

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON ZONING & FRANCHISES

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April 20, 2009
Start: 9:30am
Recess: XX:XXam

HELD AT: Hearing Room
250 Broadway, 16th Floor

B E F O R E:
TONY AVELLA
Chairperson

COUNCIL MEMBERS:
Melinda R. Katz
Larry B. Seabrook
Helen Sears
Simcha Felder
Eric N. Gioia
Rosie Mendez

A P P E A R A N C E S

COUNCIL MEMBERS:

John C. Liu

Daniel R. Gardonick

Gale A. Brewer

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

Brendan Palar
Project Manager for North Flushing Rezoning
New York City Department of City Planning

John Young
Director
Queens Office of City Planning

Henry Euler
First Vice President and Zoning and Housing Chair
Auburndale Improvement Association

Tyler Cassell
President
North Flushing Civic Association

Nick Hawkins
Land Use Attorney
Greenberg, Traurig

Steve Shacuie
Partner
150 Amsterdam Avenue Holdings, LLC

Brenda Levin
150 Amsterdam Avenue Holdings, LLC

Mel Segal
Broadway-Flushing Homeowners Association

Paul Graziano
Urban Planning Historic Preservation Consultant

Raymond Levin
Land Use Attorney
Wachtel and Masyr, LLP

Jed Walentas
Principal
Two Trees Management Co., LLC

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

Enrique Norten
Principal
Ten Arquitectos

Seth Berliner
On behalf of New York State Senator Thomas Duane

Anna Levin
Co-Chair of Clinton Hell's Kitchen Land Use Committee
Community Board 4

Joe Restuccia
Co-Chair Housing Committee
Community Board 4

Howard Goldman
Land Use Attorney

Ed Esposito

Tom Wargo
Director Zoning Division
New York City Department of City Planning

Claudia Erazme
Urban Planner in Zoning Division
New York City Department of City Planning

Howard Slacken
Planner in Strategic Planning Division
New York City Department of City Planning

Christian Hylton
Counsel to Zoning & Franchises Committee
New York City Council

Steve Wygota
Architect for Sidewalk Café and Restaurant

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2 CHAIRPERSON AVELLA: Good morning,
3 everyone. I'd like to call this meeting of the
4 Subcommittee of Zoning and Franchises to order.
5 We have quite a lot on today's agenda. Joining me
6 this morning, I'll first introduce the members of
7 the Committee, Council Member Melinda Katz, Larry
8 Seabrook, Helen Sears and Simcha Felder. And, we
9 also have joining us Council Members, whose
10 applications lies within their district, Council
11 Member John Liu, Daniel Garodnick, Gale Brewer and
12 am I missing anybody? All right.

13 We're going to skip around a little
14 bit to try and get through some of the simpler
15 items quicker. First item I'd like to call up is
16 La Goulue Restaurant, 20095084TCM, an application
17 to operate an unenclosed sidewalk café at 746
18 Madison Avenue. It lies within Council Member
19 Daniel Gardonick's district. And, I'd like to
20 call on the Council Member.

21 COUNCIL MEMBER GARODNICK: Thank
22 you, Mr. Chairman. And, as promised, I will be
23 brief and I thank you for putting me at the front.
24 La Goulue is a restaurant in my district that
25 operates a sidewalk café. It is a well regarded

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2 restaurant, although the Community Board raised
3 certain issues about the tables that were out
4 front, three tables with four chairs each that had
5 been set up for the past number of years, a
6 concern about the flow of pedestrian traffic on
7 Madison Avenue. In addressing those concerns, La
8 Goulue agreed to modify their application, which
9 was initially three tables and 12 chairs, to four
10 tables with eight chairs, smaller tables and
11 configured in a way that would interfere less with
12 the pedestrian flow.

13 And, I wanted to advise the
14 Committee that I have a letter, which we have
15 provided to the Council, from Rajie Marnier
16 [phonetic], the Secretary of La Goulue, dated
17 Friday, April 17th, 2009 to Council Member
18 Garodnick and Council Member Avella. It says 'We
19 wish to modify our application for our sidewalk
20 café from three tables and 12 chairs to four
21 tables and eight chairs. The tables are 25 by 25
22 inches and shall be placed parallel to the
23 restaurant so as to avoid interfering with the
24 pedestrian traffic.'

25 I think that is a good result. It

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2 is the right result. And, I thank the Community
3 Board for their involvement. And, I thank La
4 Goulue for being a good neighbor and addressing
5 the concerns. And, I encourage the Committee to
6 vote yes. Thank you, Mr. Chairman.

7 CHAIRPERSON AVELLA: Thank you.

8 And, I understand the applicant is here if anybody
9 has any questions. I see no one signed up to
10 speak on this item. Is that correct? Seeing
11 none, I will close the public hearing on this
12 item. And, we will move on. Thank you.

13 I would also mention that Land Use
14 Number 1053, unenclosed sidewalk café application
15 for Plaza Lounge is being laid over. The first
16 item on today's schedule, the Oceana Brighton by
17 the Sea application, Land Use Number 969 is also
18 being laid over at the request of Council Member
19 Domenic Recchia.

20 What I'd like to do next is go into
21 the North Flushing Rezoning, C090281ZMQ and
22 N090282ZRY. I'd like to call City Planning to
23 give the presentation. This application lies
24 within my district and Council Member John Liu's
25 district.

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[Pause]

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BRENDAN PALAR: Good morning, Chair

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Avella, City Council Members, ladies and

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gentlemen. My name is Brendan Palar [phonetic].

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And, I am the project manager for the North

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Flushing Rezoning on behalf of City Planning

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Director Amanda Burden. I am pleased, very

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pleased, to be here this morning to present the

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Department's efforts to comprehensively update

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zoning designations generally dating back to 1961

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for more than 250 blocks in the North Flushing

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area of Queens, including portions of Auburndale,

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Bayside, Browne Park and Broadway-Flushing.

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This zoning proposal is a

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comprehensive effort to provide zoning

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designations that more closely match building

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patterns and setting more predictable scale for

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new development or alterations of existing

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structures. The proposal will also update

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commercial overlay designations to ensure that

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non-residential uses do not encroach on

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residential block portions. It will complement

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three Department-sponsored rezonings in the nearby

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neighborhoods of East Flushing, Bayside and

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2 Whitestone, adopted by the City Council in 2005.

3 Like the prior Bayside rezoning,
4 which implemented the R2A zoning category, this
5 set of zoning changes is complemented by a zoning
6 text amendment to create a new single-family
7 residence zone that will provide firm building
8 wall and roof-height limits and reduce floor area
9 exemptions allowed for detached houses on larger
10 lots. I'll review these features in the proposal
11 later on.

12 Protecting the lower density and
13 appealing qualities of North Flushing, Auburndale,
14 Bayside, Browne Park and Broadway-Flushing has
15 been an important goal of many dedicated residents
16 and civic groups, some of whose members will
17 appear for today. It has been the Department's
18 privilege to have worked so closely with them, as
19 well as members of Community Board 7 and 11, to
20 shape and refine this proposal. We would not have
21 made it here without their contributions.

22 As is his custom, Council Member
23 Avella has provided valuable leadership and
24 advocacy during the rezoning process. And, we are
25 very grateful for his partnership in achieving

1
2 consensus on the proposal.

3 Following the January 20th
4 certification of the proposal, we are very pleased
5 with the support as received from Community Board
6 7 and 11, as well as Borough President Helen
7 Marshall. And, we thank them for expediting their
8 review of the proposal.

9 We know how it is important for the
10 community stakeholders that the rezoning proposal
11 be implemented as quickly as possible. We hope,
12 too, that you will support this well considered
13 rezoning initiative to reinforce the built
14 character and development patterns of this deeply
15 cherished neighborhood of Queens.

16 The North Flushing rezoning is
17 located in northeastern Queens, northeastern of
18 downtown Flushing and encompasses five
19 neighborhoods; Broadway-Flushing, North Flushing,
20 Browne Park, Auburndale and Bayside. The rezoning
21 area is generally bounded by Union Street to the
22 west, the Clearview Expressway and Francis Lewis
23 Boulevard to the east, 25th Avenue to the north and
24 Northern Boulevard and Depot Road to the south.
25 One block portion of the rezoning area is located

1 north of Powell's Cove Boulevard on the east side
2 of 159th Street in Beechhurst, to the north of
3 North Flushing.
4

5 The main issue with the existing
6 zoning is that it does not reinforce the
7 established building patterns of the area.
8 Existing zoning permits a variety of building
9 envelopes and housing types that are inconsistent
10 with the prevailing low-scale and low-density
11 character of North Flushing.

12 A bulk of the rezoning area is
13 currently zoned for single-family detached
14 buildings. These buildings are represented by the
15 abundance of light yellow on the Land Use map.
16 While the existing R1-2 and R2 zoning districts
17 permit only single-family detached residential
18 buildings, floor area exemptions and the lack of
19 firm wall or roof heights have, in some areas, led
20 to the demolition of sound single-family homes and
21 the development of much larger single-family homes
22 in their place.

23 Smaller portions of the rezoning
24 area are currently zoned for all housing types,
25 including multi-family buildings. Existing multi-

1
2 family buildings are represented by the dark brown
3 color on the Land Use map and are concentrated in
4 the northwestern and southeastern portions of the
5 rezoning area. The areas R3-2, R4 and R5
6 districts allow a variety of housing types and
7 densities that are inconsistent with the
8 prevailing patterns of development in these areas.

9 Two block portions in the
10 southwestern portion of the rezoning area are
11 currently zoned for R6. R6 is a medium density
12 district with a relatively high FAR and no firm
13 height limits.

14 R3X and R4-1 zoning districts are
15 currently mapped in the easternmost section of the
16 rezoning area. These districts were mapped as a
17 part of a 34-block rezoning in Auburndale that was
18 adopted by City Council in 1995. Today, the
19 Department has newer zoning tools available that
20 will more closely reflect the existing development
21 patterns.

22 Commercial development is shown in
23 red on the Land Use map and is located in overlay
24 districts concentrated along portions of Parsons
25 Boulevard, Bayside Lane and Francis Lewis

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2 Boulevard. These overlay districts are
3 predominantly mapped at a depth of 150 feet and
4 can encroach on the residential portions of the
5 blocks.

6 The zoning map changes proposed for
7 257 blocks will replace the existing zoning with a
8 mix of 12 lower-density and contextual zoning
9 districts that will reinforce the predominant
10 housing type, density, building height and lot
11 configuration of the area. The proposed changes
12 will more closely reflect the low-scale one and
13 two-family residential character of the area and
14 ensure that future development is more consistent.

15 In order to achieve this objective
16 in portions of the rezoning area currently zoned
17 R1-2 and developed with single-family detached
18 houses on large lots, a new R1-2A contextual
19 zoning category is proposed. The R1-2A zoning is
20 proposed on all the portions of 24 blocks currently
21 zoned R1-2 in the Broadway-Flushing section of the
22 rezoning area. Like the R1-2 district, the
23 proposed R1-2A district permits single-family
24 detached houses at a maximum FAR of .5 and
25 requires a minimum lot width of 60 feet and a

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2 minimum lot area of 5,700 square feet. However,
3 the R1-2 district exempts the entire lower story
4 of a house from the total floor area calculations,
5 if that story contains the garage. The R1-2
6 district also does not have firm wall or roof-
7 height limits, as building height is controlled by
8 the sky exposure plane and new development is not
9 required to line up with an adjacent building.

10 The proposed R1-2A district would
11 limit floor area exemptions to include no more
12 than 300 square feet for a one-car garage and 500
13 square feet for a two-car garage. The maximum lot
14 coverage would be 30% and exclude any exterior
15 garage in the calculations. The R1-2 district
16 also establishes firm wall and roof heights. The
17 maximum perimeter wall height will be 25 feet and
18 the maximum building height is 35 feet. In
19 addition to the 20-foot minimum front yard
20 requirement, a deeper front yard would be
21 required, up to 25 feet, if needed, to match the
22 depth of an adjacent building. In a case of
23 homeowners making enlargements, building permits
24 will vest provided that the Department of
25 Buildings determines that the structural frame is

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2 complete on or before the date of the adoption of
3 the R1-2A district.

4 The proposed R1-2A zoning will
5 prevent the development of very large houses that
6 would be out-of-scale with the surrounding
7 buildings. The R1-2A district will help guide new
8 development to more closely match the existing
9 character of this area.

10 R2A zoning is proposed for all the
11 portions of 165 blocks, generally zoned R2 today,
12 in the North Flushing, Broadway-Flushing, Browne
13 Park, Auburndale and Bayside sections of the
14 rezoning area. The R2 district permits low-scale
15 single-family detached homes that are maximum FAR
16 of .5. Compared to the R2 zoning, the R2A
17 district has more limited floor area exemptions,
18 including no more than 300 square feet for
19 accessory parking. The R2A district would also
20 establish firm height limits. The maximum
21 perimeter wall height is 21 feet and the maximum
22 building height is 35 feet. In addition to the
23 15-foot front yard requirement, a deeper front
24 yard would be required, up to 20 feet, if needed,
25 to line up with the yard of an adjacent building.

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The maximum lot coverage is 30%.

The more limited floor area exemptions and firm height limits of the R2A district will retain--

CHAIRPERSON AVELLA: It's very hard in here to hear the presentation in this room, if there's a lot of private conversations going on. So, I would ask, if you have to speak to your neighbor, please take it outside. Sorry, to interrupt, Brendan.

BRENDAN PALAR: Thank you. The more limited floor area exemptions and firm height limits of the R2A district will retain and strengthen the existing low-scale detached character found in extensive areas throughout the rezoning area.

R2 zoning is proposed on portions of one block in North Flushing and on both sides of 143rd Street, between 43rd and 34th Avenue, currently zoned R6 and on a one-block portion between Beechhurst on Powell's Cove Boulevard and Riverside Drive on the east side of 159th Street, currently zoned R1-2.

The R1-2 district permits single-

1 family detached buildings and a maximum FAR of .5.
2 The minimum required lot area is 3,800 square feet
3 and the minimum required lot width is 40 feet.
4 The proposed extension of the existing R2
5 district, on one block in North Flushing, would
6 more closely reflect the scale of existing
7 development on the block portion as currently
8 split between R2 and the medium-density R6
9 district. The proposed extension of the existing
10 R2 district on one-block portion in Beechhurst
11 would bring all the lots into compliance with the
12 district's minimum required lot width and lot area
13 requirements.
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15 R3X zoning is being proposed for
16 portions of four blocks in Bayside, currently
17 zoned R2 and R4-1. The R3X district permits one
18 or two-family detached houses at a maximum FAR of
19 .6. The maximum building height (sic) is 21 feet
20 and the maximum building height is 35 feet. In
21 addition to the 10-foot minimum required front
22 yard, a deeper front yard up to 20 feet would be
23 required to match the depth of an adjacent
24 building. The proposed R3X zoning will more
25 closely reflect the existing residential character

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2 on these four blocks, where 76% of the houses are
3 one or two-family detached buildings.

4 R3-1 zoning is proposed on all, or
5 portions of, five blocks generally north of 25th
6 Drive, south of 25th Avenue, between 147th and 149th
7 Streets, currently zoned R3-2. The R3-1 district
8 permits one or two-family detached or semi-
9 detached houses at a maximum FAR of .6. The
10 maximum perimeter wall height is 21 feet and the
11 maximum building height is 35 feet. A front yard
12 of at least 15 feet is required. The R3-1 zoning
13 will more closely reflect the existing residential
14 building patterns on these five blocks, which are
15 entirely composed of one or two-family detached or
16 semi-detached buildings.

17 R3-2 zoning is proposed for all the
18 portions of three blocks in North Flushing,
19 currently zoned R2. R3-2 is the lowest density
20 district in which multi-family structures are
21 permitted. The maximum FAR is .6. And, the
22 maximum perimeter wall height is 21 feet and
23 building height is 35 feet. A front yard of at
24 least 15 feet is required. The proposed R3-2
25 zoning will bring existing developments into

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2 conformance by more closely reflecting the
3 existing multi-family buildings currently
4 developed on these three blocks.

5 R4A zoning is proposed on all other
6 portions of 18 blocks in North Flushing, currently
7 zoned R3-2. The R4A district permits one or two-
8 family detached buildings at a maximum FAR of .9.
9 The maximum perimeter wall height is 21 feet and
10 the maximum building height is 35 feet. A front
11 yard of at least 10 feet is required and must be
12 at least as deep as an adjacent front yard, up to
13 20 feet. The proposed R4A district will more
14 closely reflect the detached one and two-family
15 houses on smaller lots on these 18 blocks. In
16 areas proposed to be rezoned R4A, 87% of the
17 existing development conforms with the detached
18 housing requirement and 96% comply with the
19 maximum .9 FAR regulation.

20 R4-1 zoning is proposed on all
21 other portions of six blocks in Auburndale
22 currently zoned R5. The R4-1 district permits one
23 or two-family detached or semi-detached homes at a
24 maximum FAR of .9. The maximum perimeter wall
25 height is 25 feet and the maximum building height

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2 is 35 feet. A front yard of at least 10 feet is
3 required and must be as deep as an adjacent front
4 yard, up to 20 feet. The proposed R4-1 zoning
5 will more closely reflect the lower density
6 character of these blocks where 96% of the
7 buildings are one or two-family detached or semi-
8 detached buildings and 99% comply with the maximum
9 FAR regulations.

10 In addition to the zoning map
11 changes, the Department is also proposing changes
12 to commercial overlay districts. Commercial
13 overlays are proposed to be removed on the west
14 side of Parson's Boulevard, south of 25th Road, the
15 east side of Francis Lewis Boulevard, south of 24th
16 Road and the west side of Francis Lewis Boulevard,
17 south of 25th Avenue. Select C1-2 overlays on
18 Francis Lewis Boulevard and Bayside Lane are
19 proposed to be changed to C1-3. And, their depths
20 will be reduced from 150 to 100 feet.

21 Additionally, one new C1-3 overlay is proposed on
22 one block east of Francis Lewis Boulevard and
23 south of 29th Avenue. The proposed refinements to
24 the commercial overlay districts will more closely
25 reflect the locations of existing commercial

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2 development and prevent the expansion of
3 commercial uses onto residential side streets.

4 CHAIRPERSON AVELLA: Thank you,
5 Brendan. And, I realize that the borough,
6 Department of-- the borough person for the
7 Department of City Planning, John Young, is on his
8 way. And, we may get through this by the time he
9 gets here. But, we do understand he's on his way.

10 First of all, I want to say that I
11 want to thank you and John Young and City Planning
12 for this study, albeit two years overdue. We're
13 actually happy that it's finally occurred. And,
14 here is he is. Come on. You just got a big
15 introduction. Do you want to say something, John,
16 before or, are you just... I mean, Brendan gave the
17 whole speech.

18 JOHN YOUNG: And, I'm sure Brendan
19 did a great job. But, good morning, everyone.
20 I'm John Young. I'm the Director for the Queens
21 Office of City Planning. It's my pleasure to be
22 here with Brendan on this very important, very
23 large comprehensive contextual rezoning for the
24 neighborhoods of North Flushing, Auburndale,
25 Bayside, Browne Park.

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2 I just wanted to say that it's been
3 our privilege to work with the civic associations
4 representing these neighborhoods. And, that we
5 really want to thank them for helping us create
6 and refine the proposal. And, we want to thank
7 Council Member Avella for his leadership in
8 developing consensus and helping us quickly move
9 through the review process to bring the proposal
10 before you today.

11 CHAIRPERSON AVELLA: And, I was
12 just in the process. What did I miss? I was just
13 in the process of thanking Brendan, and I want to
14 thank you, for the work that you did on this
15 application. As was mentioned, there were
16 numerous meetings with the community. We met with
17 every civic organization. We had both Community
18 Boards in pre-certification meetings. And, I
19 think almost every issue that we brought to your
20 attention to refine the proposal was actually
21 done, including the creation of the, for the first
22 time, of the R1-2A designation, which I understand
23 already other neighborhoods are asking for.

24 And, for my colleagues'
25 information, that basically is the anti-McMansion

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2 designation for R1-2 properties, residential
3 homes, on 60 by 100, which sort of is similar to
4 the R2A category we created a number of years ago.

5 JOHN YOUNG: Or the R2-Avella
6 category.

7 CHAIRPERSON AVELLA: Okay. Some
8 developers don't like that, you know. But, that's
9 okay. This application also lies within Council
10 Member John Liu's district. He was involved in
11 the negotiations. And, I'd like to call upon him
12 before I call upon my colleagues for any
13 questions.

14 COUNCIL MEMBER LIU: Thank you,
15 Mr. Chairman. What you missed before is that I
16 said this was like a total lovefest. So, I guess,
17 at this point, I have nothing further to add.
18 Thank you.

19 CHAIRPERSON AVELLA: This is one of
20 those situations where everybody worked together.
21 And, we're happy that it happened. We actually
22 have, when we get to the public hearing, two of
23 the civic associations that were involved in this.
24 Any questions from Committee members, Council
25 Members? Seeing none-- oh, Council Member Gioia.

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2 COUNCIL MEMBER GIOIA: I just want
3 to say so happy to see City Planning here. And, I
4 mentioned to Chair Avella the story of Wally Pipp,
5 of course. For those of you that don't know,
6 John, Wally Pipp was the first baseman for the
7 Yankees. He had a headache one day. He said, do
8 you mind if I sit out today's game. And, the
9 manager, Casey Stengel, said sure and he put Lou
10 Gehrig in. Thirteen years later, Lou Gehrig took
11 another day off. So, be careful with Brendan is
12 all I'm suggesting.

13 I wanted to thank the members of
14 the public who came down and the people in Queens,
15 who worked very hard for this. It is incredibly
16 important that we protect the character of
17 neighborhoods, while also allowing for new housing
18 to be developed. And, I think this strikes an
19 appropriate balance. And, I want to thank City
20 Planning. Thank you very much.

21 CHAIRPERSON AVELLA: Seeing no
22 other questions, thank you both. And, I'd like to
23 call up Tyler Cassell, North Flushing Civic
24 Association and Henry Euler, representing the
25 Auburndale Improvement Association. And, I would

1
2 mention that the next application, zoning
3 application, which is currently in progress is,
4 now that this is moved ahead, is the Auburndale
5 rezoning in our districts.

6 HENRY EULER: Good morning. My
7 name is Henry Euler. I'm the First Vice President
8 of Auburndale Improvement-- First Vice President
9 and Zoning and Housing Chair of Auburndale
10 Improvement Association. I'm also a member of
11 Community Board 11 in Queens and a member of the
12 Queens' Preservation Council and other
13 preservation groups.

14 And, I come here today to totally
15 support this rezoning plan and also the zoning
16 text change for the R1-2A. I think both measures
17 are outstanding. The rezoning plan will reduce
18 the overdevelopment and inappropriate development
19 that we've seen in our area over the years. And,
20 I think the R1-2A will help the R1-2 areas, the
21 Broadway-Flushing areas be more protected, as
22 well.

23 I had a little concern about R1-2A
24 with the 25-foot street wall height instead of a
25 21-foot street wall height. But, overall, I think

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2 it's a wonderful plan and I support it very
3 enthusiastically. I think the commercial overlay
4 reductions from 150 to 100 feet are also very
5 important to stop intrusion of commercial zones
6 into our residential areas.

7 I know a lot of other areas want
8 the R1-2A zone, too, in my particular area of
9 northeast Queens, Little Neck, Douglaston and
10 Bayside, the ones that have R1-2 that have already
11 been rezoned, are also clamoring for this new R1-
12 2A designation.

13 Broadway-Flushing, as well, would
14 like to be landmarked, something that they've been
15 working hard for many, many years. For some
16 reason, it's not been coming along. But, we're
17 going to keep pushing for that and I think it
18 deserves to be landmarked as well.

19 Also, I just wanted to mention
20 that, as Councilman Avella has mentioned, that
21 South Auburndale, Oakland Gardens and Hollis Hills
22 has been very patiently awaiting rezoning. I know
23 City Planning is working on it right now. But, we
24 want that done, as well, so that our neighborhoods
25 are protected from overdevelopment and

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2 inappropriate development.

3 I just want to thank Councilman
4 Avella for his outstanding leadership and all his
5 help and work on this particular rezoning and all
6 the other rezonings he's worked on, the Bayside
7 one, and everything else. And, we've had the
8 support of Senator Padavan. And, we also
9 appreciate the support of Councilman Liu. We've
10 had a wonderful cooperation with the Community
11 Boards, both 7 and 11 and we also want to thank
12 Paul Graziano, who's worked on this project. He's
13 the Urban Specialist. The City Planning has done
14 a wonderful job. John Young and Brendan Palar
15 have done great work with this. We appreciate
16 Borough President Marshall's work on this, as
17 well.

18 And, we're totally happy. It's a
19 continuation of the lovefest that Councilman
20 Avella mentioned. Thank you so much.

21 TYLER CASSELL: Good morning. Good
22 morning, Councilman Avella and other Council
23 Members. My name is Tyler Cassell. As President
24 of the North Flushing Civic Association, member of
25 Community Board 7 and a homeowner in the area, I

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2 must say this is a joyous day. We've been seeking
3 rezoning for over ten years now. And, that day is
4 close at hand. Over the years, we have fought to
5 preserve the low-density residential qualities of
6 our neighborhood. Sometimes, we won, but very
7 often, we lost.

8 We continue to lose these battles
9 due to out-of-date zoning that has been in place
10 since 1961. Over the last four years, we watched
11 impatiently as other communities around us were
12 rezoned. Now, it's our turn, at last, and we're
13 pleased to be here today to ask for your support.

14 The North Flushing rezoning
15 proposal covers 257 blocks contained in two
16 Community Boards, Community Board 7 and Community
17 Board 11. This was an opportunity for both
18 Community Boards to work together and we did so in
19 true community spirit. At a joint public hearing,
20 we drew over 200 members and homeowners to discuss
21 the zoning proposal. Both Community Boards have
22 voted overwhelmingly in favor of the proposal and
23 overwhelmingly in favor of the new R1-2A zoning
24 text.

25 The new R1-2A text was specifically

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2 created to help preserve the lowest density parts
3 of our communities. The City has very few of the
4 zones left. So, it's extremely important to save
5 them.

6 I want to personally thank Borough
7 President Helen Marshall for her leadership in the
8 Borough. I want to personally thank Borough
9 Director of City Planning John Young, Brendan
10 Palar and the Queens' staff that have worked so
11 hard and diligently on this and other rezonings in
12 Queens. Without their knowledge, dedication and
13 spirit of cooperation, we would not be here today.

14 It's very rare that a city has such
15 dedicated public servants on one team, in one city
16 agency, at one time. We salute them for a job
17 superbly done. I also want to thank Councilman
18 Avella for his leadership, his tireless dedication
19 and support and also, the Land Use Committee for
20 their desire to protect residential neighborhoods
21 from destructive overbuilding.

22 This rezoning plan is now before
23 you at Council. We urge you to support the
24 rezoning plan and the R1-2A text as presented. We
25 look forward to raising our glasses in a toast

1
2 when the North Flushing rezoning and the text has
3 been approved. Thank you very much.

4 CHAIRPERSON AVELLA: Thank you.

5 Seeing no questions, thank you for your testimony.
6 I know that there were several other
7 representatives, community organizations that were
8 going to come. And, I guess they haven't arrived
9 yet. But, this is something that everybody worked
10 on and they went into-- it's the result of many,
11 many hours of discussions.

12 Seeing no one else on this public
13 hearing, I'll close this item and move to the
14 next. Council Member Katz.

15 COUNCIL MEMBER KATZ: Yeah, I just
16 want to also thank City Planning Commission and
17 everyone who worked on this R1-2A. In my
18 neighborhood, at Court Myer [phonetic], I think is
19 going to be the second time that this zoning is
20 going to be utilized. It's caused a little more
21 controversy in my area. However, I do believe
22 that it is a very, very good answer to a problem
23 that the answer just didn't exist before this text
24 amendment. So, I do appreciate the work that was
25 done. I look forward to having it in my

1
2 community. And, I want to congratulate everyone
3 that was involved with this.

4 CHAIRPERSON AVELLA: Thank you.

5 Seeing no other comments, we'll move on. We'll
6 skip over to Land Use Number 1051, 150 Amsterdam
7 Avenue, C090132ZMM. This application lies within
8 Council Member Gale Brewer's district. We'll call
9 up the applicant to give the presentation.

10 [Pause]

11 Now, I would mention, which has led
12 to a little bit of confusion here this morning, on
13 the booklet listing all the items, there is one
14 discrepancy. And, if I can find it. The Clinton
15 Park applications are actually 1047 through 1050.
16 The first number that says 1051 is incorrect. It
17 should be 1047. 1051 actually refers to 150
18 Amsterdam Avenue. [Pause]

19 NICK HAWKINS: Good morning, Chair
20 Avella, Council Members. It's a pleasure to be
21 here. My name is Nick Hawkins [phonetic]. I'm a
22 Land Use attorney at Greenberg Traurig. And, I'm
23 here representing 150 Amsterdam Avenue Holdings in
24 an application to extend the existing C2-5
25 commercial overlay on the upper west side of

1
2 Manhattan, along Amsterdam Avenue.

3 The C2-5 overlay would be extended
4 230 feet to the south. It's at the corner of West
5 66th Street and Amsterdam Avenue, on the corner of
6 the super block where Lincoln Towers is located.

7 [Pause] The project site and the area that's being
8 rezoned is the former Red Cross site. And, in the
9 1960s, when the existing C2-5 overlay was adopted
10 by the City Planning Commission, the site had
11 already been sold to the Red Cross for use as
12 their headquarters. And so, it is actually the
13 only strip of land along Amsterdam Avenue, between
14 65th Street and 100th Street, where ground floor
15 retail is not permitted.

16 The applicant is currently
17 constructing an as-of-right building. It's 42
18 stories in height. The building is currently
19 topped out. It'll have 310 residential rental
20 units in a tower and a base building that fronts
21 along Amsterdam Avenue. The base building is
22 three stories. The top story is for residential
23 amenity spaces. The middle story is for community
24 facility uses and then, the ground floor is the
25 subject of the rezoning. The rezoning is adopted,

1
2 it will be used for retail. And, otherwise, it
3 would be used for community facility uses, such as
4 doctor's offices. There'll also be retail uses in
5 the cellar.

6 I want to thank the Department of
7 City Planning staff. They've been very, very
8 helpful. The project was certified on
9 November 17th, 2008. Community Board approved it
10 21 to 12 to 1 on the 6th of January. The Borough
11 President has recommended approval. And, the City
12 Planning Commission approved it unanimously on
13 March 18th. The owner is here. We're here to
14 answer any questions you may have.

15 CHAIRPERSON AVELLA: Council Member
16 Brewer.

17 COUNCIL MEMBER BREWER: Thank you
18 very much, Chairman Avella. I first want to say
19 that this is a particularly responsive owner.
20 And, that I think it makes a difference when
21 you're working with a community. I know that
22 attached to the application is a letter from one
23 of the Lincoln Towers buildings, 160. And, the
24 owner worked endlessly with those buildings to be
25 sure that there was opportunity for discussion

1
2 during construction. And, I think it makes a big
3 difference. It doesn't always happen like that.

4 Second, I want to say that I'm
5 pleased that this was always a rental and not a
6 condo. That's the owner's choice. And, it was a
7 good one, given the market. But, it was also done
8 I think at a time even before the market changed.
9 And, I want to say that this owner is also going
10 to be meeting with HPD because he would like,
11 unlike other owners, to have a mixed income in the
12 building. And, I think it's incumbent on HPD, in
13 a time of affordable housing crisis, to try to
14 accommodate him. So, we look forward to that
15 discussion. He tried, in the past, and it wasn't
16 possible. And, I hope it's possible now.

17 And, third, I want to say use is
18 really important to us. We, on the west side, are
19 saddled with very tall buildings. We always worry
20 that Midtown North is creeping north. And, it's a
21 real concern for the neighborhood. This is an as-
22 of-right building. The issue, of course, will be
23 use of the commercial spaces and use of the
24 community facilities. And, to the credit of this
25 owner, he has reached out to the Arts community, a

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2 community that is desperate in the nonprofit world
3 for affordable space and is trying to work to see
4 if we can fit art in the largest form, dance,
5 theater, art, itself, into some portion of the
6 building with shared resources.

7 I think this is something that is a
8 model for other developers to look at. And, I'm
9 just wondering if, when we have question and
10 answers, Mr. Chair, if we could find out what some
11 of his plans are for the use, as he proceeds with
12 the change in zoning from the Red Cross community
13 facility to commercial. Thank you very much.

14 CHAIRPERSON AVELLA: Thank you,
15 Council Member Brewer. Any questions from
16 Committee members?

17 COUNCIL MEMBER BREWER: Just the
18 issue of use. In other words, can we just have a
19 little discussion about what some of the uses
20 might be for this commercial/community facilities?

21 STEVE SHACUIE: My name is Steve
22 Shacuie [phonetic]. I'm one of the partners of
23 150 Amsterdam Avenue Holdings, LLC. Currently,
24 we're really, with the current economic downturn,
25 we're really open to anyone that is reaching out

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to us. We have spoken to the--

BRENDA LEVIN: Excuse me. My name is Brenda Levin [phonetic]. And, I'm [off mic] to the Councilwoman's [off mic], we've spoken to--

MALE VOICE: You have to speak into the mic.

BRENDA LEVIN: I'm very sorry. I should know better. Thank you. Thanks to the Councilwoman, we have spoken to four different cultural groups about the possibility of them being located in the building. And, those discussions are continuing.

We also want to be part of the lovefest, Mr. Chairman, and thank the-- we don't want to be outdone. We would like to thank the Councilwoman for her attention to this item and also, the staff of-- your Land Use staff, who are always very helpful and responsive.

COUNCIL MEMBER BREWER: I'm not such a lovefest person. My question is, also, what are your plans for the non-community facilities, if any, in terms of the retail? And, how are we making sure that we don't have stores that might be quite prevalent in other areas, the

1
2 chain stores or the banks, etcetera? Are you
3 finding ways to not have those?

4 STEVE SHACUIE: To be honest with
5 you, we haven't reached out to any retailers yet
6 because the property is not zoned for retail yet.
7 At your request, we had spoken to the local
8 stationery store, who, his business model has
9 changed at this point. And, he'd like to remain
10 on a second floor and do more wholesale business.
11 So, I would say, in the current economic
12 environment, we're open to really anything,
13 anybody who's interested in doing a retail in that
14 location.

15 If this zoning application is to go
16 through, we'll obviously give an exclusive agency
17 out to one of the larger brokerage firms. And,
18 that'll become a feeder to us as far as tenants
19 that are interested. Because this building won't
20 be ready for occupancy until next June and where
21 we're at in the economy, I would highly unlikely
22 see anything occurring before yearend. And, we
23 plan on staying in touch with your offices and
24 we're always open to any other recommendations you
25 have, as far as tenants that you know in the area

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2 that are looking to relocate.

3 COUNCIL MEMBER BREWER: Okay. And,
4 what will be the size of the retail spaces? Does
5 it differ? Or, is it still negotiable?

6 STEVE SHACUIE: I'm sorry.
7 Currently, that ground floor is about 12,000
8 square feet. And, we've configured it to be able
9 to be split up into four to five-- three to five
10 spaces. I would expect that four is probably
11 going to be about the right amount between the
12 ground floor and the below-grade space that would
13 come with the spaces.

14 COUNCIL MEMBER BREWER: All right.
15 Thank you.

16 CHAIRPERSON AVELLA: Council Member
17 Helen Sears.

18 COUNCIL MEMBER SEARS: Thank you,
19 Mr. Chair. I was just wondering, in these
20 economic times, what would be the minimum lease
21 for those that you will be considering renting
22 that 24,000 square feet?

23 STEVE SHACUIE: Generally, retail
24 leases in Manhattan run anywhere from five to ten
25 years. They're more skewed towards ten years, as

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2 far as retail tenants go, just because there is
3 quite an initial up front investment for them to
4 build out the space. So, we kind of follow the
5 market. In economic down cycles, like this, you
6 will find tenants that want to do pop-up stores
7 and things like that, where they just provide some
8 rental revenue to get you out of the poor economic
9 times. And, they pay less rent in exchange for
10 that.

11 So, we're really going to be open
12 to options. We are somewhat limited by what our
13 bank is willing to also sign off on.

14 COUNCIL MEMBER SEARS: Thank you.

15 CHAIRPERSON AVELLA: Thank you.

16 Any other questions? Seeing none, thank you. I
17 see no one signed up to speak on this item. Is
18 that correct? Seeing no one, I will close the
19 public hearing on this item.

20 And, what I'd like to do is, as I
21 was closing the public hearing on the North
22 Flushing rezoning, two of the community
23 representatives just walked in the door. So, I'd
24 like to reopen the public hearing for just two
25 speakers on the North Flushing rezoning and call

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2 them up. Paul Graziano and Mel Segal [phonetic],
3 representing the Broadway-Flushing Homeowners
4 Association.

5 PAUL GRAZIANO: There we go. Thank
6 you for having us here today. I'll let Mel go
7 first.

8 MEL SEGAL: Thank you.

9 PAUL GRAZIANO: Sure.

10 MEL SEGAL: Good morning. My name
11 is Mel Segal. And, I represent the Broadway-
12 Flushing Homeowners Association. And, I'm here to
13 speak in support of the proposed rezoning of
14 northeast Queens. At the risk of repeating what
15 you've heard before, this is something the
16 community has sought for a very long time. We
17 feel that this will be invaluable in helping to
18 preserve our neighborhood and keep it from being
19 overdeveloped.

20 Specifically, in Broadway-Flushing,
21 my area, we welcome the new R1-2A zoning, which
22 will limit the bulk of new constructions, which
23 has been a plague in our area. These will all
24 help. Of course, ultimately, we're looking
25 forward to landmarking to preserve our

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2 neighborhood. But, this, as I said, we have
3 worked for a long time for this. City Planning
4 worked very carefully, very closely with the
5 community. We've been to numerous meetings.
6 Everybody in the community supports this and
7 Broadway-Flushing Homeowners Association certainly
8 does. So, I am here to voice my support for this
9 proposal.

10 PAUL GRAZIANO: My name is Paul
11 Graziano. I'm a Urban Planning Historic
12 Preservation Consultant. I happen to live in the
13 North Flushing rezoning area. I'm very pleased
14 that we're getting rezoned. Thank you, Councilman
15 Avella. This has also been your district. You've
16 been very keen on pushing all of this in northeast
17 Queens. And, once we get this area done, we have
18 one area left, Auburndale and once that happens,
19 all of northeast Queens will have been rezoned in
20 the last five years. So, I want to thank you.
21 Working with you and working with the community,
22 as well as City Planning, who's done some pretty
23 great stuff and really without your guidance and
24 without the help of the community and the
25 Community Board and everybody else, none of this

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2 would be happening. So, the R1-2A is a new good
3 zone to go into the tool shed, as they say. And,
4 thanks a lot.

5 CHAIRPERSON AVELLA: Well, I just
6 want to, first of all, Mel, I want to thank you
7 for coming down and the work that the Broadway-
8 Flushing Homeowners Association does has been
9 fantastic in preserving your community. But, I
10 also want to point out to my Committee Members, if
11 they don't know Paul Graziano. Paul has done a
12 tremendous job as an Urban Planner, but also as a
13 volunteer to help me, as the Chairman of this
14 Committee, and numerous civic groups and Council
15 Members throughout the Borough of Queens and
16 beyond to rezone the neighborhoods, to come up
17 with additional categories. And, Paul was very
18 instrumental in working with me to create the
19 first R2A category, which has led to other things
20 like, finally, the R1-2A. So, I want to thank you
21 on behalf of everybody.

22 PAUL GRAZIANO: Appreciate it.

23 CHAIRPERSON AVELLA: Thank you.

24 PAUL GRAZIANO: Thanks.

25 CHAIRPERSON AVELLA: And, I will

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2 now reclose the hearing on this time. And, we'll
3 skip around again. The next item will be Land Use
4 1040, sidewalk bar and restaurant application,
5 20095066TCM, an application by Sidewalk Bar and
6 Restaurant to continue to maintain-- [pause].
7 Okay. Council Member Rosie Mendez has asked me to
8 hold off for a second, since that is in her
9 district. You ready to go? Okay.

10 We'll skip to Silvermoon Bakery,
11 Land Use Number 1041, 20095069TCM, application by
12 Silvermoon Bakery to continue to maintain and
13 operate an unenclosed sidewalk café at 2740
14 Broadway. I'd like to call up--

15 COUNCIL MEMBER MENDEZ: Yeah, I
16 don't think, Mr. Chair--

17 CHAIRPERSON AVELLA: Sure.

18 COUNCIL MEMBER MENDEZ: --if I may,
19 I think the owner was here. She left. We were
20 speaking with regards to this matter, which has
21 been more contentions than it should be I guess
22 for the community. We've asked that we delay this
23 and defer it to the 20th. But, I just want to put,
24 for the record, that we've been just going back
25 and forth between the Community Board and this

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2 business. I don't believe they've been operating
3 in good faith. We basically have told the owner
4 that she needs to go back to the Community Board
5 and really come to an agreement, which will meet
6 their concerns, which they haven't done as of yet.
7 The staff has been wonderful on this matter. So,
8 we'll put it back on the calendar for the next
9 meeting. And, thank you for your patience.

10 CHAIRPERSON AVELLA: Thank you.

11 Okay. So, this item will be laid over. The next
12 item we will take up is Land Use Numbers 1047
13 through 1050, commonly referred to as the Clinton
14 Park applications. We are going to do [pause]--
15 We are going to do the hearing on this item today.
16 But, at the request of Council Member, and
17 Speaker, Christine Quinn, we will be laying the
18 vote over. So, I'll call the applicant to come
19 up. It's several applications, C080008ZMM,
20 N080009ZRM, C080010ZSM and C080011CSM. And, the
21 applicant? Can we get the applicant in here?
22 Okay. [Pause] Is it this room or why?
23 Apparently, the applicant is in some discussion at
24 this moment. So, we'll skip this one. [Pause] If
25 they're coming in, we'll do it. [Pause]

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2 RAYMOND LEVIN: Mr. Chair, members
3 of the Committee. My name is Raymond Levin. I'm
4 with the law firm of Wachtel and Masyr. We're
5 Land Use counsel to the applicant in this matter.
6 With me today are Jed Walentas, principal of Two
7 Trees Management, the applicant, and Enrique
8 Norten, principal of Ten Arquitectos, the
9 architect of this project. I'll now turn it over
10 to Jed, who'll explain the project and what we're
11 seeking.

12 JED WALENTAS: Good morning,
13 Mr. Chair, members of the Committee. Thank you
14 for having us. My name is Jed Walentas. I'm a
15 principal of Two Trees Management Company. We're
16 here to present to you our Clinton Park project
17 today. We've been working for probably three or
18 four years on this project now in close
19 consultation with the Community Board. I know
20 some of the leadership is here today. I want to
21 thank them for all their time, energy and helping
22 us.

23 And, when we started this project,
24 the site is a 100,000-foot site, between 53rd and
25 54th Streets on the west side of Manhattan, going

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2 from 11th Avenue east towards Tenth, about 500
3 feet. It was a vacant parking lot when we bought
4 it owned by the telephone company, Verizon.

5 We obviously needed to come up with
6 something that was economically viable and that
7 we'd be able to build. In today's time, that's a
8 little more difficult than we had hoped. But,
9 hopefully, we'll work it out. We wanted a list of
10 uses that was desirable to the community,
11 predominantly, I think, everyone agreed that meant
12 housing and, in particular, some affordable
13 housing. The project will be an 80/20 to that
14 end, hoping to generate 900 units total with close
15 to 180 units of affordable. It also meant some
16 other things. It meant a commercial use on the
17 ground floor that was desirable along 11th Avenue.
18 That means an automobile dealership. We happen to
19 have a deal with Mercedes Benz, who's going to
20 occupy 350,000 feet on this site; 300,000 feet
21 below grade and roughly a 50,000-foot showroom at
22 grade. And, we think that's a contextual use with
23 the other commercial uses that go on there. We've
24 taken a lot of work and effort to minimize the
25 traffic impact of that. We think it works very,

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2 very well with minimized queuing on the streets
3 and some of the other concerns, both safety and
4 maybe nuisance concerns that the community has had
5 and worked closely with Mercedes to accomplish
6 that. But, from an urban standpoint, the project
7 really maintains the integrity along 11th Avenue.

8 We also were aware that a project
9 of this size would have to have a significant
10 giveback or community benefit sort of component to
11 it. When we started this process several years
12 ago, we asked everyone what they thought that
13 should be and the answer, universally, was that it
14 should be a new horse stable for the NYPD Mounted
15 Unit. We're very close to a deal with the cops to
16 accommodate that use. I think it's about 35,000
17 feet. They're being forced to relocate out of
18 Hudson River Park. And, this site was large
19 enough and sort of unique enough in its makeup
20 that we were able to accommodate that facility and
21 work it in with the site in a way that both works
22 for the NYPD and also doesn't disrupt the flow of
23 the site too much from an architectural and urban
24 standpoint.

25 Where's the other slide? [Pause]

1
2 But, anyway. The other uses on the site, just to
3 run through them quickly, there's a fairly large
4 health club facility that will be open to the
5 neighborhood, although it will probably
6 predominantly service members of the building, on
7 the third floor. And, in addition, we worked out,
8 as part of a consensus proposal that I'll describe
9 in more detail, with the Community Board, there's
10 a roughly 5,500-foot space that was originally
11 intended to be a market. As the architecture of
12 the building progressed, it sort of, and as the
13 NYPD stable grew and some of the other
14 requirements for the site grew and structural
15 mechanical realities became clear, what was
16 hopefully a 10,000-foot market became too small to
17 functionally be a market. And, it's now a 5,500-
18 foot space that we've agreed to rent to a user
19 that's acceptable to the community for a nominal
20 rent of around \$10 a square foot. And that will
21 be on 54th Street.

22 We've also, at the request of both
23 the community and the Speaker's office and, I
24 think, all elected officials who have been
25 involved in the process, reached an agreement to

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2 build the job with all union labor. There's a
3 project labor agreement in place on the project.
4 We're actually up there working in accord with
5 that agreement.

6 We've agreed to build a LEED
7 certified building. And, we've begun that process
8 and have a firm commitment to do that. We, as an
9 organization, I think have been a strong proponent
10 of green activities. As some of you may know our
11 work in DUMBO has taken a real leadership role in
12 that in terms of bicycles and some other work that
13 we do.

14 Enrique Norten, the architect is
15 here. And, I'll let him talk about the great
16 design for the building. But, we think the design
17 is intensely contextual with the neighborhood and
18 the surrounding park, as well.

19 This slide just reiterates some of
20 the things that we've talked about. And, as I did
21 mention, there's a consensus proposal that we
22 reached with the Community Board and then, it sort
23 of got endorsed by Borough President Stringer's
24 office and the Planning Commission as we went.
25 And, we basically took one full floor off the

1 building as it was originally designed and
2 certified into the ULURP process, which reduced
3 the overall FAR from 9 to 8.55. We agreed to make
4 the garage-- there's a small accessory parking
5 garage on the third floor of the building. It
6 will be only monthly spaces. It's limited to 175
7 spaces. Some of those will, hopefully, be used by
8 the NYPD so their cars don't litter the streets
9 and clog up the sidewalks. But, we've made a
10 commitment that will be accessory only and limited
11 to 175 spaces.
12

13 There were concerns about signage
14 that we reached an agreement on. If you have
15 questions, I'll answer them, or Enrique can answer
16 them. But, I think there's a consensus on how big
17 and how lit and how visible and all those things
18 the commercial signs can be, which we think is
19 very appropriate, especially with DeWitt Clinton
20 Park across the street.

21 As I mentioned, there was some
22 concerns about safety. Because there's so many
23 weird uses on the site, there are a number of curb
24 cuts, which do pose some unique pedestrian safety
25 questions. And, I think with the help of the

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2 Community Board and some of the Speaker' staff,
3 we've reached some smart solutions to make sure
4 that the pedestrian safety is not compromised by
5 the project.

6 The NYPD deal, as I noted, is not a
7 done deal. We're quite far along in our
8 negotiations. We've implored everyone that's been
9 a part of the process to help. I think there's a
10 real will on both sides to get it done. And,
11 we're very confident that it will be done. We've
12 gone quite far with the architecture and
13 engineering. The building's really being built
14 around them at this junction.

15 To the extent that something
16 happens and that falls through, we've been very
17 clear and up front that the spirit of the
18 negotiation was that that space would not be a
19 total giveaway space. But, it was certainly
20 something that would be an aspect of community
21 benefit. And, it shouldn't just be replaced with
22 big box retail, for example. It would have to be
23 something that meets with both the Community
24 Board's approval and the Speaker's office's
25 approval. So, there's a bit of a construct there

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2 as to what the process would be to find another
3 appropriate community benefits user if that falls
4 apart.

5 And, finally, as a new neighbor to
6 DeWitt Clinton Park, we've agreed to make a
7 \$50,000 annual contribution to help in the upgrade
8 of the park and the long term maintenance of it
9 that'll be a benefit, not just for us as a major
10 asset owner in the neighborhood, but all the other
11 community stakeholders, as well. The one thing we
12 care most about is that that \$50,000 doesn't
13 replace the New York City's responsibility to
14 upgrade it-- to maintain it to its normal
15 standards.

16 That's basically the consensus
17 proposal and a bit of how the project came to be
18 from a use standpoint. I'll let Enrique talk a
19 little bit about the architecture and how he fit
20 all these multitude of uses into one building
21 envelop.

22 ENRIQUE NORTEN: Thank you very
23 much. Good morning, ladies and gentlemen. I will
24 also try to be very brief. But, I'm also very
25 open to any questions that may come up.

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2 I would say that, and I don't want
3 to repeat what Mr. Walentas just said, but we
4 didn't only work with the community and the
5 different officials in regards of the uses of the
6 site, but we also worked very, very closely in
7 regard of the mass and the volumes in the
8 articulation of the architecture of the site.
9 There were quite a bit of different challenges in
10 this site, 'cause it's a quite permanent site.

11 The site faces to the west, Clinton
12 Park. There was a community desire to maintain a
13 certain height within the park that would
14 preserve, I would say, the scale of the
15 neighborhood. On the other side, we had quite a
16 tall neighbor, which is the AT&T building is one
17 of those sort of like blind boxes that sometimes
18 occupy our cities. And, it was also the desire
19 both of our desire and the community to try to
20 hide that tall, big building towards the park.

21 So, that's how we started working
22 by creating this scheme, which sort of negotiates
23 the accepted height of Clinton Park and the
24 existing height at the east of our site. I should
25 also say that, on the other hand, we had committed

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2 to maintain what we usually understand as the
3 street walls in all three of our facades, all of
4 our three sides. And, therefore, we had brought
5 all of our commercial uses up to the limits of our
6 facades.

7 Nevertheless, we were also
8 committed to bring in the best of qualities to all
9 of the apartments that occupy the building. And,
10 therefore, we had designed a scheme that allows us
11 that everyone in this building will have great
12 light and air, fabulous views being either of the
13 river or of downtown or along the Avenues and also
14 would allow that none of the neighbors would have
15 a very close by façade that would also cover their
16 light and air. So, it's both, we understand, a
17 scheme that addresses very, very carefully the
18 needs of each one of the different spaces that
19 occupy the building that go from very large
20 commercial uses, like the Mercedes Benz that Jed
21 just described, to very small apartments that are
22 going to be for rent, or all sizes of apartment
23 that are going to be for rent and everyone would
24 have the best of the conditions, which I think
25 makes it a very, very unique solution and very

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2 different solution to what we find in the City.

3 Nevertheless, we understand it's a
4 very site-specific solution that would have not
5 been able to happen with any other of the
6 programmatic issues in the City. I think
7 basically, you know, in big terms, that's really
8 the spirit of this project. But, I would be very
9 happy to answer any questions if you would have.

10 RAYMOND LEVIN: There are a number
11 of actions. I won't go through them, unless the
12 Committee wants me to articulate them. And, if
13 there are any questions, we're here ready to
14 answer them.

15 CHAIRPERSON AVELLA: A question has
16 arisen. One of the things that we'll be voting on
17 later on today is the bicycle--

18 JED WALENTAS: Um, hm.

19 CHAIRPERSON AVELLA: -- you know,
20 text change. How does that affect your
21 application? And, have you made, you know,
22 allowances for that new text coming into play?

23 RAYMOND LEVIN: Yeah. The building
24 was designed before that, before we were even
25 aware of that text. We have something in the

1
2 range of 700, I believe, bicycle parking spaces
3 that would conform to that text. And, I think
4 that's in excess of what the text would require.
5 So, yes, we have no problem with that text. In
6 fact, I believe the applicant testified in favor
7 of the bicycle text at City Planning.

8 JED WALENTAS: We did. We've been
9 building bicycle parking in our buildings for
10 years. We're huge proponents of it. And, we did
11 testify in favor of the text. And, this building,
12 while I don't think it has to comply technically,
13 I think it goes beyond what would be required.

14 CHAIRPERSON AVELLA: Any other
15 questions? Seeing none, we have a couple of
16 speakers. But, thank you.

17 JED WALENTAS: Thank you.

18 CHAIRPERSON AVELLA: I have three
19 speakers signed up in opposition. So, I'll call
20 them all at once. We have a representative of
21 New York State Senator Tom Duane and we have two
22 representatives of Manhattan Community Board 4.
23 I'll call them both up.

24 SETH BERLINER: Is this on? I'm
25 Seth Berliner [phonetic]. I'll be reading on

1
2 behalf of State Senator Thomas Duane.

3 'My name is Thomas K. Duane. And,
4 I represent New York State's 29th Senate District,
5 which includes Manhattan's Clinton Hell's Kitchen
6 neighborhood and the proposed Two Trees
7 development site. Thank you for the opportunity
8 to testify.

9 Two Trees Management Company
10 proposes to build a large Z-shaped building on the
11 east side of 11th Avenue, between 53rd and 54th
12 Streets. This mixed use building will rise from
13 seven stories, at its western end, to 32 at its
14 eastern end and contain approximately 1.3 million
15 square feet of floor space. It will house 845
16 residential units, of which 169 will be
17 permanently affordable under New York City's
18 Inclusionary Housing Program. It will also house
19 a Mercedes Benz dealership, the NYPD Mounted
20 Unit's stable, a community facility, a health club
21 and an accessory parking garage for up to 225
22 cars.

23 First, I want to commend Two Trees
24 for its active and persistent engagement with the
25 community. It is a prerequisite for any good

1
2 development that the community's concerns be heard
3 and taken into account. And, the changes made by
4 this developer, at the community's behest, have
5 significantly improved the project.

6 While I still have important
7 reservations about the specific proposal, I
8 appreciate that it will provide a number of
9 benefits to the surrounding neighborhood. Two
10 Trees' agreement to open up what was to be a
11 grocery store space for a community facility
12 available for long term lease at a nominal rent,
13 is an especially worthy commitment. And, I thank
14 the company for this change in response to
15 community input.

16 Further, I, and many in the
17 community, are grateful that Two Trees has offered
18 a permanent home for the NYPD Mounted Unit that
19 will allow it to remain in Community District 4.
20 In the unlikely event that the NYPD decides
21 against relocating the stable to this development,
22 I hope that the company will agree to turn over
23 the designated space to community use.

24 There is a perennial need for
25 permanent affordable housing in New York City.

1
2 And, thus, Two Trees' decision to make 20% of its
3 units permanently affordable is particularly
4 laudable. I also appreciate Two Trees' commitment
5 to distribute the affordable housing evenly on all
6 floors and to provide the same fixtures and
7 finishes to both affordable and market-rate units.
8 These are crucial commitments, which other
9 developers should emulate.

10 Furthermore, its garage, which will
11 contain no public parking, but will include space
12 for six to 700 bicycles and prioritize car share
13 services and alternate fuel vehicles, should be
14 seen as a template for modern garages. Indeed,
15 its main features ought to be made permanent.

16 Finally, Two Trees' offer of
17 providing \$50,000 per year to support DeWitt
18 Clinton Park is a welcome recognition of the
19 Park's importance to the neighborhood's existing
20 and future residents and should be guaranteed
21 through an adequate enforcement mechanism.

22 Though there is much to applaud in
23 this proposal, I do have some significant
24 concerns. Unfortunately, the type of affordable
25 housing planned for the building, predominately

1 studios and one-bedrooms, is not what the
2 community needs. A glut of small apartments, both
3 market-rate and affordable, have been built in CB
4 4 in recent years. Partly due to the fact that
5 the New York State Housing Finance Agency's
6 mandates favor the construction of smaller units.
7 Manhattan Community Board 4's long established
8 goal of encouraging middle-class families to put
9 down roots in our neighborhood requires the
10 development of larger family-sized units. I would
11 like to see a greater share of two bedroom and
12 larger units in this development. And, I
13 encourage HFA to work with CB 4 and grant the
14 necessary approvals to facilitate this change.
15

16 I also have concerns about the
17 height, density and façade of the building. While
18 I acknowledge changes Two Trees has made to the
19 proposal, including the elimination of one full
20 residential floor and the reduced floor area ratio
21 of 8.55, the building will still be
22 extraordinarily tall, with a top height of 317
23 feet and dense, compared to the rest of the
24 neighborhood. Clinton Hell's Kitchen is a low and
25 mid-rise neighborhood, punctuated with the

1
2 occasional high-rise exception. And, every
3 additional tall building disrupts its unique
4 character. The building's proposed monolithic
5 façade will make it an even more imposing presence
6 in the area. Two Trees should look into façade
7 treatments that will reduce its monumental
8 proportions by breaking up what is now to be a
9 solid slab of gray and glass.

10 I am further concerned about the
11 C6-3X commercial zoning designation that Two Trees
12 is seeking for the site. This is a residential
13 project in a residential neighborhood. And, the
14 precedent that would be set by granting this
15 commercial designation is a dangerous one. The
16 stated reason for seeking a commercial, rather
17 than residential, designation is to reflect the
18 ground floor Mercedes dealership. However, I am
19 not convinced that commercial zoning is necessary,
20 as the dealership will be mostly below grade and
21 therefore, not counted as zoning floor area.

22 In addition, even under the
23 proposed commercial zoning, Two Trees has to seek
24 special permits and a zoning text amendment to
25 accommodate the dealership and the stable. The

1
2 same actions could be sought with an alternate
3 residential zoning designation, as recommended by
4 CB 4. At the very least, the proposed C6-3X
5 zoning does not aptly describe this mainly
6 residential project. And, a commercial zoning,
7 more disposed toward residential development, like
8 C2-7A, could be utilized here.

9 The zoning issue also highlights
10 the need to accelerate the 11th Avenue rezoning
11 process to ensure that the residential character
12 of the corridor is preserved.

13 Lastly, while not an objection to
14 Two Trees' proposal, I wish to note that this
15 development is projected to create demand for 108
16 new elementary school seats. With schools in the
17 area already overcrowded, I ask that the New York
18 City Department of Education and New York City
19 School Construction Authority bear this in mind as
20 it seeks to expand P.S. 51 on West 45th Street.
21 While DOE and SCA have proposed adding grades to
22 the facility, this underscores the need for the
23 expansion to focus on creating additional
24 elementary school seats.

25 Again, I commend Two Trees' for its

1
2 engagement with CB 4 and local groups and for the
3 many positive aspect of its proposal. Yet, unless
4 the concerns I have outlined in this testimony are
5 addressed, I cannot give this proposal my support.
6 Thank you for allowing me the opportunity to come
7 here today. I appreciate your consideration of my
8 concerns and suggestions as this project moves
9 through the approvals process.'

10 ANNA LEVIN: Thank you. Good
11 morning. My name is Anna Levin. I'm the, I
12 guess, semi-retired Co-Chair of the Clinton Hell's
13 Kitchen Land Use Committee of Community Board 4
14 and the author of the Community Board's letter on
15 this package of applications. Though, there's
16 hardly anything I need to say after Seth's
17 testimony, I think we are in complete agreement as
18 a community with the Senator.

19 We expected to be here today able
20 to tell you that we have received a package of
21 commitments from the developer that substantially
22 and satisfactorily, for this purpose, address all
23 15 of the conditions that we put in our letter. I
24 hope we're still there or getting there. I think
25 that was part of the hub-bub out in the hall.

1
2 But, for us, there are two large
3 issues looming. The commitment, the consensus
4 proposal and the community commitments are to be
5 secured or implemented by means of a restrictive
6 declaration and a side letter with the local
7 Council Member, Speaker Quinn. The language in
8 those letters at least identify and attempt to
9 deal with all of our issues. We're not yet fully
10 satisfied that it's done. There are two things
11 that are most important to us.

12 Actually, paramount, is that that
13 package of commitments must apply to any
14 development on that site. They're seeking a
15 zoning that is substantially larger, in our view,
16 than is appropriate. In exchange for that, they
17 are providing, they are, indeed, providing
18 permanent affordable housing. They're providing
19 the home for the Mounted Unit. The reasons that
20 this community has been able to gulp and swallow a
21 zoning that we think is too large and too far
22 reaching.

23 But, in exchange for that
24 acceptance, it needs to apply-- we all know how
25 the development process works. There are twists

1
2 and turns and maybe this building gets built in a
3 slightly different shape. The commitments in
4 that-- that package of commitments needs to apply
5 to any development on that site. Our second issue
6 has to do with a change that was made in the
7 application for the text amendment after it had
8 passed through the Community Board. The text
9 amendment, in the application that we reviewed,
10 would have applied only to the block on which this
11 site is located. We were concerned about the
12 possibility that the changes in that text
13 amendment might apply elsewhere. But, since the
14 language in the application limited it to this
15 block, we seem to be protected. The City Planning
16 Commission report, however, seems to have this
17 language applying more broadly throughout the
18 Urban Renewal Area and we're puzzled about why
19 that expansion happened. It doesn't seem to be an
20 issue that would relate to Two Trees, 'cause
21 they're only on that site. But, that's another
22 thing we want to get nailed down.

23 So, that's really all I have to
24 say. I'm happy to answer any questions. I've
25 handed in extra copies of our letter, which goes

1
2 into all of this in much greater detail.

3 CHAIRPERSON AVELLA: Before you
4 speak, I mean, City Planning is obviously still
5 here. So, maybe we can get an answer to them on
6 that issue. Thank you.

7 JOE RESTUCCIA: My name is Joe
8 Restuccia. I'm the Co-Chair of the Housing
9 Committee of Community Board 4. And, first, I
10 want to thank Two Trees for working with the Board
11 over the last number of years and also, for taking
12 the police stable, which the Board has tried to
13 find a home for the past seven years. And, it
14 really resolves the conflict with Hudson River
15 Park.

16 I will say that one of the biggest
17 draws for this project, although we felt it was
18 way too dense, was getting inclusionary housing on
19 the site. And, that really pushed us to actually
20 consider it. Inclusionary housing on the site,
21 the developer agreed to use it only on this site,
22 not elsewhere in the district, especially in
23 context of the 11th Avenue rezoning. And, that was
24 a very key commitment. As Anna noted, that
25 commitment is not embodied in the Restrictive Dec.

1
2 So, in the future, it could be used elsewhere in
3 the district unless that is fixed.

4 However, additionally, we have an
5 M1-5 bailout. This developer has requested
6 specifically that if the zoning is not put in
7 place, and the project is not built, that the site
8 could be built as an M1-5 project. It's basically
9 a reset back to original zoning. If it is not
10 built as a residential project, that means there
11 will no inclusionary whatsoever on this site.

12 The developer's also said that the
13 M1-5 reset is required because otherwise, they
14 will not get financing. I believe this is a
15 response that was just to confuse and muddle the
16 discussion. Predictable zoning is financeable.
17 Indeterminate zoning benefits only the ability of
18 a speculative turnover. And, after three years of
19 reaching consensus, we asked specifically that we
20 have a predictable zoning here and we have a deal,
21 not an out and not a bailout. Thank you.

22 CHAIRPERSON AVELLA: I want to
23 thank you for your testimony. Any questions from
24 my Committee members? And, I'm sure that is why
25 Speaker Quinn has asked for the hearing to be

1
2 held, but the vote to be laid over, so that these
3 remaining issues can hopefully be worked out.

4 Thank you.

5 Seeing no one else to speak on this
6 item, I will lay the hearing over on this item.
7 We will do, now, Land Use Number 1052, the 354
8 Clarkson Avenue rezoning, C070396ZMK. [Pause]
9 Just for my colleagues' information, this lies
10 within Council Member Mathieu Eugene and he is in
11 support of the project. Just press the button.

12 HOWARD GOLDMAN: I did. Here we
13 are.

14 CHAIRPERSON AVELLA: Yeah.

15 HOWARD GOLMAN: My name's Howard
16 Goldman. I'm Land Use attorney representing the
17 owner of this property, who are represented by
18 Mr. Ed Esposito, who's sitting to my left. This
19 property has been in Mr. Esposito's family for 35
20 years. It is located in the East Flatbush
21 Lefferts Garden section of Brooklyn, Community
22 Board 17, Dr. Eugene's district.

23 The application is to rezone a
24 portion of a block bounded by Nostrand [phonetic]
25 Avenue, Lenox Road, New York Avenue and Clarkson

1 Avenue. It is basically the northerly mid-block
2 of that block. This is a site that is occupied
3 primarily by vacant manufacturing buildings and
4 parking. These buildings formerly were used to
5 manufacture portable luggage carriers. And, with
6 the advent of wheeled luggage, that business has
7 disappeared. And, therefore, these buildings are
8 vacant. The proposal is to rezone the property
9 from M1 to R7A with a C2-4 commercial overlay,
10 which would allow residential and community
11 facility use at four FAR and commercial use at two
12 FAR.
13

14 The applicant is proposing to build
15 a total of 93 residential units, which will be
16 owned condominium units, with ground floor
17 community facility and retail use. The Community
18 Board here strongly preferred the ownership
19 housing over rental housing. The project will be
20 developed in three equal phases of 31 units per
21 phase.

22 East Flatbush is an area that has
23 seen little new development in the recent past.
24 Notwithstanding a large concentration of major
25 medical facilities, Kings County Hospital, SUNY

1
2 Downstate Medical Center, Kingsborough Psychiatric
3 Center and Kingsborough Jewish Medical Center, are
4 all within the immediate area. This housing is
5 intended to be affordable to buyers making
6 basically area median income, which is \$75,000 for
7 a family of four and, I believe, 61,000 for a
8 family of two. In addition, the applicant has
9 been working closely with the New York City
10 Housing Partnership to make subsidies available to
11 purchasers of this housing based on financial
12 need.

13 Community Board has recommended
14 approval by a vote of 29 to 2. The Borough
15 President has recommended unconditional approval.
16 And, the City Planning Commission has unanimously
17 approved the application. Thank you.

18 CHAIRPERSON AVELLA: And, as I
19 mentioned at the state, Council Member Mathieu
20 Eugene is in support of the application. Any
21 questions from my colleagues? Seeing none, thank
22 you.

23 HOWARD GOLDMAN: Thank you,
24 Mr. Chairman and Committee Members.

25 CHAIRPERSON AVELLA: And, I see no

1
2 one signed up to speak in this public hearing. Is
3 that correct? Okay. The public hearing on this
4 item is closed. We will now go to the Waterfront
5 Zoning text. I'm going to ask City Planning to
6 come up and briefly describe the application
7 N090239ZRY. [Pause]

8 TOM WARGO: Good morning. Good
9 morning, Council Members, Chair Avella.

10 CHAIRPERSON AVELLA: Is it still
11 morning [off mic] ?

12 TOM WARGO: My name is Tom Wargo
13 [phonetic]. I'm the Director of the Zoning
14 Division at the Department of City Planning. And,
15 with me are Claudia Erazme [phonetic] and Howard
16 Slacken [phonetic]. Claudia is a Urban Designer
17 with the Zoning Division. And, Howard is Planner
18 with our Strategic Planning Division. We are here
19 to present a proposed text amendment to the Zoning
20 Resolution that will amend the regulations
21 governing the design of public access areas of
22 waterfront property.

23 Fifteen years ago, the City adopted
24 regulations requiring that certain waterfront
25 developments, primarily in medium and high density

1 areas of the City, provide public access to, and
2 along, the water's edge. We have evaluated how
3 these regulations have worked and identified ways
4 the design regulations can be improved to enhance
5 the public's enjoyment of the waterfront. The
6 proposal does not increase the amount of public
7 access areas that the current regulations require,
8 nor does it expand the conditions for requiring
9 public access on waterfront properties. It
10 primarily draws upon lessons learned from a wealth
11 of high quality waterfront spaces that have
12 recently been developed in all five boroughs by
13 removing existing design constraints and
14 limitations and adding flexible requirements to
15 ensure a better quality of design so that these
16 waterfront spaces are inviting and well used by
17 all New Yorkers.

18
19 Claudia Erazme, who is the project
20 manager, will now present the proposal.

21 CLAUDIA ERAZME: Good morning. I'm
22 going to jump into page 2 of the package. This is
23 just generalizing the applicability of the rules,
24 where the red areas is showing the medium high
25 density residential districts where most of these

1 public access areas are anticipated to occur.

2 And, as we rezone certain areas to those
3 districts, public access would be require there,
4 as well.
5

6 We also have certain developments
7 in manufacturing and low density residential
8 districts to trigger public access area. It's a
9 slightly smaller area. And, we're also keeping
10 single-family districts and City infrastructure
11 exempt from any waterfront public access
12 requirement. We're also proposing to include the
13 Gowanus Canal, Dutch Kills and portions of the
14 Bronx River into the waterfront area so that
15 developments there will trigger public access.

16 The page 3 is just showing how the
17 current framework works. There's a short public
18 walkway require along the water and following the
19 shoreline, with connections to the - -
20 neighborhoods every so often. And then, in some
21 cases, there's what-- a requirement for what we
22 call the supplemental public access area, which
23 basically builds upon the experience of the short
24 public walkway. There are also visual corridors
25 require. Those are required pretty much

1
2 throughout the waterfront area to have the
3 neighborhoods, at least, when there's no public
4 access, be able to visually connect.

5 This is the framework, the existing
6 framework, which it's applicable in most
7 developments except for commercial developments
8 under one FAR in M1 districts. And, we're
9 proposing to bring them into that framework of the
10 short public walkway and the open connections.

11 Today, they are required public
12 access, but they're not required to build a
13 landscaping pretty much. And, we're proposing to
14 make them subject to those requirements.

15 Also, in general, we are expanding
16 the opportunity. There's a rule today that only
17 exist in the Greenpoint-Williamsburg - - for
18 private developers to opt to transfer the improved
19 public access area to the Parks Department. And,
20 the Parks Department could decide if they want to
21 accept that transfer.

22 We're also doing some other
23 modifications to the text. And, they're mostly
24 related to expanding on the experience of the
25 waterfront public access area by allowing certain

1
2 commercial uses and by allowing the uses to
3 actually front on the waterfront when there's no
4 commercial overlay.

5 In terms of the goals of the public
6 access area, page 6, as Tom said before, it's
7 really about opening up the waterfront, really
8 making public access area generated by zoning just
9 as good as other public access areas in the City,
10 which are basically developed by the State or our
11 Parks Department. We want to have this text be
12 able to complement site conditions and promote
13 access to the water where is appropriate, as well
14 as encourage a diversity of experiences.

15 Page 7, this is just to emphasize
16 that the current threshold for waterfront public
17 access we're not proposing to modify, which is a
18 lot has to be at least 10,000 square feet and have
19 at least 100 feet of shoreline.

20 Today, there's four prototypes on
21 how the public access could be provided. We're
22 proposing to condense and have one set of rules
23 that applies to everybody and that it has some
24 flexibility embedded in it.

25 On page 9, we're just showing some

1
2 of the quality of that public access. As you can
3 see, we are allowing a lot of stuff that is
4 permitted today, but also creating more
5 flexibility in terms of the location of trees, in
6 terms of the location of the circulation path and
7 the location of seating and the amount of seating
8 and also, ensuring that there's usable seating
9 with certain size and certain comfort standards.

10 In terms of the edge design, we're
11 promoting the direct access to the water,
12 especially for more non-passive recreation
13 activity, such as a boat launches. And, we're
14 encouraging that through a planned reduction.
15 We're also encouraging the, as I mentioned before,
16 the fronting of commercial activities on the
17 waterfront public access area so that they become
18 more of a destination and there's more things to
19 do besides the walking around and looking at the
20 water.

21 Page 15, it's a illustration of how
22 we see all of these new rules coming together and
23 showing a little bit of the things that we're
24 hoping are going to happen with this proposal,
25 which is on the shoreline that there's some

1
2 physical access where appropriate, otherwise there
3 could still be a guardrail. There's some lawn
4 areas. There's diversity of seating. Some of
5 them are in the shade. Some of them are exposed.
6 There's opportunity for playgrounds and also for
7 the café areas to open up into these public access
8 areas.

9 In terms of the gates, when gates
10 for the purpose of this text are fences located at
11 the entry points to the waterfront public access
12 area and, basically, stopping the access from an
13 upland public street or a public park. Today,
14 they're permitted to be as high as eight feet.
15 And, we're proposing to lower them to four feet.
16 And, also, in residential developments, have them
17 permitted only by authorization of the City
18 Planning Commission.

19 In terms of the hours of operation,
20 today all developments that have public access
21 have to be open dawn to dusk. We're proposing to
22 actually expand the hours for the medium and high
23 density residential areas, not only-- sorry.
24 We're expanding the hours based on the summer
25 hours and the winter hours and, from 6 a.m., in

1
2 the summer, to 10 p.m. and 7 a.m., in the winter,
3 to 8 p.m. Commercial developments would also be
4 minimum dawn to dusk. But, we're also requiring
5 that it the same as the business hours, if the
6 business hours are open later than that.

7 In terms of the bulk modifications
8 in page 18, we're doing a very small change in
9 terms of the tower articulation. Something that
10 we had already done in the Greenpoint-Williamsburg
11 rezoning, which is to allow for one setback for
12 the four stories that are permitted above the
13 maximum building height and now, we're
14 incorporating setbacks from the four sides.

15 In terms of the special review
16 provisions, in the last page, all waterfront
17 developments have to come for a certification by
18 the Chair of the City Planning Department that
19 they comply with any public access requirement or
20 to certify that they don't comply with-- that they
21 not require public access. One existing rule also
22 is for any waterfront lot that has to come and
23 basically, we're clarifying the language to make
24 sure that public access happens when a development
25 that requires it happens.

1
2 We're also amending some of the
3 existing authorizations in terms of the ability to
4 modify the underlying rules, just to recognize
5 that there's a broader range of site constraints
6 in the waterfront area. We're also introducing an
7 authorization to modify the hours of operation and
8 to allow the installations of gates in medium and
9 high density residential developments.

10 And, the last item is that in terms
11 of the bulk modifications, we do have amended
12 those provisions to allow for better site planning
13 to opt for these bulk modifications. Thank you
14 very much. If you have any questions...

15 CHAIRPERSON AVELLA: Thank you. I
16 know an awful lot of work went into this. And, it
17 is something that's been long awaited. Any
18 questions from Committee Members? Seeing none,
19 thank you. [Pause] Thank you. We're just waiting
20 for one of my colleagues to come back and then,
21 we're going to be doing the vote on some of the
22 items. And then, we have one last public hearing.
23 [Pause]

24 Okay. Let's [pause] Okay. If
25 anybody's here for Landmarks, that's happening on

1
2 the 14th floor. What I'd like to do, at this
3 point, we have one more item. But, what's going
4 to happen is I'm going to conduct the public
5 hearing for Sidewalk Bar and Restaurant, which
6 lies within Council Member Rosie Mendez' district.
7 But, the actual vote will be laid over to a new
8 meeting of Zoning & Franchises on Wednesday
9 morning at 11:30 to be followed by a new meeting
10 of the Land Use Committee at 11:45 on Wednesday
11 morning.

12 Now, let me just go through what
13 we're going to be voting and what's being laid
14 over because it has been a complicated morning.
15 And, it's Oceana Brighton by the Sea, Silvermoon
16 Bakery, Clinton Park and Plaza Lounge are all
17 being laid over. What we will be voting on is the
18 North Flushing rezoning, the waterfront zoning
19 text, the bicycle parking text, which we laid over
20 from the last meeting because a number of members
21 had issues with it, which I think have been
22 addressed to a certain extent, La Goulue
23 Restaurant, 150 Amsterdam Avenue and 354 Clarkson
24 Avenue. So, there's one, two, three, four, five,
25 six applications we will be voting on and Chair

2 recommends approval. So, I'll ask counsel to call
3 the vote.

4 CHRISTIAN HYLTON: Christian
5 Hylton, counsel to Committee. Chair Avella.

6 CHAIRPERSON AVELLA: Aye on the six
7 items.

8 CHRISTIAN HYLTON: Council Member
9 Felder.

10 COUNCIL MEMBER FELDER: Yes.

11 CHRISTIAN HYLTON: Council Member
12 Katz.

13 COUNCIL MEMBER KATZ: Aye.

14 CHRISTIAN HYLTON: Council Member
15 Seabrook.

16 COUNCIL MEMBER SEABROOK: Aye.

17 CHRISTIAN HYLTON: Council Member
18 Sears.

19 COUNCIL MEMBER SEARS: I vote aye
20 on the six we're voting on.

21 CHRISTIAN HYLTON: Council Member
22 Felder.

23 CHAIRPERSON AVELLA: You said yes.

24 COUNCIL MEMBER FELDER: No. Yeah,
25 but I'm sorry, I had to leave in the middle. Are

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we voting on the bicycle?

CHAIRPERSON AVELLA: Yes.

COUNCIL MEMBER FELDER: Yeah, I have to vote no on that item. I'm sorry. It's a good thing that Helen Sears is here or else I'd be burning in hell right at this moment. [Pause]

CHAIRPERSON AVELLA: Just to throw a wrench into everything. So, now the bicycle text will be laid over, as well. You need a majority. [Pause] Okay. So now, if I can just make sure everybody understands. So, the five items now are the ones we will be voting on. [Pause] Stop. Stop. [Pause] Okay. Technical detail here. I'm going to call for a voice vote on reconsideration of the bicycle parking text. All those in favor?

COUNCIL MEMBER SEARS: Aye.

COUNCIL MEMBER KATZ: Aye.

COUNCIL MEMBER SEABROOK: Aye.

CHAIRPERSON AVELLA: Any against?

COUNCIL MEMBER FELDER: Aye.

COUNCIL MEMBER KATZ: Can I say something?

COUNCIL MEMBER FELDER: I should

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vote [off mic] I'm shutting up. That's all.

COUNCIL MEMBER KATZ: [Off mic]
Wednesday.

CHAIRPERSON AVELLA: [Pause] Let me do that once again to make sure we're all clear. I'm asking for a voice vote to reconsider the bicycle parking text amendment. All those in favor, say aye.

MULTIPLE VOICES: Aye.

CHAIRPERSON AVELLA: Any against?

COUNCIL MEMBER FELDER: - - I have to - - aye, aye, aye.

CHAIRPERSON AVELLA: We will now take up the vote again on Wednesday. 11:30 is Zoning and Franchises for the Sidewalk Bar and Restaurant vote and now, the bicycle text vote. Then, and this is a new meeting, then at 11:45 there will be a new meeting of the Land Use Committee to ratify what the Subcommittee did at 11:30.

COUNCIL MEMBER FELDER: Well, can I--

CHAIRPERSON AVELLA: And, that's why I had to write all this down. Believe me,

1
2 it's confusing.

3 COUNCIL MEMBER FELDER: No, no, I
4 understand. But, can I say that I have a problem
5 with the timing. I know that it was not done
6 directed at me. I have an inferiority complex.
7 But, it doesn't have anything to do with this.
8 But, I just can't win. In the past, when we've
9 rescheduled meetings on day of Stated Meetings, it
10 was my recollection that we did it early in the
11 morning, the same times.

12 CHAIRPERSON AVELLA: Correct.

13 COUNCIL MEMBER FELDER: So, I go
14 ahead and, to accommodate the possibility of
15 having a Land Use meeting at ten o'clock, without
16 knowing, I schedule a meeting at 11:30 or 12
17 o'clock. And now, I come here and so, now the
18 morning is open and you can't win. Is there any--
19 do you have any--

20 CHAIRPERSON AVELLA: Council
21 Member, Council Member. You're absolutely right.
22 In fact, I do the same thing with my schedule now.
23 I don't schedule anything in the morning on the
24 day of Stated Meeting figuring that there may be
25 one or two items. The change in time was actually

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2 at the request of another Council Member. We'll
3 have to get back to you. And, we'll try and put
4 together--

5 COUNCIL MEMBER KATZ: I'd like to
6 say something.

7 CHAIRPERSON AVELLA: We'll try and
8 put together a time that is convenient so that you
9 will--

10 COUNCIL MEMBER FELDER: No, I
11 don't-- let me just say that if the Chairs of the
12 Land Use and the Zoning and the staff say that
13 from now on, you know, there always is a
14 possibility of something having to be rescheduled
15 or done on Stated Meeting day, and therefore, you
16 should reserve whatever it is, time from let's say
17 9:30 to 11 or 11 to one. But, it almost seems
18 like now the rule is you have to reserve the
19 entire morning, if there's a possibility. If
20 there's a possibility of a time because I know
21 that that Council Member's time is more important
22 than mine, it would be helpful if we can get one
23 time. That's all.

24 COUNCIL MEMBER KATZ: I would like
25 to address that if I can.

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2 CHAIRPERSON AVELLA: Let me just--
3 yeah, sure, absolutely. You know, Council Member,
4 I certainly understand what you're saying. And,
5 you know, I've actually told my staff don't,
6 please don't schedule anything on the mornings of
7 the Stated Meeting because what we do wind up is
8 canceling meetings. And, there should be some
9 general rule of thumb so we all know. Council
10 Member Katz.

11 COUNCIL MEMBER KATZ: The only
12 comment I'd like to make is Land Use is probably
13 the most stable, predictable committee meeting
14 that this Council actually has. We are the only
15 ones who give the schedule six months in advance.
16 We're the only ones that actually try to stick to
17 a good time.

18 This was done at my request
19 because, quite honestly, I don't want to bring
20 everybody in at 9:30 in the morning, when we don't
21 have to. There was only supposed to be one item
22 on the agenda that we were doing, the Sidewalk
23 Café. But, because now of the no vote that we
24 were unaware of, we now have to have two items,
25 which makes it actually more difficult to do at

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2 11:30. I am happy to bring the entire Committee
3 in at 9:30 so that they can wait for four hours.
4 And, that's the only reason we were doing it.

5 But, quite honestly, it's really,
6 you know, up to the staff and maybe at the next
7 Land Use Committee meeting, we could talk about
8 it. But, the truth is that we are probably the
9 most predictable Committee ever in the City
10 Council. So, my thing was why bring everybody in
11 four hours early before Stated if we didn't have
12 to.

13 And, the second thing is, quite
14 honestly, you know, none of the Committee meetings
15 on Stated Meeting ever start on time, which I
16 think is a problem. But, you know, if there is a
17 problem with getting a quorum at 11:30, we could
18 do it at 9:30, as well. I don't care. So, it's
19 up to you.

20 COUNCIL MEMBER FELDER: I just want
21 to prolong the meeting a little longer. I agree
22 with Chair Katz about the scheduling and
23 everything else being wonderful. That's why I'm
24 complaining. I don't complain about it anywhere
25 else because it stinks everywhere else. But, I'm

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 2 not asking that you do anything different. If you
 3 want it at 11:30 or 11:45, I agree with Chair
 4 Katz. If that's going to be the policy from now
 5 on, then we leave it that way and I don't mind. I
 6 don't want anyone rescheduling it now for my sake
 7 either. I just asking that there be some policy,
 8 if we can. That's all.

9 CHAIRPERSON AVELLA: And, you're
 10 right.

11 COUNCIL MEMBER FELDER: Can you say
 12 something, Chair Katz, in response, please?

13 COUNCIL MEMBER KATZ: [Off mic]

14 COUNCIL MEMBER FELDER: Can you say
 15 something in--

16 CHAIRPERSON AVELLA: And, I--

17 COUNCIL MEMBER FELDER: -- aw
 18 shucks.

19 COUNCIL MEMBER KATZ: [Off mic]

20 CHAIRPERSON AVELLA: You got me--
 21 meanwhile, the Counsel has not finished the vote.

22 COUNCIL MEMBER KATZ: All I'm
 23 saying is that there will be no exact policy
 24 because when it's convenient and when it's better
 25 for the members not to be called in three hours

1 before Stated, I'd like to try and do that.

2 Otherwise, at the next Land Use Committee meeting,
3 we can have an in-depth discussion of the topic.

4 And, I'm happy to do that. At the moment, though,
5 I've been trying to leave for the last 20 minutes.
6 So, with due respect to all my colleagues, I'll
7 leave it up to you guys to fulfill the obligations
8 of the day.
9

10 CHAIRPERSON AVELLA: Well, you know
11 what, the Chair is ending this discussion. That's
12 it. It's over. Counsel has not even finished the
13 vote.

14 CHRISTIAN HYLTON: Council Member
15 Sears.

16 COUNCIL MEMBER SEARS: I vote aye
17 on those that are eligible to be voted on today.

18 CHRISTIAN HYLTON: Okay. For the
19 sake of clarification--

20 CHAIRPERSON AVELLA: Yeah.

21 COUNCIL MEMBER SEARS: [Pause]
22 issue, if I have a comment on that. I agree with
23 Chairwoman Katz. And, I do think I know that my
24 schedule on Stated Meetings goes upside down.
25 And, nothing ever starts on time. We're usually

1
2 an hour behind and sometimes it's two and the
3 Stated Meeting doesn't start until 2:30.

4 CHAIRPERSON AVELLA: Are you saying
5 you agree with Councilman Felder?

6 COUNCIL MEMBER SEARS: I agree with
7 both of you. So, we can have a compromise; not
8 9:30, but maybe we should do 11 o'clock.

9 COUNCIL MEMBER FELDER: Well, how
10 about Thursday [off mic]

11 COUNCIL MEMBER SEARS: No,
12 absolutely not. We have too many meetings.

13 CHRISTIAN HYLTON: I need to call
14 this... By a vote of five in the affirmative, none
15 in the negative, no abstentions, LU 1042, La
16 Goulue Restaurant, preconsidered LU 090281ZMQ and
17 preconsidered LU N090282, both the North Flushing
18 rezoning, additionally preconsidered LU
19 N090239ZRY, the waterfront zoning text and LU
20 1052, 354 Clarkson Avenue rezoning are approved
21 and referred to the full Land Use Committee.

22 CHAIRPERSON AVELLA: Thank you.

23 COUNCIL MEMBER FELDER: [Off mic]

24 CHAIRPERSON AVELLA: Probably here.

25 COUNCIL MEMBER FELDER: Here?

CHAIRPERSON AVELLA: Yeah, probably here.

COUNCIL MEMBER FELDER: On Wednesday.

CHAIRPERSON AVELLA: Yeah, probably here because that's another problem with scheduling these meetings now because of the fact that we don't have the availability of City Hall.

Now, we still have one other item that we're going to have the public hearing on that is going to be part of the vote on Wednesday, as well as the bicycle parking text. So, I'd like to call up the applicant for Sidewalk Bar and Restaurant.

[Pause]

CHRISTIAN HYLTON: And, LU 1051, also, 150 Amsterdam Avenue.

[Pause]

STEVE WYGODA: My name is Steve Wygoda. I'm the architect for Sidewalk Bar and Restaurant. And, it is my understanding that we will be coming back Wednesday at whatever time is told to us to clarify any issues that we've discussed with the Councilman and staff members

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regarding this application.

CHAIRPERSON AVELLA: Council Member Mendez.

COUNCIL MEMBER MENDEZ: Thank you very much, Chair Avella. And, thank you and Chair Katz for allowing us an opportunity to come back on Wednesday. There are some minor issues that we need to take care of. And, the Committee would not be able to approve this today. And, considering the economic climate, we want to give an opportunity for this business to come back before this Committee.

And, I want to express to you, Chair Avella, and it's something I've done in the past, that the problem why we're deferring this again is because the Department of Consumer Affairs, when we contact them, do not respond to us and do things in a timely manner. So, here we are up against the clock where the business is trying to work with us and now, we have to do this by Wednesday. If DCA had been responsive and taken note of our issues earlier on, then we could have dealt with this in a more timely manner and not have to put the Committee through what we're

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going through today.

But, again, I am very grateful for you for this. And, I also want to say that you are very timely with your meetings, one of the very few Council Members who always holds your meeting on times. And, what I understand with the, actually everyone in Land Use is always very timely. The problem is we can never get quorum for the full Committee. So then, we end up sitting around waiting for the full Committee to get started and trying to accommodate the Subcommittee so that people don't have to go back and forth. So, I appreciate all of your hard work, all of the hard work of the Chair. I want to thank Sidewalk Bar and Restaurant for working with us and look forward to seeing you on Monday and having this all resolved. Thank you.

CHAIRPERSON AVELLA: Thank you, Council Member. And, I appreciate the work that you're putting in on this item. And, we certainly agree about Department of Consumer Affairs. It is an absolute disgrace the way they handle these sidewalk café applications. It's an absolute disgrace. Thank you. I see no one signed up to

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2 speak on this item. Given that, we will close the
3 public hearing and the vote will be laid over to
4 Wednesday.

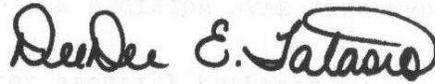
5 That closes this meeting of the
6 Subcommittee in Zoning & Franchises.

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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

May 3, 2009