

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, 16<sup>th</sup> 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

1  
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

1  
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 17<sup>th</sup>, 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

1  
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.

1

[Pause]

2

3

BRENDAN PALAR: Good morning, Chair

4

Avella, City Council Members, ladies and

5

gentlemen. My name is Brendan Palar [phonetic].

6

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

9

pleased, to be here this morning to present the

10

Department's efforts to comprehensively update

11

zoning designations generally dating back to 1961

12

for more than 250 blocks in the North Flushing

13

area of Queens, including portions of Auburndale,

14

Bayside, Browne Park and Broadway-Flushing.

15

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

22

non-residential uses do not encroach on

23

residential block portions. It will complement

24

three Department-sponsored rezonings in the nearby

25

neighborhoods of East Flushing, Bayside and

1  
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 20<sup>th</sup>  
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, 25<sup>th</sup> 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 159<sup>th</sup> 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

1  
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

1  
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

1  
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.

1  
2 The maximum lot coverage is 30%.

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

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

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

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

25 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.  
14

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

1  
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 25<sup>th</sup>  
6 Drive, south of 25<sup>th</sup> Avenue, between 147<sup>th</sup> and 149<sup>th</sup>  
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 25<sup>th</sup> Road, the  
15 east side of Francis Lewis Boulevard, south of 24<sup>th</sup>  
16 Road and the west side of Francis Lewis Boulevard,  
17 south of 25<sup>th</sup> 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 29<sup>th</sup> 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.

1  
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

1  
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.

1  
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

1  
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

1  
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

1  
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

1  
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 66<sup>th</sup> 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 65<sup>th</sup> Street and 100<sup>th</sup> 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 17<sup>th</sup>, 2008. Community Board approved it  
10 21 to 12 to 1 on the 6<sup>th</sup> of January. The Borough  
11 President has recommended approval. And, the City  
12 Planning Commission approved it unanimously on  
13 March 18<sup>th</sup>. 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

1  
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

1  
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

1  
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

1  
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

1  
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

1  
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

1  
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 20<sup>th</sup>. 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

1  
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]

1  
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 53<sup>rd</sup> and  
25 54<sup>th</sup> Streets on the west side of Manhattan, going

1  
2 from 11<sup>th</sup> 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 11<sup>th</sup> 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,

1  
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 11<sup>th</sup> 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 54<sup>th</sup> 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

1  
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

1  
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

1  
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.

1  
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

1  
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

1  
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 29<sup>th</sup> 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 11<sup>th</sup> Avenue, between 53<sup>rd</sup> and 54<sup>th</sup>  
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 11<sup>th</sup> 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 45<sup>th</sup> 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

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into all of this in much greater detail.

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

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

I will say that one of the biggest draws for this project, although we felt it was way too dense, was getting inclusionary housing on the site. And, that really pushed us to actually consider it. Inclusionary housing on the site, the developer agreed to use it only on this site, not elsewhere in the district, especially in context of the 11<sup>th</sup> Avenue rezoning. And, that was a very key commitment. As Anna noted, that 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 14<sup>th</sup> 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

1

2 we voting on the bicycle?

3

CHAIRPERSON AVELLA: Yes.

4

5 have to vote no on that item. I'm sorry. It's a  
6 good thing that Helen Sears is here or else I'd be  
7 burning in hell right at this moment. [Pause]

8

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

18

COUNCIL MEMBER SEARS: Aye.

19

COUNCIL MEMBER KATZ: Aye.

20

COUNCIL MEMBER SEABROOK: Aye.

21

CHAIRPERSON AVELLA: Any against?

22

COUNCIL MEMBER FELDER: Aye.

23

24 something?

25

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

1  
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.

1  
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

1  
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

1  
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

1  
2 speak on this item. Given that, we will close the  
3 public hearing and the vote will be laid over to  
4 Wednesday.

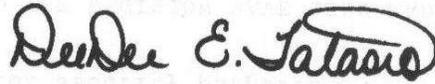
5 That closes this meeting of the  
6 Subcommittee in Zoning & Franchises.

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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