft this proposal. We've

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2 been meeting a number of times, one-on-one, with
3 folks and in committee meetings, in my office, at
4 St. George Museum, which culminated this past
5 April with a very large public presentation at the
6 St. George Theater, even prior to the formal
7 public review. We have many ideas from the
8 community that we've, hopefully, we've
9 incorporated to date.

10 What we've heard throughout those
11 meetings is that St. George means a lot of
12 different things to a lot of different people.
13 For many folks, it's their neighborhood in which
14 they live, raise their families and, you know,
15 shop on a daily basis. For others, it's the civic
16 center of St. George itself, where many of us work
17 on a daily basis. For others, it's the downtown
18 of the borough itself, where many people come to
19 play and entertain, dine on the evenings and
20 weekends. For others, it's the ferry terminal
21 that is the only-- it's the welcome mat for a lot
22 of folks, a lot of tourists coming off the ferry.
23 But, it's the first thing and the last thing they
24 see in Staten Island. And, for many folks, they
25 want St. George to be more of a welcome mat,

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2 provide more of a 24/7 environment, more
3 entertaining, welcoming to, not just tourists and
4 to the residents who live there, but to other
5 folks on the Island itself. That's going to
6 require more jobs, more residents and more retail
7 in St. George to make this happen. We've also
8 heard that St. George, many people appreciate the
9 fact that St. George is a unique hillside
10 waterfront community. And, there are many views,
11 both from the land side and from the ferry itself
12 that many people want to protect. We feel that
13 this proposal actually works that way with
14 crafting slender towers to actually promote those
15 views.

16 Again, we believe this proposal
17 meets many of the goals we heard from the
18 community. And, met with the Borough President
19 and Community Board 1, both recommended the
20 adoption of this proposal as is. So, with that,
21 let me throw it to James Morali [phonetic], our
22 project manager.

23 JAMES MORALI: Thank you. Good
24 morning, Council Members. You have a printout of
25 the PowerPoint for St. George in front of you.

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2 It's a very detailed project. And, I'm going to
3 go quickly through it in terms of time. But,
4 please, feel free to interrupt for questions as we
5 go through it.

6 If we go to the second page, the
7 goals and objectives, the main goal of this
8 project is, as Len said, to build upon St.
9 George's strengths as a civic center, a
10 neighborhood and a transit hub in order to create
11 a thriving pedestrian-friendly business and
12 residents district.

13 Next page, please. The development
14 issues currently of the C4-2 district with the
15 lower density growth management area over it are
16 several. One is that all ground floors built in
17 this area have to be a commercial use right now in
18 this huge 12-block area. And, that there are some
19 areas in St. George that do not require a mandated
20 commercial on the first floor. There are no
21 height limits for the non-residential buildings.
22 And, on the other hand, there is a height limit of
23 70 foot for residential buildings. And, we feel
24 that taller buildings may be appropriate in
25 certain areas.

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2 Next page, please. In the existing
3 conditions, we could see that the land use map on
4 the left shows you the boundary in the red line.
5 It completely codes this with the C4-2 district
6 that's there now; but, also includes a C1-2
7 district to the south. You could see that with
8 the hatched lines with the green line is around
9 every zoning area.

10 Next page, please. All the uses
11 will remain the same; that existing C4-2 and in
12 the C1-2. None of the uses will change. The
13 floor area ratios, however, will be changed.
14 Presently the floor area ratio is 4.8 for
15 community facilities, 3.0 for commercial and as
16 low as 2.2 for residential. We'd like to equalize
17 those all at 3.4 for all uses to create an even
18 playing field for all these uses. Again, that R3-
19 2, C1-2 area would retain its existing FAR of .5
20 or .6.

21 Next page, please. On the map
22 there, again, you see the outline of the 12-block
23 area of the rezoning. Again, under the current
24 rules, all ground floor uses in this area would
25 have to be commercial. We feel, again, that's too

1
2 large of an area to require that. So, we'd like
3 to pull that back to where you see the red lines.
4 Those are existing commercial corridors. That'd
5 be Richmond Terrace, Stuyvesant Place, Hyatt
6 [phonetic] Street, Bay Street and Victory
7 Boulevard.

8 Next page, please. We have a set
9 of urban design rules. Some of those will be to
10 create-- mandate windows for commercial uses. So,
11 you couldn't have blank walls facing the streets.

12 Next page, please. There would be
13 street wall line-up rules, i.e., the buildings
14 have to be close to the street. At least half of
15 the building would have to be within eight feet of
16 the street. So, you couldn't have a setback strip
17 mall-like situation in the middle of an urban area
18 like St. George.

19 Next page, please. There are many
20 very, very narrow sidewalks in St. George. And,
21 we'd like to mandate, under new construction, that
22 the sidewalks be 12-foot wide.

23 Next page. We're tinkering with
24 the parking rules, as well. We would like to
25 increase the residential parking requirement to

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2 one per dwelling unit. It's 50% and 70%
3 currently. We'd also like to decrease the
4 commercial parking requirements because we feel an
5 urban residential and retail neighborhood like
6 this doesn't need the kind of parking requirement
7 that is existing there today.

8 Next page. In terms of parking
9 garages, we'd like to have parking garages
10 surrounded by uses. If you look at that picture
11 on the top, that's a building in plan. So, the
12 garages would be internal to the buildings. You
13 couldn't have a building visible to the street,
14 only the opening, the driveway into the building
15 would be allowed. And, on top of that, the
16 parking structure inside the building would not be
17 counted towards FAR; hence, it would be incentive
18 to build these garages in St. George. Parking
19 lots would not be allowed to be in front of
20 buildings. They'd have to be to the side of
21 buildings.

22 Next page, please. There are quite
23 a few low-use and vacant office buildings, older
24 office buildings, in St. George. And, they'd be
25 prime for residential conversion. And, we would

1
2 like to apply the loft conversion rules that
3 currently exist in Manhattan to this area.

4 Next page, please. For the small
5 zoning lots, under 10,000 square feet, it would
6 still retain the 2.2 FAR because we feel a lot of
7 that size would be overbuilt at 3.4.

8 Next page, please. The base
9 heights, the bases-- the height of a building
10 before setbacks are required; they would range
11 anywhere between 30 to 60 feet. The vast majority
12 of the district, where you see the dark green
13 lines on the map to the right, are the 30 to 60-
14 foot base height. So, you have a choice. On
15 Stuyvesant Place, you see a tannish line there,
16 that would be 30 to 40 because the context there
17 are low buildings. And, along Bay Street, where
18 there are much taller buildings, the requirements
19 would be 60 to 85 feet.

20 In the waterfront area, which I
21 failed to mention up to now, there are current
22 waterfront zoning rules. And, those rules would
23 still apply there. And, their bases would be up
24 to 65 feet in that area. Now, if you have enough
25 FAR on any given lot, you can go above your base

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2 into a tower situation. The towers would be
3 allowed anywhere in the special district except
4 where you see those bold red lines. Those would
5 be tower exclusion zones. And, that's to limit
6 the height next to lower density neighborhoods.

7 Next page, please, page 16. So,
8 there's two types of towers; one is a point tower,
9 which is roughly square in shape with a floor
10 plate of 6,800 square feet and a height of 200
11 feet. It would require some sort of building
12 setback of the top three floors to make the
13 buildings more interesting in terms of urban
14 design at the top. The narrow part of the
15 building must always face towards the water so the
16 buildings wouldn't block views to a greater
17 degree.

18 Next page. The other type of
19 tower, again, if you have enough FAR to get over
20 the base, is a broad tower. It's roughly
21 rectangular in shape with an 8,800 square foot
22 floor plate, with a maximum height of 200 feet.
23 Again, there's setback rules for these towers
24 above 100 feet. They would terrace down to the
25 water and that's what the picture is to the left

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2 you're seeing. So, it would kind of match the
3 grade of the land going down to New York Harbor.
4 And, again, the narrow part of the building must
5 face the water. So, it wouldn't be lengthwise to
6 block-- blocking views.

7 On the next page, there's a large
8 vacant lot on Stuyvesant Place. Under the current
9 rules, this is a model of what could be built.
10 And, the next page shows you a model of what could
11 be built under the proposed regulations. As you
12 could see, the FAR is piled up higher for the
13 views. But, on the other hand, the street walls
14 are much shorter, making a much more pleasant
15 environment for the pedestrian, as well as the
16 fact that much of the lot is now open because the
17 FAR is in a tower. It's not all filled with
18 building. It also shows you the 12-foot
19 sidewalks. It also shows that the buildings are
20 more articulated, as well.

21 And, finally, the last page shows
22 buildings that are proposed. Buildings that have
23 been built and buildings that could be built to
24 show you what-- how big these buildings would look
25 in the existing St. George skyline. On that last

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2 picture, if you look all the way to the right,
3 those red buildings are the Mitchell Lama
4 buildings that exist in St. George. And, those
5 are existing. So, nothing we could see would get
6 above the 217 feet height of those buildings. So,
7 that kind of shows you the context.

8 During public review, the
9 Commission asked for three changes. One change is
10 that the space beyond the sidewalk on any
11 residential building--

12 CHAIRPERSON AVELLA: You have to
13 speak into the mic [off-mic]. Your voice can't be
14 [off-mic].

15 JAMES MORALI: Okay. Thank you.
16 I'll hold it right here. Sorry about that. One
17 of the changes the Commission has asked due to
18 public review is the requirement that all space
19 beyond the sidewalk for residential buildings be
20 landscaped. Prior to this, you could have a 12-
21 foot sidewalk and your 8-foot setback and this
22 could be all concrete. And, if your building is
23 set back even further, this could have been
24 concrete all the way back. So, one of the changes
25 the Commission has asked that the landscaping be

1 anything beyond the sidewalk up to the street wall
2 be landscape; only residential buildings and not
3 for commercial buildings.
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5 The second change that was asked
6 due to comments that we heard during City Planning
7 Commission review was that the height of the bases
8 be limited to 40 feet when you have a tower.

9 Right now, the regulation calls for most of St.
10 George to have a base of anywhere between 30 and
11 60 feet. So, this would limit it to only three
12 stories, as you see there, whenever you have
13 enough FAR to kick into a tower.

14 And, lastly, the Commission also
15 asked that we modify the building top articulation
16 rules slightly to require that, on the point
17 towers, those three setbacks must occur on all
18 three sides, all the way up. Right now, it's only
19 required on two sides. And, those were the three
20 changes asked for by the Commission. Thank you.

21 CHAIRPERSON: Council Member
22 McMahon.

23 COUNCIL MEMBER McMAHON: Thank you,
24 Mr. Chairman and my colleagues. This is overall a
25 very worthy proposal and it really helps address

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2 some of the negative effects that came from the
3 Growth Management Taskforce or the Growth
4 Management Taskforce-- Growth Management District
5 that we created for Staten Island.

6 My concern, though, are two. The
7 St. George Civic Association and others have
8 suggested narrowing the width of the towers. Can
9 you discuss their proposal and your reaction to it
10 and why it's not included?

11 LEN GARCIA-DURAN: They proposed a,
12 and they'll be speaking afterwards also, too, and
13 they can explain further what their proposal is.

14 COUNCIL MEMBER McMAHON: Right.
15 But, I--

16 LEN GARCIA-DURAN: They had
17 recommended--

18 COUNCIL MEMBER McMAHON: I know
19 their proposal. But, I want to know why-- what
20 your--

21 LEN GARCIA-DURAN: They
22 recommended--

23 COUNCIL MEMBER McMAHON: --
24 reaction--

25 LEN GARCIA-DURAN: -- that any side

1 of a tower be limited to somewhere between 50 to
2 60 feet, which would require-- right now, our
3 proposal allows both a point tower, which is
4 basically, you know, a square or a circle in shape
5 going straight up, or a broad tower, which
6 basically, you know, longer more rectangular.
7 And, the broad tower would require the deep
8 portion of the building to actually be
9 perpendicular to the waterfront. So, with the
10 narrow portion, which would be limited to 80 feet,
11 would be fronting the waterfront. Their
12 recommendation of 50 to 60 feet in any direction
13 would mean that the broad tower would no longer be
14 available option for property owners. There are a
15 number of larger--

17 COUNCIL MEMBER MCMAHON: Why
18 wouldn't it be an option?

19 LEN GARCIA-DURAN: If you can only
20 do 50 to 60 feet in any of the four sides, that
21 means you're limited to a smaller tower. Whereas,
22 we're saying that in some locations, you've got
23 larger sites, you want to give the flexibility to
24 the property owner and the architect to come up
25 with more of a different type of building since

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2 St. George is-- it's different than Manhattan, the
3 fact that a lot of the waterfront is just a
4 straight line up the Hudson. And, St. George
5 itself, we're almost at a point.

6 So, you've got almost a 360,
7 perhaps it's more of a 270 degree waterfront
8 around St. George. So, in some locations, we have
9 a very large property. You could actually do a
10 rectangular building and actually get views not
11 just on the tip, but actually on all-- the wider
12 portions that are deep. It gives a property owner
13 a little bit more flexibility. Nonetheless, the
14 narrowest portion has to front the water itself,
15 up to 80 feet.

16 Now, we've got a number of
17 protections, actually. It's not just the width of
18 the building itself. But, we also have
19 requirements for the floor plates also. On the
20 rectangular building, you have to have a maximum
21 8,800 square feet per floor. So, you could never
22 get-- right now, we said it's a maximum of 135
23 deep and 80 feet wide. When you actually
24 incorporate that 8,800 requirement also, too, the
25 800 square foot requirement, you can actually

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2 never get 135 by 80 on any lot. When you actually
3 build it 135 deep, I think it comes out to--

4 JAMES MORALI: Sixty-five.

5 LEN GARCIA-DURAN: -- to 65 width,
6 which is more in line with what they're thinking.
7 So, if you do have a deep building, it's going to
8 be narrower. However, if you want to do the 80-
9 foot wide building, which is allowable, you would
10 not be able to do 135 foot deep. So, there's a--

11 COUNCIL MEMBER MCMAHON: So, what
12 would you have? Eighty by what? Eighty, eighty
13 across; what would the depth be?

14 LEN GARCIA-DURAN: I think it's in
15 the drawings here.

16 COUNCIL MEMBER MCMAHON: About 110.

17 JAMES MORALI: Over 100; about 100
18 feet, 110-foot depth.

19 LEN GARCIA-DURAN: Right.

20 JAMES MORALI: Yeah.

21 LEN GARCIA-DURAN: And, just as a
22 comparison, the Mitchell Lama buildings that are
23 up there today, I believe it's 175 feet deep. So,
24 you know, already, we're saying the maximum depth
25 is 135. But, even with all the other controls,

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2 it's even going to be even narrower-- even less
3 deep as those ones up there today.

4 So, we feel that in addition to the
5 rules that we put into place, we feel are going to
6 give the flexibility. But, also, at the end of
7 the day, have a slender tower. Crunching it down
8 even more slender makes it more expensive to build
9 and also-- and, therefore, makes it more expensive
10 building and it's the end of the day. We want to
11 make sure that we are providing buildings that
12 meet the market in St. George.

13 COUNCIL MEMBER MCMAHON: The school
14 seat requirement that they requested. Why was
15 that rejected?

16 LEN GARCIA-DURAN: The school seat
17 requirement currently today, there is school seat
18 requirement in South Richmond, as you're aware of,
19 in South Richmond School District. And, that was
20 adopted back in 1976. And, there's been a lot of
21 concerns on how it actually works and functions.
22 What we've always recommended is that-- now, we've
23 alerted the DCAS [phonetic] and the Department of
24 Education about the concerns of schools in St.
25 George and asked them to meet with [crosstalk]--

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COUNCIL MEMBER MCMAHON:

[Interposing] Is there any district in the City other than South Richmond that has a school seat certification requirement?

LEN GARCIA-DURAN: Not to my knowledge--

COUNCIL MEMBER MCMAHON: No.

LEN GARCIA-DURAN: -- no.

COUNCIL MEMBER MCMAHON: And, in your opinion, as it exists does the school seat requirement work?

LEN GARCIA-DURAN: It's an ongoing practice in South Richmond and you could probably ask a number of residents in South Richmond about its effectiveness and they probably would not suggest it worked. It met the goals of what was idealized back in 1976.

COUNCIL MEMBER MCMAHON: Tell me about the parking and how this will affect the parking in the already extremely over-burdened St. George parking situation. And, in your answer, please include the efforts that you were making with DCAS and the Criminal Justice to deal with the ongoing-- the concurrent problem with the

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2 Courthouse parking lot.

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LEN GARCIA-DURAN: Well, I'm glad you asked me 'cause actually we tackled the parking issue in two different methods in this proposal itself. One, we wanted to make sure that we met the goal of increasing retail in St. George. And, what that meant is that today, actually the parking requirement we felt from what we heard from a lot of retailers and property owners and even residents is that the parking requirement for the retail itself today is a little bit too high. And, they were willing to reduce the parking requirements a bit to allow retail to move forward. However, for the residential, we increased it. Right now, I believe James will give you the specific stats, but basically--

JAMES MORALI: It's 50% of units and 70% of units depending if it's on a wide street or not. And, we're moving into a mandatory one per one unit. So, that's--

LEN GARCIA-DURAN: One hundred percent requirement.

JAMES MORALI: And then, the idea

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2 of these garages that won't be included towards
3 their floor area when they do build a building, we
4 feel that a lot of parking spaces are going to be
5 generated that would not be otherwise.

6 LEN GARCIA-DURAN: Right. Well,
7 what we actually crafted was that today, under
8 today's rules, that if you provide parking in a
9 building, any parking above 23 feet in height
10 counts against your FAR. We wanted to encourage
11 parking in St. George. So, what we said was you
12 could go as tall as you want in a parking garage,
13 as long as you can't see it from the street. So,
14 as long as it's wrapped by residential, commercial
15 or, you know, office of some type, you can have as
16 tall a parking garage as you want and it's not
17 going to count against your FAR in order to
18 encourage more parking in St. George.

19 Regarding your Courthouse concerns,
20 I know that we've worked out with DCAS and when
21 that project came through, we worked out, and
22 actually it's part of this proposal, worked it out
23 such that when the City actually is able to get an
24 agreement on that private property next to the St.
25 George theater, that this proposal would not, in

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2 any way or form, hamper that being used as a
3 parking lot in the interim, as an interim use,
4 'cause ideally we don't want to see a surface lot
5 at that location in long term basis. But, in the
6 meantime, we think it's a good idea just to get
7 more parking during the construction phase of the
8 Courthouse itself.

9 We, also, we're encouraging the--
10 when the DOT allows a lease for the parking lot
11 management or the garage management at some point
12 in the future, we'd encourage the business
13 community to work with the DOT and the parking
14 management firm to find some ways and program that
15 works, you know, in many other places to allow
16 customers some types of perks, encourage the use
17 of that garage evenings and weekends to support
18 that future retail in St. George.

19 COUNCIL MEMBER MCMAHON: And,
20 what's the status of the negotiation on that lot,
21 that adjacent lot? Do you know?

22 LEN GARCIA-DURAN: I would have to-

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24 COUNCIL MEMBER MCMAHON:

25 [Interposing] And, how hard are you guys

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altogether working to make that happen?

LEN GARCIA-DURAN: I'll have to have EDC get back to you on the current negotiations on that and inform you.

COUNCIL MEMBER MCMAHON: Okay. Thank you, Mr. Chairman.

CHAIRPERSON AVELLA: Any questions from my colleagues before we go to the public hearing? Seeing none, thank you. I would, obviously, ask that you hang around until after the public hearing just in case there's any questions.

As always, I'll do alternating panels; those in favor, those in opposition. Speakers will have three minutes. First panel will be-- well, actually there's one panel each. First panel will be in favor. Philip Rampulla; is it Camala Hanks? Did I pronounce it right, I hope?

COUNCIL MEMBER McMAHON: Camilla, Camilla.

CHAIRPERSON AVELLA: Okay. And, Patrick Hyland [phonetic].

COUNCIL MEMBER MCMAHON:

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2 Mr. Chairman, I've been asked to-- Mr. Chairman, I
3 just was asked to point out, if I just may, that
4 there's a statement in support from the Staten
5 Island Economic Development Corporation. I think
6 you got to the packets that they couldn't come and
7 they asked me to state on the record that they've
8 submitted a statement. Thank you.

9 PHILIP RAMPULLA: Good morning,
10 Chair and Council Members. There's no button.
11 May I? Good morning. My name is Philip Rampulla
12 with the firm of Rampulla Associates Architects on
13 Staten Island. I am an urban planner and have
14 been practicing on Staten Island for approximately
15 28 years.

16 I speak in favor of the St. George
17 proposal. I'd like to point out that City
18 Planning did an excellent job with their outreach
19 to different community groups and professional
20 organizations. I am a member of the Staten Island
21 chapter of the American Institute of Architects
22 and, would like to relay that many of the members
23 are in favor of this proposal.

24 St. George needs and boost to
25 create synergy in the area. And, after much

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2 discussions with City Planning, and always looking
3 at the St. George area for my entire career, I
4 think this is the ticket. There are those who
5 say, and the Councilman McMahon brought it up,
6 that the towers should be more slender, on a more
7 slender base. But, beware of this. The more
8 slender you make a building, the more expensive it
9 becomes, which has a direct effect on the income
10 and expense which relates to rents. So, that is
11 something that I looked at. One of my clients has
12 the St. George-- the parcel next to the St. George
13 Theater. And, a slender building just would not
14 make economic sense.

15 What's important in terms of a
16 slender building, they're not just talking about
17 the overall dimensions, but the floor area per
18 plate. So, you have a double guide. You have X
19 amount of floor area that you can have on per
20 floor. And, you have the exterior dimensions of
21 the building. So, there's a double control there,
22 which will probably address your concerns.

23 I'd like to put my opinion on St.
24 George is in favor of the proposal. I have been
25 involved in the St. George area since 1979, when I

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2 was the area planner for the Department of
3 Housing, Preservation and Development and tried to
4 get economic activity and to repair the housing
5 stock in the St. George area from 1979 'til 1983.
6 I was involved in getting the Curtis Hill
7 Apartments sold and rehabilitated. And, I feel
8 that the only area in Staten Island where, what we
9 on Staten Island would consider, highrise is in
10 the St. George area because of the different
11 transportation modes that they have readily
12 available.

13 Councilman, to answer your
14 question, my client, Mr. Godderer [phonetic], has,
15 in terms of the rental of the parking lot, has
16 acquiesced and cooperated with the EDC for the
17 lease. They're taking a long time getting it
18 through the process. My client's ready to go.
19 Thank you.

20 MS. CAMILLA HANKS: Hello, thank
21 you. Thank you, City Council Members. My name is
22 Camilla Hanks. And, I represent the Downtown
23 Staten Island Council. And, on behalf of our
24 Board of Directors and our 250 business members,
25 we speak completely in favor of the City

1
2 Planning's special St. George District proposal.
3 Staten Island, and especially downtown, is at a
4 critical point in its development and, what we
5 consider downtown. This rezoning proposal is a
6 good indicator to our business members, local
7 stakeholders, that development is on the way.

8 After much consideration, City
9 Planning did come to us many times. They asked
10 for our input. And, we had our own plan that we
11 though complemented the zoning very, very well.
12 After speaking to key organizations and local
13 stakeholders, I think that it was a plan that's
14 going to really encourage responsible development
15 in the target area.

16 Since St. George has been down-
17 zoned in 2003, there has been no notable
18 construction or investment except for one builder.
19 St. George rezoning proposal will encourage and
20 have incentives to stimulate private investment.
21 And, while down zoning is necessary in other parts
22 of Staten Island, it's truly not a fit for the
23 downtown area for St. George.

24 So, again, I would like to say that
25 we completely agree. We are in favor of the

1 zoning proposal. And, we thank you for this
2 opportunity to speak in behalf of City Planning's
3 proposal.
4

5 PATRICK HYLAND: This one? Good
6 morning. My name's Patrick Hyland, Vice President
7 of the Staten Island Chamber of Commerce. I would
8 like to thank the City Council, Chairman Avella,
9 Councilman McMahon and your colleagues for
10 allowing me the opportunity to testify on the
11 proposed St. George Special District.

12 On behalf of the Chamber's Board of
13 Directors and our 900 members, I would like to
14 express our support for the projected rezoning set
15 forth in this presentation. I would like to
16 compliment Staten Island Borough Commissioner, Len
17 Garcia Duran [phonetic] and his staff, notably
18 James Moralia, for all their hard work on this
19 rezoning. They have been working on the specific
20 area of Staten Island for quite some time now. I
21 can verify this due to the fact we've had numerous
22 meetings and discussions over the past year with
23 Len and his staff on the future of St. George and
24 its surrounding areas.

25 As I am sure you are aware, the

1
2 Staten Island's dramatic rise in population,
3 coupled with our lack of infrastructure,
4 necessitated a need for Mayor Bloomberg to
5 initiate a Growth Management and Transportation
6 taskforces over the past four years. City
7 Planning Commissioner, Amanda Burden, has
8 spearheaded these efforts. I would like to
9 commend her on her efforts to curb
10 overdevelopment, while also teaming with DOT
11 Commissioner Janette Sadik-Khan to improve the
12 day-to-day conditions on Staten Island's roadways.

13 Shortly after the Growth Management
14 Task Force enacted a significant number of down-
15 zonings about three years ago, the Chamber began
16 its conversation with Staten Island City
17 Planning's office on the need to address certain
18 neighborhoods that could accommodate future
19 development. These were the rare communities that
20 were in close proximity to mass transit and could
21 therefore allow for transit-oriented development
22 with the hope of becoming town centers.

23 St. George is clearly the community
24 best situated to allow this. The iconic St.
25 George ferry is the most reliable and cost-

1 effective means of mass transit for our Borough.
2 The terminal also houses a Staten Island Rapid
3 Transit station and provides access to the
4 majority of bus lines serving the Island. It
5 truly is the one and only hub for transit on our
6 borough. A pedestrian residing in this district
7 would be able to access this terminal in less than
8 ten minutes. Therefore, it clearly is the
9 neighborhood on Staten Island that can withstand
10 increased density and should be up-zoned.
11

12 This plan we are discussing today
13 has been presented to numerous civic associations
14 and organizations for the past few months. The
15 Chamber's Board and Economic Development Committee
16 saw it in May and posed numerous questions to City
17 Planning at that time. The proposal's goal of
18 higher density community focused on mixed use was
19 very well received.

20 As the Chamber of Commerce, we
21 obviously want to see that commercial development
22 is both preserved and promoted in St. George and
23 throughout the borough. This plan requires
24 commercial uses on certain streets and allows for
25 it in several other locations. Removing the

1
2 current height restrictions and permitting slender
3 towers that may eventually reach heights of 200
4 feet, if the building is larger than 10,000 square
5 feet, allows for developers to provide the density
6 that we need. The Chamber believes that the
7 growth in commercial business will directly
8 correlate with this growth in residential
9 population.

10 In the interest of time, I will
11 conclude. I would like to conclude that St.
12 George has been a topic for many years now. Since
13 the Chamber's headquarters are in St. George, we
14 have naturally been involved in many of these
15 discussions. We have seen some private investment
16 in the area increase significantly over the past
17 few years. And, this has brought renewed optimism
18 to residents and merchants.

19 With that being said, these changes
20 have been slow to take hold. This rezoning is
21 overdue and I believe that it can be the catalyst
22 for the type of development taking place on the
23 waterfront in Brooklyn, Queens and the Bronx.
24 Therefore, I would like to reiterate the Chamber's
25 support and hope that you see fit to enact this

1
2 District as soon as possible. Thank you.

3 CHAIRPERSON AVELLA: Thank you.

4 Next panel will be a panel in opposition. If I
5 could ask the Sergeant at Arms to put up another
6 chair so we can have four chairs up there. David
7 Goldfarb [phonetic], Mary Ballock [phonetic], Theo
8 Dorian [phonetic] and Michael, and I can't read
9 the last name.

10 MALE VOICE: Harwood.

11 CHAIRPERSON AVELLA: Harwood.

12 Okay. Now, it makes sense after you said...

13 DAVID GOLDFARB: Okay. Okay.

14 Chairman Avella, members of the Committee, David
15 Goldfarb. I am a-- been a resident of St. George
16 for 35 years. I am the past President of the St.
17 George Civic Association. I'm a past President of
18 the Historic District's Council in the City of New
19 York and I am also Chair of a committee that the
20 Civic Association set up to evaluate the
21 recommendations on the proposed Special District.

22 I think we are concerned. At this
23 time, we oppose the plan. And, the reasons are in
24 the written statement. I'll go through some of
25 them. We are concerned about the effect of this

1
2 proposal on the character of the community, the
3 adjoining historic district, the views that are
4 shared, the public views down public streets,
5 including from parks and areas in the, like
6 Nicholas Lea [phonetic] Park and the light and
7 shadows and all the other effects that these
8 buildings would have.

9 We agree with the concept that St.
10 George-- that there should be a plan similar to
11 this; that there is a place in St. George for
12 larger towers, for larger buildings to encourage
13 this kind of development, both retail, the
14 commercial and residential. But, we have a number
15 of recommendations. We made these seven
16 recommendations to the City Planning Commission
17 after many meetings. They adopted half of one
18 proposal, which the height of the street wall that
19 they talked about that they changed to 30 or 40
20 feet. And, we applaud them for that change
21 because the street walls that they had planned
22 before were much too high along some of these
23 streets.

24 However, the other changes that we
25 wanted. One was to phase this in over time,

1
2 especially in today's market and economy, the
3 question is what's going to happen first. We
4 really feel that on Bay Street, where they are
5 changing commercial buildings to residential
6 buildings is the most important part of this plan.
7 And, if that was adopted now, and we can encourage
8 the changing of the building on Bay Street to
9 residential, that would be the most important
10 aspect. And, that we should talk about the higher
11 density and the zoning later. And, we also think
12 that should be phased in in two phases; one, the
13 area south of Hyatt Street, going to Victory
14 Boulevard, which we think should be built up
15 quicker. And, the area on Hyatt Street north,
16 which is closer to the historic district, which
17 more time should be given before we have the
18 towers built there.

19 Also, they have some no tower zones
20 in their plan, where they don't allow towers on
21 certain streets, but they do them perpendicular to
22 the water. It's also important to have no-tower
23 zones on the-- I'm sorry, they do them horizontal
24 to the water. It's also important to have no-
25 tower zones going perpendicular to the water,

1
2 along Wall Street and other streets that go down
3 to the water so that you can have views.

4 Our most important point, really,
5 is, though, the size of these towers. The towers
6 they are planning, which are 80 feet by 135 feet,
7 maybe they'll be 80 by 100 when they get their FAR
8 in or the size of each floor, is much too large
9 for this area. Most towers in Manhattan, even,
10 you see that are being built, I know in my area, I
11 work in the Empire State Building. And, in that
12 area, the towers that are being built are 60 feet
13 or 50 feet on a side. These would be very large
14 towers.

15 They're talking about the Mitchell
16 Lama buildings that were there that were built in
17 the '60s and '70s that are larger. But, that's
18 like saying take the largest building in Manhattan
19 or the size of the World Trade Center and allow
20 that throughout the borough. That is not
21 appropriate. St. George is going from a low-rise
22 area to this. We don't oppose the height of the
23 towers. We feel that they have done a good job in
24 doing the setback of the street walls to allow the
25 views to be... But, we really feel that the height

1
2 of these towers is too much.

3 And, we ask that the plan be
4 rejected; that it go back. At this point in time,
5 nothing is going to be built right now anyway.
6 There is no rush to get this plan adopted. It
7 should go back. It should be reconsidered and
8 some of these plans should be adopted. Thank you.

9 MS. MARY BALLOCK: Hello. My name
10 is Mary Ballock. I'm an artist and community
11 activist. I got involved in the community to
12 promote the arts. The National Endowment for the
13 Arts says that if you count everyone who listed
14 themselves on the census as an artist, they would
15 be equivalent to the number of men and women in
16 the United States Army. And, I dare say the
17 proportion is higher in New York City and Staten
18 Island.

19 So, some of my considerations are
20 supported by the recent study by the Regional
21 Urban Design Assistance Team. The American
22 Institute of Architects, in their report on use of
23 the waterfront says three points. The basic
24 premise that the view corridors to the water
25 belong to everyone on the street and that small

1 footprint towers as a way to frame views. This is
2 in direct support of what the St. George Civic
3 Association's asking for. And, my third point,
4 the Institute of Architects says to create, foster
5 and preserve affordable space for artists and arts
6 organizations.
7

8 And, we have made a recommendation,
9 number five in our recommendations, about a ferry
10 art district. We have an active, mutually
11 supportive arts community. We have an
12 organization called the Staten Island Creative
13 Community. The membership is everyone in any
14 creative endeavor. Between that and the Staten
15 Island Arts Council, if you help us get a piece of
16 property, we can have a vibrant art presence right
17 on the waterfront. We will get them off the
18 ferry. And then, they can contribute to economic
19 development all throughout St. George.

20 Right now, I'm holding down the
21 fort in a private gallery called Show, S-H-O-W.
22 You can see our sign from the ferry terminal. I
23 have had people from all over the world and all
24 over the country come up the stairs next to
25 Borough Hall and come in to see the gallery. And

1
2 then, they say, what else is there to do in St.
3 George. What else can I see on Staten Island?
4 Where can I get something to eat? I can prove to
5 you day-to-day that art and economic development
6 go hand-in-hand. Thank you.

7 THEO DORIAN: Is this on? Ladies
8 and gentlemen of the Committee, Councilman
9 McMahan, my name is Theo Dorian. I'm the
10 President of the St. George Civic Association.
11 I'm also a resident of the St. George area. And,
12 I'm also the owner of two small businesses within
13 one block of Councilman McMahan's office and that
14 of City Planning. And so, call me Joe the
15 plumber, if you like.

16 We didn't oppose this plan when it
17 was put forward because we embrace some of the
18 same goals that it had. And, yet, and, we
19 appreciated what really was a vigorous outreach
20 toward us and an invitation by City Planning to
21 participate, very graceful treatment by them.
22 However, for all of that good treatment, every one
23 of our points was rejected. And, we felt that
24 they represented a consensus of the neighborhood.
25 This plan is opposed both by preservationists and

1
2 by the biggest developer of the area. Camilla
3 Hanks earlier mentioned that since the 2003 down
4 zoning, there has been only one builder in the
5 area. True. However, that one builder has three
6 enormous residential projects; three of the
7 biggest in the area, finished or under
8 construction and one enormous retail area. So,
9 there's been a boom in construction.

10 We applaud the goal of raising the
11 critical mass in the neighborhood, but not at the
12 jeopardy of the very texture of the neighborhood.
13 And, we feel the towers that will be double the
14 size, virtually, of the Richard Myer Towers on
15 West Street and other towers in Manhattan, have no
16 place in one of the only communities in the United
17 States, I dare say, that has the feeling of St.
18 George, where the waterfront is an integral part
19 of the community.

20 And so, one of the things that we
21 applauded was the loft lobbying applied to the
22 glut of commercial buildings which could be turned
23 residential. But, the base widths and height and
24 tower widths that are being called for will block
25 some of the key waterfront views and cast many of

1
2 our buildings in shadow. More importantly,
3 they're going to lead to the warehousing of our
4 most precious historical and architectural
5 buildings in the area. And, this is completely
6 unacceptable because they are the texture of St.
7 George. They are the quality for which people
8 move to the neighborhood. It is, in fact, many
9 things to different people, like Len Garcia
10 Duranus said. But, it's really all of those
11 things to us.

12 And, we urge you not to adopt a
13 plan that puts this neighborhood at risk in many
14 significant ways. Incidentally, that one-- not
15 incidentally, that one big developer who is
16 building some enormous projects in the
17 neighborhood, I won't speak for them, but they
18 vehemently oppose this plan for their own reasons.
19 So, it's opposed by everyone from preservationists
20 to developers.

21 The parking situation is also quite
22 alarming that there would be a decrease in
23 business parking. As the owner of two businesses,
24 I can tell you there is no place, literally not a
25 spot to even pull over at a fire hydrant for

1
2 anyone to patronize my business. And, though we
3 are the transportation hub, it is Staten Island,
4 after all, and we rely upon people who use their
5 cars to go to businesses. At the moment, there
6 are very few businesses in St. Georges that-- in
7 St. George that can accommodate the vast majority
8 of the people in the borough who do use their
9 cars.

10 And, lastly, if I could just say
11 one last thing. We were shown a very beautiful
12 pictures in the presentation that we kid about
13 that I've seen so, so, so many times that I can
14 almost recite it. And, we're shown beautiful
15 pictures of Dublin, of San Francisco and of Camden
16 and of their rows of buildings. And, the kinds of
17 towers that could be built here, which would dwarf
18 everything in the entire borough, would-- don't
19 fit in at all into that picture and have really
20 nothing to do with that kind of a texture. So,
21 even though some of the goals are good, we spent a
22 whole lot of time just coming up with a few things
23 that we felt were essential that needed to be
24 considered. And, we feel that without any of them
25 considered, with all of them rejected out of hand

1
2 from school seat requirements for our overcrowded
3 schools to parking requirements for our heavily
4 burdened area that's about to be even more
5 burdened with the building of a Courthouse, we
6 feel that it's destructive to it's own ends. We
7 agree with the biggest developer in the area and
8 with the preservationists in the area that as is,
9 there is no need whatsoever to rush into this
10 plan. Thank you.

11 MICHAEL HARWOOD: Good morning. My
12 name is Michael Harwood. I'm a resident of St.
13 George. I own two homes in the area; one of which
14 is a rental property. And, I've lived in the
15 neighborhood for nearly 20 years.

16 As you've heard from my colleagues
17 here on the panel, this is not an issue of pro-
18 development or anti-development in this area.
19 What we're concerned about is intelligent and
20 sustainable development for our neighborhood. The
21 neighborhood supports an increase in critical
22 mass, which we believe will be helpful, but we do
23 not believe that this proposal has gone far enough
24 to meet the needs of this unique neighborhood.

25 I agree with all of the points that

1
2 Mr. Goldfarb presented in writing. So, I won't go
3 over those. But, the issue is the concern that we
4 have about the effect that approving this plan now
5 will have on our neighborhood in the interim. The
6 neighborhood was only recently down-zoned just a
7 few years ago. And, we're now certainly turning
8 around, at whiplash speed, to try to turn it
9 around it around again and change the zoning
10 again.

11 As the Building Trades Council just
12 issued a report two days ago, residential
13 development in New York City is expected to fall
14 in half over the next two years. There's no
15 expectation that, in this neighborhood, there's
16 going to be a rush to take advantage of this up-
17 zoning if it occurs right away. The problem,
18 however, is that to allow the up-zoning now in
19 this climate will actually hurt the neighborhood.

20 The proposal itself already
21 encourages developers to buy up properties and
22 acquire large enough footprints so they build a
23 taller building. And, if they do that, while
24 they're building that-- while they're acquiring
25 the properties, those properties will remain

1
2 vacant and unused until they can build these
3 higher developments and these larger footprints.
4 And, the problem is we'll have these blights in
5 the neighborhood and we'll have holes in the area
6 while they're waiting to do that.

7 And, I'm not just saying this out
8 of conjecture or hypothesis. We've seen it
9 already on the north shore of Staten Island, when
10 the Home Port was proposed for the Navy site on
11 Staten Island along Bay Street 20 years ago.
12 Landlords along that area, who had-- at that
13 point, there were a lot of antique shops, used
14 furniture places, boutiques in that area, it was a
15 vibrant magnet part of Staten Island. When the
16 Home Port was proposed, landlords stopped renewing
17 leases for those properties. Those vibrant
18 businesses left the neighborhood and they held
19 them vacant so that they could put bars and the
20 kinds of businesses that would apply-- that would
21 appeal to the sailors and those who would move
22 into the Home Port. The Home Port was ultimately
23 cancelled. Bay Street has still not returned to
24 the vibrancy it had back then in the two decades
25 since then.

1
2 There's no reason now to approve a
3 plan when there's no demand or likelihood with
4 this current economic climate that we're going to
5 fill up these spots. The risk is that we're going
6 to actually blight the neighborhood. And, I think
7 that City Planning should be asked to go back,
8 meet further with the neighborhood, take the time
9 that we have available to us during this economic
10 climate to revise this plan so it's something
11 that's more appealing to the neighborhood.

12 On the issue, just briefly, on the
13 issue of the footprint and the site lines,
14 Mr. Garcia-Duran said that, he pointed out the
15 uniqueness of the curving nature of this
16 waterfront, so therefore views from different
17 areas are different. So, to say that you're
18 aligning the narrow part of the building towards
19 the waterfront actually doesn't really make sense
20 because depending on where you are, the waterfront
21 is in a different place. And, that's why the
22 Civic Association and the neighborhood wants more
23 slender towers from all sides so that all of the
24 views around the building actually that align
25 towards the waterfront makes sense. And, that's

1
2 why the slenderness here on all sides instead of
3 just one side makes sense to the unique topography
4 of this neighborhood. Thank you.

5 CHAIRPERSON AVELLA: Thank you. I
6 have no one else signed up to speak on this item.
7 Is that correct? Seeing none, I'll close the
8 public hearing on this item. And, we will go to
9 the next item on the agenda, which is the West 22nd
10 Street garage application. An application
11 submitted by AG West 22nd Street Realty for the
12 granting of a special permit to allow an attended
13 public parking garage with the maximum capacity of
14 137 spaces on portions of the first floor, cellar
15 and sub-cellar of a proposed mixed-use building,
16 located at 133-145 West 22nd Street in a C6-3A
17 district. This application lies within the
18 Speaker Quinn's district.

19 MARVIN MITZNER: Good morning,
20 Chair Avella, Chair Katz, Council Members of the
21 Subcommittee. My name is Marvin Mitzner from the
22 firm of Blank Rome, representing AG West 22nd
23 Street, the developer of a new condominium
24 building at 133 West 22nd Street.

25 The new building, which is on the

1 north side of West 22nd Street-- we'll forget that.
2 The new building, which is on the west side of
3 West 22nd Street, between Sixth and Seventh
4 Avenues, will contain 99 residential condominium
5 units in a 13-story building. As you mentioned,
6 it's in a C6-3A zoning district. We're proposing
7 to locate a 137-car parking garage in the cellar
8 and sub-cellar level. The entrance of the garage
9 will be on the west side of the building,
10 furtherest towards Seventh Avenue. The
11 residential lobby will be on the east side of the
12 building. And, between the two entrances will be
13 a 2,200 square foot retail space, local retail
14 space.
15

16 The garage itself will provide 10
17 reservoir spaces. It'll provide adequate visual
18 and auditory alarms at the entrance for the safety
19 of pedestrians. We will have two elevators to
20 take cars to the sub-cellar level.

21 The need for this garage is
22 certainly there. There are no garages on this
23 block. There is no on-street parking at all on
24 this block; no daytime on-street parking. And
25 yet, you have a mix of uses that include 500

1
2 residential units, as well as ground floor retail,
3 commercial, restaurants and also a Repertory
4 Theater, which is located across the street from
5 the site.

6 In consultation with both the
7 Borough President's office and Council Member
8 Quinn's office, we have agreed to create a mix of
9 uses in the garage that we believe is-- mirrors
10 the block and the area. And so, we've dedicated
11 20% as accessory parking spaces for residents of
12 the building. We've also prioritized another 66
13 spaces for use of residents on the block in the
14 neighborhood. And, in furtherance of that, we
15 will do an outreach to the Community Board, as
16 well as notify residential buildings in the area
17 of the availability of those spaces.

18 So, out of the 137 spaces,
19 approximately 85 will be essentially accessory
20 availability spaces. We believe this satisfies
21 the needs of the area and supports the
22 application. And, we ask for the Subcommittee's
23 support on this application. Thank you.

24 CHAIRPERSON AVELLA: I understand
25 that Speaker Quinn has indicated her support for

1
2 the project.

3 MARVIN MITZNER: Yes.

4 CHAIRPERSON AVELLA: Any questions
5 from my colleagues? Seeing none, thank you.

6 MARVIN MITZNER: Thank you very
7 much.

8 CHAIRPERSON AVELLA: I don't see
9 anybody signed up to speak at the public hearing
10 on this item. Is that correct? Seeing none, the
11 public hearing on this item is closed.

12 And, we will now move towards the
13 Tribeca North Text Amendment. Application by the
14 Office of the Borough President, Community Board 1
15 in Manhattan for an amendment to the text of the
16 zoning resolution, amending Sections 111 to 104,
17 modifying the street wall height and maximum
18 height requirements in the Special Tribeca Mixed
19 Use District.

20 While they're setting up, I would
21 make a note that, for those of you who do have an
22 agenda that has the Hunter's Point South
23 Development on, that is not going to be heard
24 today. That is being laid over.

25 JENNIFER HONG: Is this on? Good

1 morning, Council Members. My name is Jennifer
2 Hong and I'm an urban--

3 MALE VOICE: Move it closer.

4 JENNIFER HONG: Oh. Hello, Council
5 Members. My name is--

6 CHAIRPERSON AVELLA: Hold on one
7 second. I'm sorry. The Hunter's Point has been--

8 MALE VOICE: It's a separate issue.

9 CHAIRPERSON AVELLA: -- rescheduled
10 for October 24th at 9:30. I'm sorry, go ahead.

11 JENNIFER HONG: Good morning,
12 Council Members. My name is Jennifer Hong. And,
13 I'm an Urban Planner for Manhattan Borough-- is it
14 not-- I mean this part is almost in my mouth. I'm
15 an Urban Planner for Manhattan Borough President
16 Scott Stringer. The Borough President, along with
17 Community Board 1-- Mark Ameruso is here from
18 Community Board 1-- are co-applicants for a text
19 amendment relating to the bulk regulations of Area
20 A4 of the Tribeca Mixed Use District.
21

22 Just to give a little background,
23 this application is a follow-up to the Jack Parker
24 rezoning that came before City Council in 2006.
25 That rezoning created the new Area A4 within the

1
2 TMU and changed the existing manufacturing zoning
3 to commercial zoning.

4 During that ULURP process,
5 discussions regarding the appropriate scale of
6 development for the area arose among the
7 developer, Council Member Gerson, the Borough
8 President and Community Board 1 leadership. As a
9 result of those discussions, the applicant and
10 another property owner within the rezoning area
11 wrote letters to City Council indicating their
12 intent to develop their properties with street
13 wall and building heights lower than that would be
14 permitted by the area's proposed rezoning. The
15 City Council passed a rezoning based on the
16 understanding that the agreement committed to by
17 the developers would later be codified into the
18 zoning resolution.

19 So, this text amendment would
20 change Section 111-104 of the zoning resolution
21 and would reduce the street wall and building
22 heights in both the existing C6-3A and C6-2A
23 zoning districts. Within the C6-3A district, the
24 maximum street wall height would be 70 feet and
25 the maximum building height would 140 feet. In

1
2 the C6-2A area, the max building height would be
3 110 feet and the max street wall height would be
4 70 feet.

5 So, once again, the purpose of this
6 text amendment is to codify the agreement already
7 committed to by the developers in the area. This
8 application of stricter zoning regulations will
9 provide greater assurance to the community that
10 the development will appropriately relate to
11 existing development in the surrounding area and
12 also will preserve view corridors to the Hudson
13 River. Further, the community supports this text
14 amendment because it views it as an important
15 precedent for the scale of development that they
16 would like to see in the future of Tribeca North
17 rezoning.

18 MARK AMERUSO: Good morning,
19 Council Members, Mr. Chairman. My name's Mark
20 Ameruso. I'm representing Community Board 1.
21 And, I think just what I'll do is I'll simply read
22 the resolution, which is really short. And, I
23 just have a brief comment.

24 It's a resolution of the Tribeca
25 Committee of CB 1 from June 24th, 2008. Proposed

1
2 Mixed Use District Area A4 Text Amendment. The
3 Manhattan Borough President and Community Board 1
4 have submitted an application to the Department of
5 City Planning for an amendment to the zoning
6 resolution relating to Section 111-104, which
7 would limit the maximum base height to 70 feet and
8 the maximum building height to 140 feet in C6-3A
9 districts and limit the maximum base height to 70
10 feet and the maximum building height to 110 feet
11 in C6-2A districts for properties outside the
12 historic district in Area A4 of the Tribeca Mixed
13 Use District.

14 Whereas the primary purpose of the
15 proposed zoning text changes is to encourage
16 development that reinforces the unique built
17 character of the area and maximizes view corridors
18 of the Hudson River by primarily reducing the
19 maximum base and building heights in the area.
20 The proposed text amendment will codify agreements
21 which were committed to by the property owners and
22 the developers in the area for lower street wall
23 and building height requirements during the
24 rezoning of the area in 2006.

25 Therefore, it be resolved,

1
2 Community Board 1 recommends approval of the
3 proposed text-- excuse me, proposed Tribeca Mixed
4 Use District Area A4 text amendment.

5 That's the first resolution. And,
6 in your packet, there are two other resolutions
7 that are related to this. One is a resolution
8 passed by the Board on the proposed overall zoning
9 request for North Tribeca and use groups. And,
10 the only reason why I bring it up is that will
11 come to you later on. And, basically, the
12 resolution on what you're going to vote on today
13 and our community's desires basically comport with
14 each other here. And, this is a culmination of
15 three years of work and dozens and dozens of
16 meetings.

17 So, regards to FAR, height,
18 setback, use groups and really maximum allowable
19 square footage to preserve the unique character of
20 North Tribeca. And, despite what City Planning
21 says in comparisons, North Tribeca should not be
22 compared to South Tribeca, the SoHo or certainly
23 not the Meat Packing Districts, which we do not
24 want to become. We're unique unto ourselves.
25 And, that's basically food for thought for you.

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2 If you have any questions, we'll be happy to take
3 them. Thank you.

4 CHAIRPERSON AVELLA: This
5 application lies within Council Member Alan
6 Gerson's district. And, I know he's been deeply
7 involved with the Borough President and the
8 Community Board on development of this
9 application. And, he is in support. I was just
10 handed a note from his staff that he wanted to be
11 here, but there is apparently a shooting in his
12 district. So, he's actually going to that site as
13 we speak. So, he's in favor of the application.
14 Any questions from my colleagues? Seeing none,
15 thank you. I see no one signed up to speak on
16 this item. Is that correct? Seeing none, I will
17 close the public hearing on this application.

18 Now, I'd like to call up the
19 applicant representing Cherry Café and Restaurant.
20 An application for unenclosed sidewalk café at
21 3402 Broadway. Mike, if you would just read into
22 the record the letter that you've sent me, what
23 you've worked out with Council Member Vallone, Jr.

24 COUNCIL MEMBER McMAHON: Okay.
25 Good morning, Council Members. Please accept this

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2 letter as confirmation that as per our agreement,
3 we will reduce the total of tables to ten and
4 chairs to 20 and submit the new sidewalk café
5 plans to the Department of Consumer Affairs.

6 CHAIRPERSON AVELLA: And, we also
7 need a set of those--

8 COUNCIL MEMBER McMAHON: Yes.

9 CHAIRPERSON AVELLA: -- plans when
10 you would get them to us. With this agreement,
11 Council Member Vallone is in favor of the
12 application. Any questions? Seeing none, thank
13 you.

14 COUNCIL MEMBER McMAHON: Thank you.

15 CHAIRPERSON AVELLA: I see no one
16 signed up to speak on this item. Is that correct?
17 I will close the public hearing on Cherry Café and
18 Restaurant.

19 And now, call up the
20 representatives for Delano Café Lounge, which is
21 at 2902 Francis Lewis Boulevard.

22 KERRY KATSORHIS: Jerry, you want
23 to hang up the plans?

24 CHAIRPERSON AVELLA: Before you
25 start, the plans that you're distributing now,

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2 what set of plans is this? Is this the first set?
3 Is this the second set? Or, this now a third set?

4 GERALD CALIENDO: It's been revised
5 based on the proposal from - - .

6 KERRY KATSORHIS: Thank you. Chair
7 Avella, Chair Katz, my name is Kerry Katsorhis.
8 I'm the attorney for the applicant. I welcome the
9 opportunity to address my client's application for
10 this unenclosed sidewalk café.

11 Let me say at the outset that my
12 client has been operating this café for over a
13 year and a half. And, his original application,
14 as submitted to the Department of Consumer
15 Affairs, consisted of 36 tables and 72 chairs. In
16 addition, it provided for these tables and chairs
17 to front 29th Avenue, as well as Francis Lewis
18 Boulevard. When the matter came up before the
19 Committee of Community Board 7, a compromise was
20 reached reducing the number of tables and chairs
21 to that of 11 tables and 22 chairs, bordering on
22 Francis Lewis Boulevard and not 29th Avenue. In
23 addition, other agreements were reached by the
24 Board as to the conduct of my client as it relates
25 to its neighbors and to the neighborhood.

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2 When the matter came before the
3 Department of Consumer Affairs at its public
4 hearing, I advised, on the record, the Department
5 that we had altered our plans, or altered our
6 agreement, or altered our objective in that we
7 were consenting to our agreement with Community
8 Board 7 reducing the tables and chairs from 11 to
9 22. All right.

10 The matter then came on-- was
11 scheduled to appear before this Subcommittee
12 earlier this month. It came to my attention that
13 the plans, as submitted to this Subcommittee, were
14 the original plans and not the reduced plans. I
15 notified, via letter, Peter Janusek and Chairman
16 Avella of our request to withdraw the application
17 at that time. And, in my letter of September 29,
18 I advised Chairman Avella that under the
19 circumstances, it is respectfully requested that
20 our client's application be taken off the agenda
21 before the Subcommittee on Zoning & Franchises now
22 scheduled for October 2nd as we were filing the
23 amended plans with the Department of Consumer
24 Affairs. That was sent on September 29th.

25 I had received a phone call from

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2 Chair Avella setting forth that the plans, as
3 submitted, were inaccurate, using my term as
4 opposed to other terms that were used regarding
5 the plans. And, I notified Mr. Caliendo, who was
6 the architect that there was some questions as to
7 the width and measurements that were listed on the
8 proposed plan that he certified as being accurate.
9 Mr. Caliendo went to the site and Chair Avella was
10 correct. The width on Francis Lewis Boulevard was
11 not 17 feet, as indicated, but 14-1/2 feet. And,
12 notwithstanding being 14-1/2 feet, it was still
13 within the guidelines of the Department of
14 Consumer Affairs as it relates to the width of the
15 sidewalk including the access available for
16 pedestrian traffic and the space provided for the
17 chairs and tables.

18 Under the circumstances, there was
19 no intent on our part to, in any way, perpetrate a
20 fraud on this Committee or anyone else. An honest
21 mistake was made. My client would like the
22 opportunity to have his tables and chairs to try
23 to improve his business, to try to make a
24 livelihood for him and his family. And, we ask
25 the Committee to approve the plans as submitted.

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2 I would also like to say that
3 originally, in July, representatives from the
4 Department of Consumer Affairs came to our
5 premises and on those plans that were originally
6 submitted, they found nothing wrong with them and
7 gave us a, if you will, saying that we qualified
8 after the inspection. So, somewhere along the
9 line mistakes were made. To err is human. To
10 forgive divine. And, I ask you to forgive us for
11 our errors that we've committed in the past and
12 ask you to please consider our application
13 favorably and permit my client to put these tables
14 and chairs at his premises.

15 Mr. Caliendo is here, the architect
16 who prepared the first plans, the second plans and
17 the plans that are now before you, Chair Avella.

18 CHAIRPERSON AVELLA: Which is
19 actually the third set, correct?

20 KERRY KATSORHIS: That's right,
21 Your Honor.

22 CHAIRPERSON AVELLA: Yes or no
23 answer. The first set of plans, which were-- did
24 not reflect the Community Board agreement,
25 correct? Yes or no?

2 KERRY KATSORHIS: That's correct.

3 GERALD CALIENDO: Correct.

4 CHAIRPERSON AVELLA: The first set
5 of plans incorrectly listed the width of the
6 sidewalk?

7 GERALD CALIENDO: Correct.

8 CHAIRPERSON AVELLA: The first set
9 of plans failed to indicate the obstruction on the
10 sidewalk on the side street?

11 GERALD CALIENDO: A street sign, I
12 believe so.

13 CHAIRPERSON AVELLA: Yes. You're
14 saying yes.

15 GERALD CALIENDO: Yes.

16 CHAIRPERSON AVELLA: The second set
17 of plans still failed, yes or no, to indicate the
18 width of the sidewalk?

19 GERALD CALIENDO: I don't know.

20 KERRY KATSORHIS: You had 17 feet
21 still.

22 GERALD CALIENDO: It's yes. But,
23 if I can make a statement?

24 CHAIRPERSON AVELLA: No.

25 MALE VOICE: Thank you.

2 CHAIRPERSON AVELLA: Thank you.

3 KERRY KATSORHIS: May we have--

4 CHAIRPERSON AVELLA: Any other
5 questions from Committee members?

6 KERRY KATSORHIS: Mr. Chairman, I
7 brought the architect here. We have an
8 opportunity to present--

9 CHAIRPERSON AVELLA: I think the--
10 we know what the situation is, sir.

11 KERRY KATSORHIS: I don't know what
12 you mean by that--

13 CHAIRPERSON AVELLA: I mean, there-
14 -

15 KERRY KATSORHIS: -- Chair Avella.

16 CHAIRPERSON AVELLA: We now have
17 had three sets of plans; three sets. You just, on
18 the record, admitted what was wrong with the first
19 set of plans, what was wrong with the second set
20 of plans. Fine.

21 KERRY KATSORHIS: The architect
22 would like to explain--

23 CHAIRPERSON AVELLA: Okay. That's
24 fine.

25 KERRY KATSORHIS: Thank you.

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2 GERALD CALIENDO: Councilmen,
3 Mr. Chair, I just wanted to admit the fact that
4 yes, we had errors in our plan. It was an error.
5 It was not malicious. It was not intentional. I
6 went to measure the property myself.
7 Unfortunately, it was not checked thoroughly.
8 And, I respectfully request that this inadvertent
9 error does not reflect on the owner of the
10 business.

11 CHAIRPERSON AVELLA: You say
12 inadvertent error. How many errors were
13 inadvertent? It's just not the first error. It's
14 the second error. It's the third error. To just
15 say that it's just an inadvertent mistake, then
16 why wasn't it cleared up in the first-- after the
17 first correction? And, do you not put your seal
18 as an architect on these plans?

19 GERALD CALIENDO: Yes.

20 CHAIRPERSON AVELLA: So, who went
21 out and checked this because obviously no one did.

22 GERALD CALIENDO: I went initially
23 to the property myself, measured it with my
24 associate and with the owner. Unfortunately, when
25 it went to the Community Board, it was in error.

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2 After the-- I'm not sure of all the circumstances
3 which led up to the final drafts of the plans and
4 why they were not corrected and why hearings were
5 tried to be cancelled. But, unfortunately, that
6 happened. There was no intent to mislead anyone.
7 I've been on a Community Board for the past 30
8 years. I'm a known architect in the Borough of
9 Queens. I have the largest architectural firm in
10 the Borough of Queens, which I employ over 35
11 people. I have no intent to jeopardize their
12 livelihoods, my reputation, the rest of my
13 clients, this client or any one else.

14 I think it's an unfortunate
15 situation. I apologize. Whatever happens based
16 on any letters that go to the State or so forth,
17 I'm sure I can defend myself. I don't think that
18 that's an issue. But, I just could say, again,
19 for the record, it was unintentional. I did not
20 believe that we were misleading anyone. And, as
21 counsel stated, that the width of the sidewalk
22 works based on what was being proposed. And, I
23 don't believe that it should be a hardship for the
24 owner of the property.

25 CHAIRPERSON AVELLA: What's the

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size of the tables?

GERALD CALIENDO: Two feet by two feet.

CHAIRPERSON AVELLA: It is [pause]. Does that finish your statement?

GERALD CALIENDO: Yes, thank you.

KERRY KATSORHIS: Thank you.

CHAIRPERSON AVELLA: Thank you.

KERRY KATSORHIS: My client would like the opportunity--

CHAIRPERSON AVELLA: Sure.

KERRY KATSORHIS: --to speak, Mr. Chairman Avella.

JOHN ARVANATOPOULOS: Good morning, everybody. My name is John Arvanatopoulos [phonetic]. I'm the owner of Delano Café for the past year and a half. For the first time in ten years, and Mr. Avella has very well known about this-- he's aware, I'm sorry-- that I brought a business to the community that has a clean, safe and beautiful environment. Before my business, there were shootings. There was drug action. There was a lot of bad things going on. I am a father of two children and in this critical

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2 economy that's trying to survive a business, I'm
3 trying to do the best for the community and do
4 everything the right way.

5 So, in order for my business to
6 improve, I asked if I can do a sidewalk café. I
7 hired the best architect and probably the best, in
8 my eyes, lawyer to be able to help me in this
9 situation. Unfortunately, there was a lot of
10 issues that were raised. First issue, we met with
11 the Community Board that agreed with me to ten--
12 11 tables and 22 chairs. And, the reason is
13 because I am doing the right thing in the
14 community. Why should the community, if they want
15 a nice cup of coffee on a beautiful day, spring or
16 summer, go to another community and spend their
17 money and not help each other? One question I
18 have. Another question I have if I am doing a
19 very legit business and helping the community, why
20 shouldn't the community help us if we are within
21 the legal aspects in respect to that?

22 Now, I don't have anything against
23 anybody. I'm just trying to survive a business
24 and I will hope that you will put that in
25 consideration for my sidewalk café to improve my

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2 business because it's very hard out there right
3 now to have business. That's all I'm asking for.
4 And, Mr. Avella, is it a yes or no question? Did
5 you specifically told me to change my lawyer
6 because my lawyer doesn't know what he's doing?

7 CHAIRPERSON AVELLA: When you first
8 came to my office, I had to track you down. I had
9 to track you down because I had tried to track
10 down your attorney and he wasn't returning my
11 phone calls. When you finally did come to my
12 office, you had no idea what the process was. You
13 had no idea that you had to meet with me, that it
14 was coming before a hearing. And, I said to you
15 you should get-- probably get yourself another
16 lawyer because he's not properly representing you
17 if he's not telling you what the proper procedures
18 are.

19 JOHN ARVANATOPOULOS: According to
20 my lawyer, he called me and said everything is
21 fine. Mr. Avella would like to meet you and your
22 wife and your kids so you will have an appointment
23 X day, this day at this time. I came there with
24 my wife, that works for the government, as well,
25 and my kids in your office. And, the only thing I

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2 got in response after being very respectful, which
3 I always am, and very polite, I felt I was being
4 attacked by a man that I voted for in my own
5 community, not helping me to survive a business
6 for the first time in ten years that is actually
7 doing the right thing.

8 Now, if you were trying to track my
9 lawyer, I'm not aware of this. But, well I am
10 aware that you did recommend two different people
11 to me to be able to continue with this sidewalk
12 café. Does that mean if I did change my lawyer,
13 would my sidewalk café would be approved from your
14 side?

15 CHAIRPERSON AVELLA: Does that
16 finish your statement, sir?

17 JOHN ARVANATOPOULOS: Yes, it does.

18 CHAIRPERSON AVELLA: Thank you. Is
19 there anyone signed up to speak in this public
20 hearing? Seeing none, I will close the public
21 hearing on this matter.

22 COUNCIL MEMBER SEARS: Mr. Chair--

23 CHAIRPERSON AVELLA: Yeah, sure.

24 COUNCIL MEMBER SEARS: -- I have a
25 comment. Okay.

CHAIRPERSON AVELLA: Absolutely.

COUNCIL MEMBER SEARS: Thank you.

I just wish to say that in terms of Mr. Caliendra, I think, for the record, and I'd like to say it for the record, that I have known him for many, many years. He has served on Community Board 1 for many, many years. He is reputable in the community. He does honorable work and he's very sensitive to community needs.

And, I do think that when someone has a mistake, that is something that needs to be worked out with you. But, I do think to malign someone's reputation is dishonorable in itself. Mr. Caliendra is an honorable architect. He's a professional. I recognize that you are the Chair of the Committee. And, I recognize that this is in your district. But, I also recognize that there is no room here for any kind of amendments, amending a situation. And, I think when it comes to a reputation, I don't think I could sit here and let, even if he were a stranger, and let their reputation be so maligned. So, I need to say that.

In terms of whether we are voting

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2 on this today, I don't know what the Chair is
3 recommending on this issue. But, it seems to me,
4 and I usually don't disagree with the Chair,
5 because it's in your district and you know better.
6 And, I've always yielded to that. But, I've
7 listened to the testimony of each and the reason
8 I'm saying this is because I do have to get to
9 another thing. And, I don't know what your
10 recommendation is on this. So, if you're going to
11 call anything to a vote, I'll wait. Otherwise, I
12 have to go.

13 CHAIRPERSON AVELLA: Yes, we will
14 be going to a vote.

15 COUNCIL MEMBER SEARS: Very
16 quickly?

17 CHAIRPERSON AVELLA: Yes.

18 COUNCIL MEMBER SEARS: Okay.

19 CHAIRPERSON AVELLA: Very quickly.

20 COUNCIL MEMBER SEARS: Okay.

21 CHAIRPERSON AVELLA: But, I would
22 just add--

23 COUNCIL MEMBER SEARS: Thank you.
24 Thank you.

25 CHAIRPERSON AVELLA: -- that, you

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2 know, we have had situations before. And, if you
3 remember, Council Member, I think it was either
4 the last meeting or the meeting before that, where
5 we rebuked the architect of a sidewalk café for
6 having false information on it. And, I actually
7 recommended at the time that, the Tudoba
8 [phonetic] Restaurant, that I recommended that the
9 Speaker, whose district that application lies in,
10 contact the State Department of Education and ask
11 that the architect's license be revoked.

12 Architects put their seal on these
13 applications. They put their reputation on the
14 line with these applications. And, I have to
15 differ with you. When there's one mistake, two
16 mistakes, three mistakes and the mistakes
17 continue, I have a different opinion about what
18 that means, Council Member. And, somebody's
19 putting their reputation on the line, their seal
20 on the line. That is a legal document. And, we
21 disagree on this issue because I will be
22 submitting a letter to the State Department of
23 Education about the architect in this case.

24 COUNCIL MEMBER SEARS: That's your
25 prerogative.

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CHAIRPERSON AVELLA: Absolutely.

KERRY KATSORHIS: Are we excused?

MALE VOICE: You're excused.

KERRY KATSORHIS: Thank you.

GERALD CALIENDO: Thank you.

[Pause]

CHAIRPERSON AVELLA: Okay. What we will do, we will go to the vote. Chair recommends approval of the St. George rezoning, based upon the Council Member's support; approval of the West 22nd Street garage, which Speaker Quinn is in favor of and the Tribeca North Text Amendment, which Council Member Gerson is in favor of. Chair recommends approval of those. And, the vote on Delano Café Lounge will be laid over 'til Monday at 9:45 immediately before the Land Use Committee. Oh, right, thank you. And, the Cherry Café and Restaurant, Chair recommends approval.

FEMALE VOICE: Mr. Chair, are you recessing this meeting?

CHAIRPERSON AVELLA: Yes. I'll ask counsel to call the vote.

CHRISTIAN HYLTON: Christian Hylton, Counsel to the Subcommittee on Zoning &

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Franchises. Chairman Avella.

CHAIRPERSON AVELLA: Aye.

CHRISTIAN HYLTON: Council Member

Katz.

COUNCIL MEMBER KATZ: Aye.

CHRISTIAN HYLTON: Council Member

McMahon.

COUNCIL MEMBER McMAHON:

Mr. Chairman, I'd like to explain my vote. Should I allow my other colleagues to vote first and so they can--

CHAIRPERSON AVELLA: Yes.

COUNCIL MEMBER McMAHON: Okay. So, I'll pass.

CHRISTIAN HYLTON: Council Member

Seabrook.

COUNCIL MEMBER SEABROOK: Aye.

CHRISTIAN HYLTON: Council Member

Sears.

COUNCIL MEMBER SEARS: Aye.

CHRISTIAN HYLTON: Council Member

Vann.

COUNCIL MEMBER VANN: Aye, yi, yi.

CHRISTIAN HYLTON: Council Member

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2 McMahan.

3 COUNCIL MEMBER McMAHON: Thank you.
4 Thank you, Mr. Chairman. Thank you, my
5 colleagues. I would like to explain my vote
6 regarding-- I vote aye on all matters. I'd like
7 to explain my vote on the St. George rezoning
8 proposal, in particular to those who came and
9 testified against it are some of the most
10 respected people in the community. And, I'm sadly
11 in disagreement with them on this proposal and
12 would just like to explain that on some of the
13 top-- St. George is without question the most--
14 the finest diamond in the rough in the City of New
15 York. And, all our lives, we have been perplexed
16 by the fact that St. George cannot get that spark
17 of energy, of economic activity to make it be what
18 it can be. And, we look across the water at
19 Jersey City; we look at Long Island City; we look
20 at downtown Brooklyn and we look even northern
21 Manhattan and the Bronx and we see revitalization,
22 especially on the waterfront that we don't have on
23 Staten Island.

24 And so, we, together, the community
25 and the civic leaders and the politicians

1 requested that City Planning go about doing a
2 rezoning to mitigate the effects of the Growth
3 Management program, which basically stunted growth
4 there in the C2 districts-- C4 districts. And so,
5 this is the plan that came forward. And, we have
6 been discussing this for a long time. There have
7 been many meetings and even my colleagues from the
8 St. George Civic Association did agree that City
9 Planning has spoken to them quite often, although
10 has not perhaps listened to them as much as they
11 should. We did make some progress on the
12 boundaries. We made some progress on the wall
13 heights, in particular on Wall Street.

14
15 And, the provision that I'm
16 extremely excited about is the A portion, which is
17 the actual allowing the lofting of residential--
18 putting residential space into the commercial
19 properties. I think that that is a key element.
20 And, our colleagues request that we phase this in.
21 However, I believe that phasing will happen
22 naturally. I think given the market, I think
23 where we are that these-- those later projects
24 will not be built as quickly as they may fear to
25 have that in.

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2 The notion of having no-tower
3 zones-- no, the notion of controlling the soft
4 sites, the rezoning, as brilliant as it sounds, I
5 don't believe it's legal to say to somebody who
6 has vacant land, your zoning is this; but somebody
7 right next door, who has something built on that
8 property doesn't have the same zoning rights.

9 That would be either spot zoning or an
10 unconstitutional taking of the rights of the owner
11 right next door. So, I don't think that that
12 would be possible. Preservation and landmarking
13 is a way to save buildings, not the zoning. And,
14 I don't think that would stand up. And, I think
15 that it would be blocked forever.

16 The notion of the artist studio
17 district, I think is brilliant. But, I don't
18 think for this neighborhood, I think it belongs
19 more in the Tompkinsville, Stapleton area. And,
20 that's something that we will work on.

21 And, the height issue, I guess
22 really is the key issue. I believe that, given
23 the FAR requirements, that the buildings will be
24 built in conformity with our wishes, especially
25 because the broader size will be turned on their

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2 side. And, also, I just think it's unlikely for
3 someone to get that much land that they could get
4 to the maximum width.

5 So, it's less than perfect. But, I
6 believe that less than perfect is what I am voting
7 for today. I apologize if I disappoint my friends
8 and neighbors from the neighborhood. But, I think
9 for the greater good of this district, I think for
10 the greater good of Staten Island and for St.
11 George that this is an imperfect plan. But, I
12 don't think that perfection should stand in the
13 way of progress, which is much needed. This is a
14 opportunity to do this and the notion of pulling
15 it back to get it right, I don't think that'll
16 ever happen. I think that this plan will get
17 dusted and nothing will ever happen. So, having
18 said that, I vote yes.

19 CHRISTIAN HYLTON: By a vote of six
20 in the affirmative, none in the negatives, no
21 abstentions, LU 880, 881, 904, 905 and 912 are
22 approved and recommended to the full Land Use
23 Committee.

24 CHAIRPERSON AVELLA: This meeting
25 of the Zoning and Subcommittee is recessed until

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Monday morning at 9:45.

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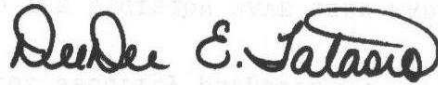
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C E R T I F I C A T E

I, DeeDee E. Tataseo certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature

A handwritten signature in cursive script that reads "DeeDee E. Tataseo". The signature is written in black ink and is positioned above a horizontal line.

Date

March 23, 2009