

CITYLAND

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Highlights

CITY COUNCIL

<i>Solow approved</i>	37
<i>Williamsburg rezoning</i>	39
<i>Developer forced to back down</i> . .	40

CITY PLANNING COMMISSION

<i>125th Street Harlem rezoning</i> . . .	40
<i>New res. uses in Hell's Kitchen</i> . .	41

BOARD OF STANDARDS & APPEALS

<i>16-story bldg. in Fort Greene</i>	41
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LANDMARKS

<i>NoHo Historic District ext.</i>	42
<i>Demolition in West Village</i>	43
<i>Webster Hall designated</i>	43
<i>UWS church stand-off</i>	44

EDC

<i>\$21M for MLB headquarters</i>	45
<i>Loew's Theater to get makeover</i> . .	46

MTA

<i>\$1B proposal for West Side OK'd</i> .	46
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COURT DECISIONS

<i>PS 64 saved from demolition</i>	47
<i>Variance for Red Hook condos</i> . .	47
<i>City sues to save landmark</i>	47
<i>Doctoroff gets COIB waiver</i>	49

CITYLAND PROFILE

<i>Beyer Blinder Belle</i>	48
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CHARTS

<i>DCP Pipeline</i>	39
<i>ULURP Pipeline</i>	41
<i>BSA Pipeline</i>	42
<i>Landmarks Actions</i>	44
<i>Landmarks Pipeline</i>	44
<i>Citylaw.org New Decisions</i> . . .	49-51



Sheldon Solow's development plan for the former Con Edison site on the East River. Image: DBOX for Solow Management.

CITY COUNCIL

Rezoning, Special Permit Murray Hill, Manhattan

Council okays Solow project

Four billion dollar project includes over four million sq.ft. of developable space. On March 26, 2008, the City Council approved developer Sheldon Solow's plan to build seven towers on the 9.2-acre, former Con Edison site along the East River, just south of the United Nations, from 35th to 41st Streets. The plan also includes public open space, community facility space, and parking facilities. The Council approved Manhattan Community Board 6's 197-a plan as well, which covers the Solow site and the surrounding area.

At the Land Use committee's public hearing, Council Member Daniel Garodnick, who had participated in negotiations involving the proposal and whose district includes the Solow site, announced significant modifications to the project. Solow will reduce the heights of all of the proposed towers on the site's

northern portion. The tallest tower will now be 595 feet, down from the originally proposed 830 feet. Partly to address the community's concerns over commuter traffic to and from the project's commercial building, Solow agreed to reduce the number of parking spaces serving the building from 400 to 197, and to deploy an on-site traffic coordinator.

Solow also agreed to a zoning text amendment for an affordable housing plan similar to the Hudson Yards rezoning. The plan will create up to 579 affordable units by offering housing options to low-, moderate-, and middle-income tenants.

Lastly, Garodnick announced modifications to enhance public amenities at the site. An independent not-for-profit group will operate and provide programming for the five acres of public space. Solow will also build a performing arts space on the eastern side of the commercial building and honor an easement to allow a pedestrian bridge over the FDR Drive, from its property to the waterfront, in order to keep alive the possibility of a future waterfront park in the area. *(cont'd on page 39)*

Bronx residents and politicians block new jail

On Tuesday, March 4, 2008, the Bloomberg Administration abandoned its proposal to build a new 2,000-bed jail on the East River in the South Bronx at an estimated cost of \$375 million. The proposal was to build the jail on the 28-acre, abandoned garbage dump near the Oak Point railyard. Since the City's announcement in 2006, the proposal met with stiff opposition from local residents, environmentalists, and political leaders. A second proposed jail expansion in Brooklyn, however, will move ahead. The City plans to double the capacity of the former Brooklyn House of Detention to about 1,400 beds.

Siting essential City facilities has always been a political nightmare, with jails ranking among the worst along with other necessary City services like sanitation garages, tow pounds, drug rehab centers, and even hospitals. Despite the rejection, the Department of Correction still plans to construct a new facility in the borough. It should, because a new Bronx facility is badly needed, as was made clear by Commissioner Martin F. Horn when he spoke at the Center's City Law Breakfast on March 28, 2008.

Today, with some exceptions, City prisoners are held at Rikers Island. Getting to and from Rikers Island is a formidable undertaking for families and attorneys. The island's isolation also adversely affects a prisoner's legal defense, ability to secure bail, and family support. Equally daunting are the daily efforts to get prisoners to court. Prisoners are awakened at 4 a.m. to prepare for the long bus ride to the Bronx courts. After their appearance, they are bused back to Rikers. This is a costly and wasteful system, and the solution is to provide a safe, modern jail facility in the Bronx.

A serious discussion of jail conditions rarely reaches public attention. I urge you to visit the Center's website (www.citylaw.org) to view and hear Commissioner Horn's intelligent and humane discussion of the topic. You will come away with a firmer understanding of why the City's effort to site jails in the boroughs is essential in meeting our responsibility to those whom the City has incarcerated.

Ross Sandler

CITYLAND

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CITY PLANNING PIPELINE

New Applications Filed with DCP — March 1 - 31, 2008

APPLICANT	PROJECT/ADDRESS	DESCRIPTION	ULURP #	REPRESENTATIVE
ZONING TEXT AND MAP AMENDMENTS				
Rose Plaza LLC	470 Kent Ave., BK	Rezone (const. 3 mixed-use bldgs.); spec. perm. (mod. bulk on waterfront)	080339ZMK; 080340ZSK	Davidoff Mallito
HPD/EDC	E. 125th Street Dev., MN	UDAAP & disp. (hotel, aff. housing); rezone (C4-4, R7-2, M1-2 to C6-3); cert. (transit esmt.); mod. LSRD (E. Harlem triangle)	080331HAM; 080333ZMM; 080334ZCM; 850772(D)ZAM	HPD/EDC
Read Property Grp.	Bushwick, Flushing Aves., BK	Mixed-use dev. (Rheingold Rezoning)	080322ZMK	Herrick Feinstein
Parks Dept.	Fulton & Gold Sts., MN	City map amend. (est. Delury Sq. Park)	080336MMM	Parks Dept.
SPECIAL PERMITS/OTHER ACTIONS				
443 Greenwich LLC	443 Greenwich St., MN	Special permit (residential/hotel use)	080313ZSM	Greenberg Traurig
Board of Managers	322 E. 57th St., MN	Special permit (mod. plaza)	070064(A)ZSM	Kramer Levin
LPC	Allerton 39th St. House, MN	Landmark designation	080353HKM	LPC
LPC	Free Public Baths of NYC, MN	Landmark designation	080352HKM	LPC
LPC	Webster Hall & Annex, MN	Landmark designation	080349HKM	LPC
LPC	Cong. Beth Hamedrash, MN	Landmark designation	080348HKM	LPC
LPC	Children's Aid, MN	Landmark designation	080347HKM	LPC
LPC	Fiske Terrace-Midwood, BK	HD designation (250 houses)	080346HKK	LPC
SBS	Belmont BID, BX	Establish BID (37 blocks)	080311BDX	SBS
Richard Chapman	7 W. 21st St., MN	Renew spec. perm. (363-space garage)	080327CMM	Kramer Levin
UN Int'l School	2450 FDR Drive, MN	Cert. (public access, enlg. bldg.)	080335ZCM	Bryan Cave LLP
HY 707 LLC	512 E. 36th St., MN	Cert. mod. FAR (Hudson Yards Dist.)	080310ZCM	Troutman Sanders
HY 707 LLC	506 E. 36th St., MN	Cert. mod. FAR (Hudson Yards Dist.)	080309ZCM	Troutman Sanders
HY 707 LLC	511 E. 35th St., MN	Cert. mod. FAR (Hudson Yards Dist.)	080308ZCM	Troutman Sanders
DCAS	161 E. 110th St., MN	Lease (E. Harlem Asthma Ctr.)	080351PXM	DCAS
DCAS	1 Pierrepont Plaza, BK	Lease (NYS Supreme Ct.)	080350PKK	DCAS

The Council also modified Board 6's 197-a plan. Board 6 originally requested a special district from 23rd Street to 43rd Street to encourage uses consistent with the Veteran's, New York University, and Bellevue hospitals. The Planning Commission modified this provision of Board 6's plan, but the Council reinstated it. Council Member Jessica Lappin, who represents constituents just north of Board 6's district, lauded Board 6 for "an intelligent and wonderful" plan, and noted that the modifications improve upon it while allowing development to transform the area.

ULURP Process (Solow):
Map Amend.; Spec. Perm.; Text Amend.
Lead Agency: CPC, Pos. Dec.
Comm. Bd.: MN 6, Den'd, 31-3-0
Boro. Pres.: Den'd; Den'd; App'd
CPC: App'd, 10-2-1; 10-2-1; 12-0-1
Council: App'd, 51-0-0

Review Process (Board 6):
Lead Agency: CPC, Neg. Dec.
Comm. Bd.: MN 6, App'd, 36-0-1
Boro. Pres.: App'd
CPC: App'd, 12-0-1
Council: App'd, 51-0-0

Council: East River Realty Co. and First Ave. Properties Dev.; Community Board 6 197-a Plan (Mar. 12, 2008).

CITY COUNCIL

Rezoning

Williamsburg, Brooklyn

Grand St. rezoning modified

Rezoning passed despite strong opposition by developers. On March 26, 2008, the City Council modified the Department of City Planning's proposal to downzone 13 blocks along Grand Street and adjoining areas in the Williamsburg neighborhood of Brooklyn.

The area currently consists of three- and four-story buildings, many of which have ground-floor retail and residential use on upper floors. The contextual R6B zoning would limit building heights to either 40 feet at the street or 50 feet with a setback. 5 *CityLand* 25 (Mar. 15,

2008). It will affect some planned developments for the area, including a 14-story tower at 227 Grand Street.

At the Zoning & Franchises subcommittee hearing on March 19th, Daniel Rivera, Executive Director of the People's Firehouse, spoke in favor of the proposal but urged the Council to modify it to allow his group to expand and provide seniors with low-income apartments. Peter Gillespie, Executive Director of Neighbors Allied for Good Growth, also supported the proposal and stated that it was in line with Brooklyn Community Board 1's 197-a plan.

The developer of 227 Grand Street, Michael Lichtenstein, testified in opposition, claiming that the square footage permitted under the proposal would be unreasonable. Lichtenstein's attorney, Kenneth Fisher, argued that the proposal was fast-tracked by Board 1 without notice to property owners, would cause developers to lose hundreds of

thousands of dollars, and would divert construction jobs away from the community.

Council Member Diana Reyna, whose district includes Williamsburg, noted that the Department of Buildings has received a large number of complaints from local residents about the "unscrupulous activity" of developers rushing construction in order to claim a vested right and evade the proposal's rezoning requirements. Reyna also stated her support for the People's Firehouse proposal to modify the rezoning in order to serve the needs of seniors. Council Member Helen Sears, however, stated that communities are "obsessed with downzoning" and that the subcommittee had a responsibility to ensure community boards were not unfairly rushing through the land use review process.

The subcommittee voted to modify the proposal, per the People's Firehouse request, carving out a

6,500-square-foot parcel from the rezoning area in order to allow a senior center to expand. The full City Council followed suit a week later.

Council: Grand Street Rezoning (Mar. 19, 2008).

CITY COUNCIL

Rezoning

Bushwick, Brooklyn

Disputed loft application withdrawn

Council Member Reyna raised concerns over loss of light industrial space. On March 20, 2008, Gerald Goldman, the owner of a former factory building at 70 Wyckoff Avenue, filed a motion to withdraw his application to rezone a four-story, 62,000-square-foot commercial loft building for residential use.

Goldman had originally sought to rezone ten lots on Wyckoff Avenue between Suydam Street and Dekalb Avenue, from M1-1 to R6, in order to legalize 70 Wyckoff's current use. Brooklyn Community Board 4, the Brooklyn Borough President, and the Planning Commission approved the application.

At the Zoning & Franchises subcommittee's hearing on March 19th, Richard Bass, a real estate analyst from the law firm Herrick Feinstein LLP, testified in support of Goldman. Bass stated that Goldman purchased the building in 1998 when it was partially occupied by light industrial tenants. In 2001, Goldman renovated the building into 51 commercial lofts and leased them to commercial tenants. After discovering that some of his tenants were residing in the lofts, Goldman sought advice from the Department of City Planning and BSA, both of which advised him to seek a rezoning, rather than a variance, for reasons of public policy.

Bass pointed out that Goldman had proposed certain community benefits, such as offering local residents the right of first refusal on units as they became vacant. Five of the

building's tenants, including a music composer and a painter, also testified in support of the application and expressed their concern that Council's rejection of the application could lead to their eviction. The East Williamsburg Valley Industrial Development Corp., however, opposed the rezoning and argued that it would eliminate manufacturing space from North Brooklyn, which relies on industrial and manufacturing jobs to support 40 percent of its residents.

Council Member Diana Reyna, whose district includes Bushwick, noted that she currently had many constituents actively looking for light industrial space. Reyna further stated that while Goldman did everything possible to avoid putting his tenants at risk, he "still broke the law." The following day, Council Member Tony Avella, Chair of the subcommittee, announced that Goldman had filed a motion to withdraw his application. The subcommittee unanimously approved the motion. The full Council voted to approve the motion to withdraw on March 26, 2008.

Council: 70 Wyckoff Avenue (Mar. 19, 2008).

CITY PLANNING COMMISSION

Rezoning

Harlem, Manhattan

125th Street rezoning moves forward

Angry local opposition jeered and escorted out by security. After a public review that included over 170 meetings with local residents, the Planning Commission voted to approve the Department of City Planning's proposal to rezone the 125th Street corridor, which includes 124th and 126th Street.

Once a prestigious epicenter of African American culture, the 125th Street corridor has suffered from a lack of public and private investment since the 1960s. In recent years, how-

ever, renewed interest in the area has spurred development projects, including the 276,000-square-foot Harlem USA complex and the planned headquarters for Major League Baseball's cable network.

Portions of the corridor are currently characterized by four- to five-story row houses with street walls at or near the street line. The existing zoning allows tower-in-the-park development that could interrupt the street wall, and taller building heights that could lead to out-of-character development.

Under the proposal, substantial portions of the east and west ends of the corridor would be rezoned C4-4D to encourage mixed-use development and maintain street wall continuity. The proposal also seeks to create a Special 125th Street District that would include a "Core Subdistrict," zoned C4-7 on the north-side and C6-3 on the south-side, to encourage arts and entertainment uses. Local residents, however, have expressed their concern that the rezoning would force out many of the area's residents and small businesses.

At the vote, Chair Amanda Burden said that the rezoning would enhance the area's "historic role as an arts, entertainment and retail corridor." The Commission modified the proposal to include, for the first time in Upper Manhattan, an inclusionary housing program and, for the first time in the City, an Arts Bonus that encourages developers to create "not-for-profit visual and performing arts space as well as rehearsal space." Vice Chair Kenneth J. Knuckles noted that the Arts Bonus would "expand upon the Apollo Theater" and create "more cultural tourism and economic opportunities" for Harlem and its residents.

Commissioners Angela Cavaluzzi and Karen Phillips voted against the proposal because, in their view, it didn't go far enough to adequately address concerns over neighborhood character and affordable housing.

The proposal is now before the City Council for its review.

CPC: 125th St. Plan (C080099(A)ZMM – map amend., N080100(A)ZRM – text amend.) (Mar. 10, 2008). CITYADMIN

CITY PLANNING COMMISSION

**Text Amend., Rezoning, Spec. Permit
Clinton, Manhattan**

West 49th St. development approved

Residential development approved for former manufacturing district. On March 10, 2008, the Planning Commission approved Real Estate Industrials' proposal to build two, seven-story residential buildings and a public parking garage adjacent to an as-of-right residential building and an existing four-story Red Cross headquarters on West 49th Street, between Tenth and Eleventh Avenues. The as-of-right building would have 41 dwelling units, while the two additional buildings would have 124 units total. The developer would demolish four single-story garage buildings and a surface parking lot to facilitate the development.

A portion of the site is currently zoned for manufacturing and does not allow for residential use. Under the proposal, the site would be rezoned from M1-5 to R8 with a C2-5 commercial overlay, allowing residential, commercial and community facility buildings as well as public parking. The site would comply with the Special Clinton District Preservation Area's 4.2 FAR and 66-foot height maximums. A special permit would facilitate the development of an attended, 88-space public parking garage located in the shared cellar of the residential buildings. 31 of these parking spaces would be accessory spaces for the tenants of the residential buildings.

Manhattan Community Board 4 recommended disapproval of the proposal subject to REI eliminating the commercial overlay, limiting the parking to accessory spaces only,

ULURP PIPELINE

New Applications Certified into ULURP

PROJECT	DESCRIPTION	COMM. BD.	ULURP NO.	CERTIFIED
33 Great Jones St.	Special permit (allow retail use)	MN 2	070450ZSM	3/24/2008
E. 125th St. Dev.	UDAAP & disp. (27 units); amend Urban Renewal Plan; zoning map amendment; mod. LSRD (E. Harlem Triangle)	MN 11	080331HAM; 080332HUM; 080333ZMM; M850772(D)ZAM	3/24/2008
St. Ann's Ave. Dev.	Zoning map amend. (R7X/C2-3)	BX 1	050018ZMX	3/24/2008
88th St. Rezoning	City map amendment; zoning map amend. (C4-2, R3-2 to C4-1)	ON 3	060466MMQ; 060467ZMQ	3/24/2008

and permanently reserving any affordable dwelling units to low-income households. The Manhattan Borough President recommended approval of the proposal on condition that REI remove the proposed commercial overlay.

The Commission approved REI's proposal, finding that the commercial overlay would allow the Red Cross facility to stay at the site, that the rezoning would encourage residential development reflecting the Clinton neighborhood's character, and that the parking garage will not create serious traffic congestion in the area.

The proposal is now before the City Council for its review.

CPC: REI/Red Cross (N070539ZRM – text amend., C070289ZMM – map amend., C070290ZSM – spec. perm.) (Mar. 10, 2008). CITYADMIN

BOARD OF STANDARDS & APPEALS

Appeal, Vested Right

Fort Greene, Brooklyn

BSA okays 16-story bldg. one year after rezoning

Council Member Letitia James opposed vested right claim. On March 4, 2008, BSA allowed construction of a 16-story building at 163 Washington Avenue to move forward despite the fact that the building is out of compliance with the recently adopted Fort Greene-Clinton Hill Rezoning plan. The building will have community facility use on the first floor with residential use in the remainder of

the building. It will also have a second-floor terrace, supported by 15 footings that are separate from the building's foundation.

In May 2007, the Department of Buildings issued the owner a building permit. Two months later, the City adopted the Fort Greene-Clinton Hill Rezoning plan, which put the proposed building out of compliance with the maximum FAR of 1.93 and maximum height of six stories. Buildings issued a stop work order the same day the City rezoned the area. The owner then filed an appeal with BSA, and an application to renew its building permit and extend the time for completion.

Opposing the owner's motions were Brooklyn Community Board 2, Council Member Letitia James, and Building Too Tall, a local neighborhood group. James argued that work continued at the site after the permitted hours of operation, the proposed building was not compatible with neighborhood character, and the foundation was incomplete because the owner did not dig holes for the terrace footings.

The owner conceded that some work was performed after hours, but claimed that it was a small portion of the overall work it performed on the foundation. The owner explained that the terrace footings require 13 cubic yards out of a total amount of 763 cubic yards for the entire foundation, and would not be dug until a later phase of construction in order to provide a staging area for the earlier phases of construction and to accommodate construction vehicles at the site. The owner also claimed

that conforming the building to the new zoning would lead to financial loss because it would eliminate 21 percent of the floor area, including the more valuable upper floors, and require further architectural and engineering costs to reconfigure and redesign the building.

BSA agreed and ruled in the owner's favor. While acknowledging that the community and elected officials worked diligently on the rezoning, BSA ruled that the owner had met the standards for both the appeal and the application and, therefore, could not be denied its property rights simply because of general community opposition.

BSA: 163 Washington Ave., Brooklyn (270-07-A, 204-07-BZY) (Mar. 4, 2008).

LANDMARKS PRESERVATION COMMISSION

Designation Hearing

NoHo, Manhattan

Landmarks considers NoHo HD extension

Developers and property owners oppose extension. Landmarks heard testimony on a proposal to extend the NoHo Historic District to include 56 buildings, located between Broadway and Lafayette Streets from Bleecker to West 4th Street.

The proposed extension includes a historically commercial area characterized by mid-19th century loft buildings, Federal- and Greek Revival-style structures, and tenements built to house local workers. The area remained almost exclusively commercial until the decline of manufacturing in Manhattan following World War II. In the 1960s, artists began to convert abandoned lofts into studios and living spaces, transforming the area into a focal point of the art world by the 1970s, with Chuck Close, Robert Rauschenberg, and Jean-Michel Basquiat all living there at one time.

At the hearing, Chuck Close testified that he had lived and worked in

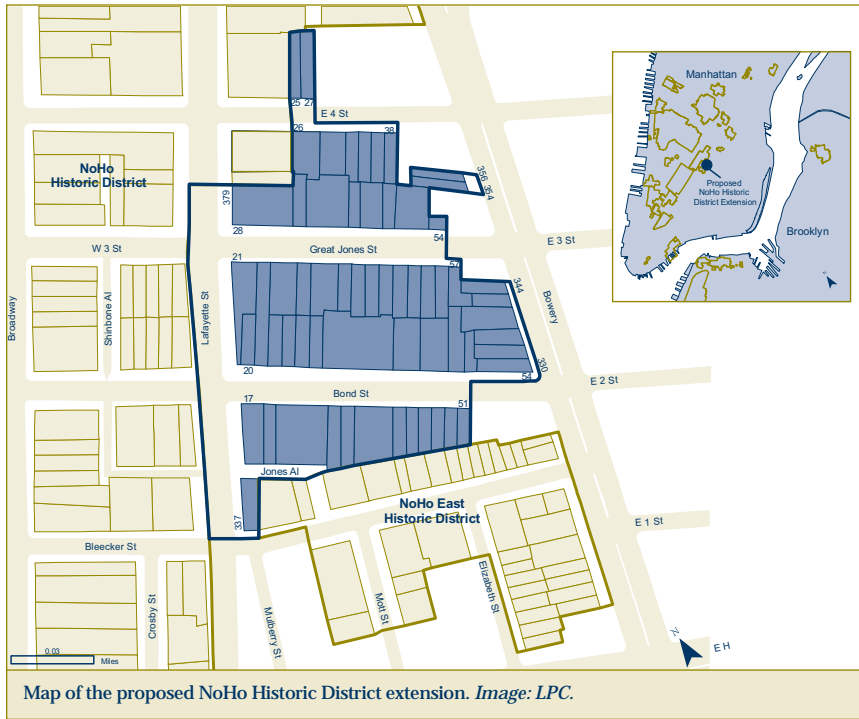
BSA PIPELINE				
New Applications Filed with BSA — March 1 - 31, 2008				
APPLICANT	PROJECT/ADDRESS	DESCRIPTION	APP. #	REPRESENTATIVE
VARIANCES				
Cong. Adas Yereim	491 Bedford Ave., BK	Const. comm. fac. (R6)	46-08-BZ	Fredrick A. Becker
A. Mizrahi	1177 E. 23rd St., BK	Front, rear, side adds., attic	36-08-BZ	Lewis E. Garfinkel
Isaac Ades	1856 E. 24th St., BK	Front, rear adds., attic	35-08-BZ	Lewis E. Garfinkel
Sephardic Inst.	511 Avenue R, BK	Const. synagogue (height, setback)	51-08-BZ	Francis R. Angelino
65 Androvette LLC	55 Androvette St., SI	Const. 4-story resid. fac. (M1-1)	45-08-BZ	Rampulla Assocs.
SPECIAL PERMITS/OTHER ACTIONS				
40 Broad LLC	40 Broad St., MN	Special permit (phys. cult. est.)	38-08-BZ	Jay A. Segal
Exxon Mobil	350 E. Houston St., MN	Reinstate lapsed variance	55-08-BZ	Walter T. Gorman
Durst Org.	Twelfth Ave., MN	Special permit (school in M1-5)	58-08-BZ	Fried Frank Harris
Laconia Land Corp.	3957 Laconia Ave., BX	Leg. change in use, enlg. bldg.	40-08-BZ	Rothkrug Rothkrug
N. Grumman Info.	300 Soundview Ave., BX	Special permit (90-ft. radio tower)	53-08-BZ	Slater & Beckerman
NY Sports Club	439 86th St., BK	Special permit (phys. cult. est.)	61-08-BZ	Fredrick A. Becker
David Nikchemny	182 Girard St., BK	Enlg. 2-family dwelling (fl. area)	42-08-BZ	Eric Palatnik, PC
Esther Muller	3199 Bedford Ave., BK	Enlarge 1-family dwelling	54-08-BZ	Fredrick A. Becker
Yossi Amar	3935 Bedford Ave., BK	Enlarge 1-family dwelling	52-08-BZ	Dennis Dell'Angelo
N. Grumman Info.	265 McKinley Ave., BK	Special permit (90-ft. radio tower)	50-08-BZ	Slater & Beckerman
Peggy Hoffman	1015 E. 23rd St., BK	Enlarge 1-family dwelling	44-08-BZ	Fredrick A. Becker
Mid Queens Ltd.	64-35 223rd Pl., QN	Special permit (65-ft. radio tower)	41-08-BZ	Omnipoint Comm.
N. Grumman Info.	120-50 Springfield, QN	Special permit (90-ft. radio tower)	65-08-BZ	Slater & Beckerman
Manton Holding LLC	116-33 Queens Blvd., QN	Legalize (eat, drink, dance est.)	63-08-BZ	Eric Palatnik, PC
N. Grumman Info.	1126 Richmond Ave., SI	Special permit (90-ft. radio tower)	32-08-BZ	Slater & Beckerman
Kenbar Dev.	77 Richmond Hill Rd., SI	Legalize phys. cult. est. (Synergy)	39-08-BZ	Eric Palatnik, PC
N. Grumman Info.	100 Merrill Ave., SI	Special permit (90-ft. radio tower)	37-08-BZ	Slater & Beckerman
Forest Ave. Fitness	591 Forest Ave., SI	N/A	59-08-BZ	Sheldon Lobel, PC
N. Grumman Info.	2043 Richmond Ave., SI	Spec. perm. (110-ft. radio tower)	31-08-BZ	Slater & Beckerman
APPEALS				
JN520 LLC	74 Grand Ave., BK	Vested right to complete const.	64-08-A	Fredrick A. Becker
Robert Scarano	67 Brighton 1st Ln., BK	Dwelling not fronting mapped st.	33-08-A	Yury Menzak
North Seven Assoc.	144 N. 8th St., BK	Appeal of DOB decision	34-08-A	Kevin C. Shea
Pankaj K. Prasad	145-03 Bayside Ave., QN	Const. in mapped st. bed	43-08-A	Jinwoo Jang
Elizabeth Ave. Corp.	7228 Thurby Ave., QN	Const. in mapped st. bed	47-08-A	Rothkrug Rothkrug
F&Z Properties	101-20 39th Ave., QN	Const. in mapped st. bed	60-08-A	Eric Palatnik, PC
Breezy Pt. Co-op	126 Oceanside Ave., QN	Dwelling not fronting mapped st.	48-08-A	Joseph A. Sherry
Breezy Pt. Co-op	305 Hillside Ave., QN	Dwelling not fronting mapped st.	49-08-A	Joseph A. Sherry
Frank Maisano	322 Ramona Ave., SI	Const. in mapped st. bed	56-08-A	Rampulla Assocs.
Frank Maisano	328 Ramona Ave., SI	Const. in mapped st. bed	57-08-A	Rampulla Assocs.
Benny Ulloa	398 Nugent St., SI	Dwelling not fronting mapped st.	62-08-A	Eric Palatnik, PC

the area since 1967, when he took over a loft that was used for light-manufacturing. Close stated that artists had saved the area when manufacturers abandoned it, and that many artists continue to live there.

Representatives from Council Members Alan Gerson and Rosie Mendez read letters in support of the proposal. State Assemblymember Thomas K. Duane and Manhattan Borough President Scott

Stringer also sent representatives in support. The Historic Districts Council's Simeon Bankoff urged Landmarks to extend the district even further because "inevitable development" would create buildings "remarkably at odds" with NoHo's historic character.

Property owners and developers, however, claimed that recent development had already eroded the historic character of the area, render-



ing the proposal moot. Representatives from Metro Sixteen Hotel, located at 338 Bowery, testified that the hotel could not earn a reasonable profit while retaining its existing facade, and that the Bowery’s commercial corridor had a separate identity from the rest of NoHo. Representatives from Edison Properties, owners of a parking lot on Great Jones Street, also testified against the proposal, arguing that demolition and development in the area have already created “a fractured neighborhood.” The owner of 33 Bond Street testified that the area was “a collection of many disparate periods, and to freeze it at any one point in time would be arbitrary.”

The hearing was closed without any comments from Landmarks. No date has been set for a vote on the proposal.

LPC: NoHo Historic District Extension, Manhattan (LP-2287) (Mar. 18, 2008).

Did you know?
Great Jones Street is named after Samuel Jones, a lawyer who helped revise New York State’s statutes in 1789 and later became known as “The Father of The New York Bar.”

LANDMARKS PRESERVATION COMMISSION

Certificate of Appropriateness Greenwich Village, Manhattan **Hotel approved for West Village**

Morris Adjmi and Landmarks agree on hotel design. On March 25, 2008, Landmarks voted to approve an application by 145 Perry Fee Owners LLC to build a six-story hotel, with penthouse, in the Greenwich Village Historic District. Under the application, the owners will demolish a two-story, 1938 stucco building to make room for the hotel.

The application originally proposed a seven-story hotel, with penthouse. At the initial public hearing on February 12th, Manhattan Community Board 2 opposed demolition, arguing that the existing building contributed to the district’s character. A representative of State Assemblymember Thomas K. Duane read a statement expressing sympathy for Board 2’s concerns, and asked that the hotel be scaled down “to be more in line with adjacent buildings.” The Greenwich Vil-

lage Society for Historic Preservation also felt that the proposed building was too tall and large for the district.

At the March 25th hearing, Morris Adjmi Architects presented a plan that reduced the height of the street wall and the size of the penthouse. Adjmi also presented photos of similarly sized buildings in the district.

Landmarks Chair Robert B. Tierney stated that the photos Adjmi produced made it easier for him to vote for approval. Commissioner Pablo Vengoechea called Adjmi’s proposal a “good design” and “well massaged.” Landmarks then voted unanimously to approve a Certificate of Appropriateness.

LPC: 145 Perry St., Manhattan (COFA# 08-1303) (Mar. 25, 2008).

LANDMARKS PRESERVATION COMMISSION

Designation East Village, Manhattan **Webster Hall designated over owner’s objections**

Late 19th century building served as performance space, ballroom and assembly hall. Landmarks voted unanimously to designate Webster Hall, located at 119 East 11th Street, as an individual City landmark on March 18, 2008.

Architect Charles Rentz designed the Renaissance Revival-style building in 1886 with a brick exterior and terra cotta ornaments. The building once served as a venue for Progressive Labor Party rallies during the labor movement. In the 1920s, it was nicknamed “the Devil’s Playhouse” by downtown bohemians and held avant-garde performances by such artists as Charles DeMuth and Man Ray. Record company RCA purchased the building in the 1950s and used it as a recording space for its artists, including Louis Armstrong and Frank Sinatra. In the 1970s, the building was converted to a dance club and rock venue—a use continuing through this day.

Landmarks Actions Taken in March 2008

FINAL PERMITS TO BE ISSUED AFTER LANDMARKS RECEIVES CONFORMING PLANS

ADDRESS	LANDMARK/HISTORIC DISTRICT	DESCRIPTION	CASE NO.	APP'D
March 11, 2008				
77 Mercer St., MN	SoHo-Cast Iron HD	Install cornice	08-5393	Yes
57 Greene St., MN	SoHo-Cast Iron HD	Report to CPC (mod. use)	07-5655	Yes
383 Bleecker St., MN	Greenwich Village HD	Install storefront, shutters	08-5104	Yes
31 Perry St., MN	Greenwich Village HD	Inst. windows, alt. masonry	08-5011	Yes
49 W. 23rd St., MN	Ladies' Mile HD	Mod. storefront, inst. signs	08-3775	W/D
116 Noble St., BK	Greenpoint HD	Inst. rooftop railings	07-0475	W/Mod
609 2nd St., BK	Park Slope HD	Const. rooftop addition	08-4768	Yes
March 18, 2008				
393 Lafayette St., MN	DeVinné Press Bldg.; NoHo HD	Legalize signage	08-2085	Yes
87 Chambers St., MN	Tribeca South HD	Const. bldg. behind facades	08-4898	Yes
30 Howard St., MN	SoHo-Cast Iron HD	Install storefront infill	08-4496	Yes
8 Bond St., MN	NoHo HD	Amend new bldg. design	08-4663	Yes
121 W. 10th St., MN	Greenwich Village HD	Install storefront windows	08-3253	Yes
24 E. 21st St., MN	Ladies' Mile HD	Install infill, lighting	08-4899	Yes
5 Tudor City Pl., MN	Tudor City HD	Amend master plan (HVAC)	07-5091	Yes
12 E. 73rd St., MN	Upper East Side HD	Const. rear add., alt. areaway	08-3514	W/Mod
944 Fifth Ave., MN	Upper East Side HD	Amend master plan (windows)	08-5702	Yes
100 Remsen St., BK	Brooklyn Heights HD	Create master plan (windows)	08-1530	Yes
March 25, 2008				
1201 Lafayette Ave., BX	American Bank Note Co.	Repl. windows, inst. parking	08-6092	Yes
243 Water St., MN	South St. Seaport HD	Install flagpoles, banner	08-3952	Yes
317 Canal St., MN	SoHo-Cast Iron HD	Enlg. fire escape, const. deck	08-5938	Yes
7 Bond St., MN	NoHo HD	Const. rooftop addition	08-3076	Yes
109 Waverly Pl., MN	Greenwich Village HD	Const. roof, rear additions	08-6454	W/Mod
55 W. 8th St., MN	Greenwich Village HD	Reconstruct facade	08-1899	Yes
145 Perry St., MN	Greenwich Village HD	Demo. bldg.; const. bldg.	08-1303	Yes
480 Amsterdam, MN	Upper West Side/CPW HD	Install infill, signage	08-1438	W/Mod
277 Cumberland St., BK	Fort Greene HD	Repl. illegal infill, inst. awning	08-4794	W/Mod
369 Grand Ave., BK	Clinton Hill HD	Install deck	08-6253	Yes
280 Washington Ave., BK	Clinton Hill HD	Repl. windows, const. add.	08-3038	Yes
433 Waverly Ave., BK	Clinton Hill HD	Legalize facade alterations, deck	07-7357	W/Mod
192 Water St., BK	DUMBO HD	Const. roof add., inst. marquee	08-4996	Yes
39-16 44th St., QN	Sunnyside Gardens HD	Modify rear deck	08-4379	Yes
217 Ridge Rd., QN	Douglaston HD	Replace windows	08-1452	Yes

LANDMARKS PIPELINE

Proposed Designations – March 2008

NAME	ADDRESS	ACTION	DATE
Chase Manhattan Bank	1 Chase Manhattan Pl., MN	Calendared	3/18/08
NoHo HD Extension	NoHo, MN	Heard	3/18/08
Cong. Beth Hamedrash	242 E. 7th St., MN	Designated	3/18/08
Webster Hall	119 E. 11th St., MN	Designated	3/18/08
E. 11th Street Bath	538 E. 11th St., MN	Designated	3/18/08
Children's Aid Society	307 E. 12th St., MN	Designated	3/18/08
West Chelsea HD	Chelsea, MN	Calendared	3/18/08
Allerton 39th St. House	145 E. 39th St., MN	Designated	3/18/08
275 Madison Ave. Bldg.	275 Madison Ave., MN	Calendared	3/18/08
Fire Engine Co. 54	304 W. 47th St., MN	Heard	3/18/08
Civil Engineers Clubhouse	220 W. 57th St., MN	Heard	3/18/08
St. Michael's Church	201 W. 99th St., MN	Heard	3/18/08
George Bruce Library	518 W. 125th St., MN	Calendared	3/18/08
E. 125th St. Library	224 E. 125th St., MN	Calendared	3/18/08
Fiske Terr.-Midwood HD	Fiske Terrace-Midwood, BK	Designated	3/18/08
Douglaston HD Ext.	Douglaston, QN	Calendared	3/18/08

Commissioner Diana Chapin stated that the building held an important place in Greenwich Village social history, while Commissioner Roberta Brandes Gratz called it “one of the unsung treasures of the City.” Landmarks then voted unanimously to designate the hall.

A representative from the building's owner, Unity Gallega/Casa Galicia of New York, testified after the vote that the building's landmark status would increase the group's maintenance costs and impose an undue financial burden. Chair Tierney replied that Landmarks would work with Unity to minimize the financial impact from designation.

LPC: Webster Hall and Annex, 119 East 11th St., Manhattan (LP-2273) (Mar. 18, 2008).

LANDMARKS PRESERVATION COMMISSION

Designation Hearing

Upper West Side, Manhattan

Designation hearing held on St. Michael's Church

200-year-old church receives wide support, though pastor ambivalent. On March 18, 2008, Landmarks heard testimony on the possible designation of St. Michael's Church, Parish House, and Rectory located on West 99th Street, between Broadway and Amsterdam Avenue. The church and rectory were designed by Robert W. Gibson, an architect known for his work on the West End Collegiate Church on West 77th Street. The parish house was built in a similar Romanesque Revival-style. The complex's most striking feature is a square clock tower with two tiers of open arcades at the top. Also notable are its three stained glass Tiffany windows, which remain remarkably intact.

Reverend George W. Brandt, Jr. testified that St. Michael's intends to build a mixed-use condominium complex on the West 100th Street corner of its property. Brandt



Saint Michael's Church. Photo: LPC.

stated that the church spent five million dollars over the last ten years to restore the church and its grounds, and that the complex was necessary to fund the church's upkeep and programs.

The Historic Districts Council's Ed Kirkland called the church at St. Michael's one of Gibson's best works, while Hilda Regier of the Victorian Society in America called it "one of the City's finest Victorian churches." The Landmarks Conservancy supported designation as well and also stated that it did not oppose the proposed mixed-use complex, which would generate income for St. Michael's.

Landmarks closed the hearing without setting a date for a vote on designation.

LPC: St. Michael's Church, Parish House, and Rectory, 201-225 West 99th St., Manhattan (LP-2281) (Mar. 18, 2008).

ECONOMIC DEVELOPMENT CORPORATION

Contract Award

Manhattan, Brooklyn, Queens

IDA approves \$46M in tax and other benefits

Major League Baseball project in Harlem is among the beneficiaries. On March 6, 2008, the New York City Industrial Development Agency held a public hearing on proposed

public subsidies to private entities, including a joint venture between Vornado Realty Trust and California Urban Investment Partners. The joint venture was established to build a 21-story office tower on 125th Street and Park Avenue, directly southwest of the Metro-North train station. The tower will contain 526,555 sq.ft. of office space, 50,492 sq.ft. of retail, and a 52-space underground garage. The tower's anchor tenant will be MLB Network, Major League Baseball's new cable broadcasting system. The work site lies within the proposed 125th Street rezoning plan, which the Planning Commission approved on March 10, 2008 to encourage renewed investment and development in the area.

At the hearing, Bettina Damiani, Director of Good Jobs New York, questioned the need for subsidies to attract MLB to Harlem given the area's easy access to Yankee Stadium and Citi Field via public transportation. Charles Callaway, representing WE ACT for Environmental Justice, expressed similar skepticism and feared that the newly created jobs would not go to community residents.

IDA disagreed, and on March 11th voted to award the joint venture 16 million dollars in public assistance, including a mortgage recording tax waiver and City and State sales and use tax exemptions. IDA also awarded five million dollars in City and State sales tax exemptions to MLB Network for the occupancy, tenant improvement, and equipping of 132,000 sq.ft. of office and television studio space within the tower. IDA estimates that the overall project will create or retain 3,170 jobs and help establish Harlem as a cost-effective alternative to other business districts in the City.

Other IDA awards approved on March 11th include Remains Lighting, which received \$4.8 million in triple tax-exempt bonds, \$134,960 in mortgage recording tax benefits, and \$77,929 in sales tax exemptions to acquire, renovate, and equip an

18,500-square-foot warehouse in Bushwick, Brooklyn. IDA estimates that the project will create 55 jobs.

IDA awarded Artex Inc., a fine art company, \$14.5 million in industrial incentives, along with \$420,000 in mortgage recording tax benefits and \$104,688 in sales tax exemptions. According to IDA, Artex is seeking to acquire and renovate a 75,000-square-foot facility in Long Island City, Queens, to consolidate its operations. IDA says the project will create and retain 47 jobs.

Lastly, Tri-State Biodiesel LLC, which manufactures biodiesel fuel from restaurant oil waste, will receive \$4.4 million in triple tax-exempt manufacturing facilities bonds, as well as \$123,200 in mortgage recording tax benefits and \$155,492 in sales tax exemptions. Tri-State plans to construct and equip a 17,250-square-foot facility in Brooklyn, giving the company an annual production capacity of three million gallons. According to IDA, the project will create 23 jobs while retaining 17 jobs.

IDA: Bd. of Directors Meeting Press Release (Mar. 11, 2008); Project Cost/Benefit Analysis (CV Harlem Park, LLC) (Mar. 6, 2008); Notice of Public Hearing (Jan. 23, 2008).



Proposed office tower for 125th St. Image: Swanke Hayden Connell Architects.



Former Loew's Kings Theatre. Photo: Jonathan Reingold.

ECONOMIC DEVELOPMENT CORPORATION

Request for Proposals

Flatbush, Brooklyn

Loew's Kings Theatre to get makeover

Request for Proposals seeks tenant for 80-year-old building in need of \$70M in repairs. The New York City Economic Development Corporation is seeking proposals for a developer to lease, rehabilitate, and reuse the former Loew's Kings Theatre at 1025 Flatbush Avenue in Brooklyn.

The vacant building, located between Beverly Road and Tilden Avenue, opened in 1929 as Loew's flagship theater. The designers of the 3,195-seat, French Renaissance-style building were heavily influenced by the Palace of Versailles and Paris Opera House. Its unique design features include a 70-foot-high orchestra dome, ornate plaster walls, and crystal chandeliers. Because the building has been vacant since 1978, extensive rehabilitation work is required on the theater's exterior and interior. Sections of the roof are missing, interior walls are water damaged, and the theater contains lead,

asbestos, mold and guano. EDC estimates that it will cost 70 million dollars to rehabilitate the building.

The building is zoned C4-2, which permits movie and live entertainment theaters, banquet halls, department stores, production studios, and restaurants. The theater contains 68,300 sq.ft. of usable space. The RFP offers the option of leasing several City-owned parking lots located behind the building, which may be developed in order to allow the building to expand its theater stage and backstage areas.

EDC recommends that proposals focus on providing community-oriented programming. While the developer will be required to fund the rehabilitation and operation of the building, the RFP states that developers may seek Historic Rehabilitation Tax Credits, City capital funds, private grants, and the sale of the theater's naming rights to mitigate costs.

Proposals would not be subject to the City's land use review process provided that they are consistent with existing zoning restrictions and the 1980 Kings/Flatbush Commercial Redevelopment Plan. The City Art Commission will review the winning proposal, however, as the City will retain ownership of the property.

EDC has set a May 7, 2008 deadline for all responses.

EDC: Request for Proposals – Loew's Kings Theatre (Mar. 12, 2008).

METROPOLITAN TRANSPORTATION AUTHORITY

Contract Award

Hudson Yards, Manhattan

MTA selects Tishman's billion dollar bid for Hudson Yards

Proposal would create 13 million sq.ft. of developable space. On March 26, 2008, the MTA Board selected Tishman Speyer's proposal to develop the western and eastern portions of the John D. Caemmerer Rail Yard, also known as Hudson Yards. At \$1.004 billion, Tishman outbid four competing real estate developers for the right to transform the 26-acre site despite proposing the smallest number of residential units and the least amount of open space.

Tishman's proposal, designed by architect Helmut Jahn, calls for more than eight million sq.ft. of total office space, 550,000 sq.ft. of retail space, 300,000 sq.ft. of residential space, and 13 acres of public open space. The western half of the site,



A rendering of Tishman Speyer's proposal for Hudson Yards. Image: Tishman Speyer Properties.

located between West 30th and 33rd Streets from 11th to 12th Avenues, is currently zoned M2-3 and must be rezoned to accommodate Tishman's proposed mixed-use development. However, the MTA will allow Tishman to terminate the contract if the developer is unable to obtain the necessary zoning changes. The eastern half of the site, located between 10th and 11th Avenues from West 30th to 33rd Streets, was rezoned in January 2005 as part of the Special Hudson Yards District. 2 *CityLand* 4 (Feb. 15, 2005); 1 *CityLand* 36 (Dec. 2004).

Tishman will enter into a contract, a 99-year lease agreement with an option to purchase individual parcels, with the MTA sometime within the next four months. Once the contract is finalized, the public review process for rezoning the west-site will begin.

The MTA is also offering the City property on the southeast corner of 54th Street and 9th Avenue, as part of a plan in which the City would provide 40 million dollars to build new affordable housing units on the site.

Office of the Mayor, Press Release (104-08) (Mar. 26, 2008); MTA Staff Summary, West Side Yard Development, TS West Side Holding, LLC (Mar. 26, 2008).

COURT DECISIONS

Article 78

East Village, Manhattan

High court denies PS 64's conversion to dorm use

Local school affiliation a requisite for building permit. In 1998, Gregg Singer purchased PS 64 from the City, subject to the restriction that the property be used for a community facility. Singer then applied to the Department of Buildings to replace the PS 64 building, located at 609 East 9th Street, with a 19-story dormitory. Buildings asked Singer to provide a lease or deed with an educational institution to prove his proposed building was in fact a "college

or school dormitory" and not a residential building, which would disqualify Singer from the dormitory floor area bonus. Rather than fulfill Buildings' request, Singer proposed to form a not-for-profit to house college and university students. When Buildings denied Singer's application, he appealed to BSA. But BSA upheld Buildings' decision, ruling that it was necessary to ask for a proven school affiliation before issuing a building permit for a dormitory, which qualifies for a floor area bonus. 2 *CityLand* 152 (Nov. 15, 2005).

Singer then filed an Article 78 to reverse BSA's ruling, but a lower court rejected Singer's claim. On appeal the First Department reversed, ruling that Buildings' request for proof of a school affiliation was arbitrary and capricious since a denial based on the lack of a current school affiliation would prevent construction of the dormitory based on a possible future illegal use. If Singer used the building solely as a residential building, Buildings could revoke or deny a certificate of occupancy. The City appealed. 3 *CityLand* 127 (Sept. 15, 2006).

The Court of Appeals ruled unanimously against Singer, noting that granting a permit for a potentially illegal use would create "needless problems" for the City and could force it to later make a difficult choice between "waiving the legal restrictions and requiring the building to remain vacant or to be torn down."

9th & 10th St. LLC v. BSA, 2008 N.Y. Slip Op. 2678 (N.Y. Mar. 25, 2008) (Jeffrey E. Glen, for Singer; Michael A. Cardozo, Cheryl Payer, Stephen J. McGrath, Virginia Waters, for BSA).

CITYLAND Comment: Since Singer brought forth his case, Buildings adopted Rule 51-01, which requires proof of a connection between a school and a proposed dorm use, and Landmarks designated PS 64 as an individual landmark. 3 *CityLand* 93 (July 15, 2006).

COURT DECISIONS

Article 78

Red Hook, Brooklyn

Court reverses variance challenge

Red Hook Chamber of Commerce sued BSA and City but failed to name owner. In 2003, BSA granted a use variance to 160 Imlay Real Estate LLC to convert a vacant six-story industrial building into 150 luxury condominiums. The Red Hook-Gowanus Chamber of Commerce then filed an Article 78 suit to annul the variance, but failed to include Imlay as a party within the allotted time.

The Supreme Court allowed the case to move forward without Imlay. 3 *CityLand* 97 (July 15, 2006). The court then ruled in favor of the Chamber, vacated the variance, and returned the matter to BSA to determine whether Imlay could earn a reasonable rate of return for the building under an M2-1 zoning designation. BSA appealed.

The Second Department reversed the lower court, ruling that Imlay stood to lose millions of dollars if the variance was annulled and that its interests would not be adequately protected unless it was a party to the Article 78. The court also stated that the lower court could not annul BSA's variance after finding that it was based on a rational basis.

In re Red Hook/Gowanus Chamber of Commerce v. BSA, 2008 N.Y. Slip Op. 2600 (2d Dept. Mar. 18, 2008) (Michael S. Hiller, for Chamber; Michael A. Cardozo, Pamela Seider Dolgow, for BSA).

COURT DECISIONS

Affirmative Litigation

Clinton, Manhattan

City sues to save landmarked apt. bldg.

Lawsuit intended to keep 19th century landmark from falling into a state of disrepair. In 2005, Landmarks des-

ignated the Windermere Apartments, three buildings located on West 57th Street and Ninth Avenue, in order to preserve its Queen Anne-style architecture and to recognize its storied history as a residence for young, self-supporting women entering the workforce in the mid-1800s. The owners claimed

that the buildings were in an “unsafe condition” and did not warrant designation; preservation groups claimed that they could be restored despite their many years of neglect. Landmarks agreed with the preservationists and voted to designate the building.

Subsequent to designation,

Landmarks sent a series of notices to Toa Construction, the owners of the Windermere, stating that it was required to ensure the buildings were kept in a state of good repair as per the Landmarks Law. Toa failed to provide Landmarks with a restoration plan in response to any of Landmarks’ notices.

CITYLAND PROFILES

John Belle and Richard Southwick on 40 years of practicing before Landmarks

Fresh from a business trip in Europe, John Belle, founding partner of Beyer Blinder Belle Architects & Planners LLP, and Richard Southwick, partner and director of the firm’s preservation department, recently sat down for an afternoon with *CityLand*. Joined by Olivia, Belle’s mild-mannered golden retriever, the two architects discussed the City’s Landmarks Preservation Commission and the impact of preservation on land use.

Self-described as “one of those immigrants,” Belle was born in Cardiff, Wales, and still retains his accent. After graduating from London’s Architectural Association School and working in Massachusetts for José Luis Sert, Belle moved to New York City in 1963 because of the City’s energy and feeling of social mobility. He loves the City because it is both peaceful and constantly in a state of flux, through immigrants like him arriving daily. Southwick, a native upstate New Yorker, graduated from SUNY Albany with a B.A. in studio art, before attending Columbia University Graduate School of Architecture, Planning, and Preservation. While in graduate school during the mid-1970s, Southwick was part of the Department of City Planning’s Urban Design Group, working on such projects as the Second Avenue Subway.

Land use and preservation. Belle argues that Landmarks can have a greater impact on the City than the City Planning Commission, pointing to the designation of so many historic districts throughout the City. The overriding feature of these districts, according to Belle, is not so much any particular architectural style, but rather a certain “quality of life” that runs throughout

each district’s “community, streets, and open spaces.” Belle, however, worries that this quality of life is currently endangered, as the “renewal and expansion of public amenities in the City has not kept pace” with the “explosive” growth of private development.

Southwick sees zoning as “the strongest preservation tool,” and credits Mayor Michael R. Bloomberg for designating several historic districts throughout the City. The spike in historic districts under the Bloomberg Administration, says Southwick, has prompted significant increases in Landmarks’ staff, which, in turn, will allow the agency to consider preserving other historic buildings and neighborhoods.

All hail the Chair. Belle and Southwick credit former Landmarks Chair Jennifer Raab for modernizing the agency. According to Southwick, Raab codified a series of rules for Landmarks’ staff and commissioners, so that “mundane” decisions could be kept off the commissioners’ calendar, freeing up time to tackle significant issues. Belle and Southwick explain that Raab’s efforts led to Landmarks’ current rules-based approval process, which is more “predictable” and “consistent” than preservation agencies for other cities within the United States or abroad.

For example, Belle and Southwick point to their preservation of the Red Star Line buildings for the Museum of Migration in Antwerp, the point of embarkation for millions of immigrants destined for Ellis Island. They believe that, compared to New York City, Antwerp’s approval process is defined less by rules and more by the

personalities of bureaucrats, because in Antwerp a preservation project is handled by one minister who is assigned to grant ongoing approvals after working intimately with the project’s architects.

Yet Belle and Southwick do feel that Landmarks is defined, to a large extent, by the Chair and his or her personality. Nevertheless, Belle is quick to point out that the “quality and expertise” of the Landmarks’ staff is central to its evolution, providing a necessary degree of consistency and reliability. Indeed, Belle holds Landmarks’ staff in high regard, praising them for their ability to understand that buildings “have lives that evolve.”

Preservation and the future. Southwick fears that the slowdown in the economy could have a detrimental impact on preservation because of higher labor and materials costs. In fact, he would like to see more preservation tax incentives to ensure preservation emerges intact from any economic downturn.

Southwick is able to see some good in the development slowdown, believing that it could “buy time for threatened buildings.” Echoing Southwick’s comments, Belle predicts that preservation may, in fact, offer a hedge against a decline in new development.

As Belle was once told, a building’s life is defined as “use, reuse, misuse, disuse and refuse.” In Belle’s words, “part of our mission is to make sure we don’t get to the end of that quote.”

— Jonathan Reingold

In September 2007, Landmarks conducted a survey of the Windermere's facade and found that the lack of ongoing maintenance threatened the buildings' historical and structural integrity. That same month, the Fire Department evacuated the small group of Windermere tenants from the buildings because of structural instability.

In October 2007, Landmarks Chair Robert B. Tierney issued Toa an order to present a plan to take action to bring the Windermere to a state of good repair or risk daily fines, criminal penalties, and legal action. When Toa failed to provide Landmarks with a plan to make substantial repairs to the building, Landmarks filed suit seeking civil penalties, amounting to \$5,000 a day, and an order to compel Toa to repair and restore the Windermere.

.....
New York City v. Toa Construction Co.,
 Index No. 400584/08 (N.Y.Cty.Sup.Ct.
 Mar. 19, 2008).

ADMINISTRATIVE DECISIONS

Conflicts of Interest Board

Citywide

Waiver granted to Doctoroff on City projects

Former Deputy Mayor holds new position at Bloomberg LP. On January 11, 2008, Deputy Mayor Daniel L. Doctoroff left City Hall to become President of Bloomberg LP, which has a landlord-tenant relationship with Vornado Realty. On January 14th, First Deputy Mayor Patricia Harris sought a waiver from the Conflicts of Interest Board that would allow Doctoroff to continue to serve the City as an unpaid adviser for PlaNYC 2030, Moynihan Station, QueensWest, and as a member of the Hudson River Park Trust and Governors Island Preservation and Education Corporation.

With respect to Moynihan Station, Vornado and the Related Companies formed a joint venture to work with the State and City on the

project. 4 *CityLand* 154 (Nov. 15, 2007). Harris claimed that negotiations with Vornado's joint venture are at a "critical juncture," but should conclude within a matter of months with Doctoroff's assistance. She proposed that once Doctoroff brings the negotiations to an end, he then recuse himself for a year from any matter pertaining to Vornado and Moynihan Station. Harris also proposed that Doctoroff recuse himself from the current negotiations for additional office space between Bloomberg LP and Vornado.

The Board granted the waivers, noting that Harris sufficiently demonstrated that Doctoroff's continued involvement, in an uncompensated capacity, on these City matters would further the City's purposes and interests. The Board allowed Doctoroff to continue his Moynihan Station negotiations with Vornado's joint venture, but only for a limited period, until June 30, 2008.

.....
 Doctoroff, COIB Case No. 2008-035
 (Mar. 20, 2008). CITYADMIN

New Decisions Added to CITYADMIN www.citylaw.org – March 2008*

CITY COUNCIL				
RES. NOS.	PROJECT	DESCRIPTION	DATE	
1204	DOITT Franchises, CW	Authorizing franchises for telecom equip. installation over and under City prop.	2/27/2008	
1292-3	Frederick Douglass Blvd., MN	UDAAP by HPD; disp. of City prop. (2 lots); acq. of property (impounded vehicle storage)	2/27/2008	
1294	Lasagna Ristorante, MN	Revocable consent (sidewalk cafe)	2/27/2008	
1295	Briarwood Rezoning, QN	Zoning map amendment (39 blocks)	2/27/2008	
† 1296-7	Dahill Rd. Rezoning, BK	Zoning map amend. (mixed-use bldg. 179 res. units); special permit (259-space garage)	2/27/2008	
1315	CB Emmanuel, BK	UDAAP by HPD, prop. tax exemption	3/12/2008	
1316-8	321-327 Pleasant Ave., MN	UDAAP by HPD, partial tax exemption	3/12/2008	
1319	Cathedral Parkway, MN	Amend Urban Renewal Plan	3/12/2008	
1320	108th St. Garages, MN	UDAAP by HPD (3 lots)	3/12/2008	
† 1321	Public School 90, BK	Landmark designation	3/12/2008	
1322	Thomas Klein LLC, BK	Zoning map amendment	3/12/2008	
CITY PLANNING COMMISSION				
PROJECT NAME	DESCRIPTION	LOCATION	ULURP #	DATE
1 Gotham Center	Acquisition of office space (Dept. of Health)	QN 2	N080272PXQ	2/27/2008
75-20 Astoria Blvd.	Acquisition of office space (Dept. of Correction)	QN 3	N080273PXQ	2/27/2008
REI/Red Cross	Zoning map amendment (M1-5 to R8, C2-5); special permit (88-space garage); zoning text amendment (2, 7-story bldgs.)	MN 4	C070289ZMM; C070290ZSM; N070539ZRM	3/10/2008
125th St. Plan	Zoning text amend. (est. special dist.); zoning map amendment	MN 9, 10, 11	N080100AZRM; C080099AZMM	3/10/2008

*Bold indicates the decision is covered in this issue. The symbol † indicates that the decision was covered in a previous issue.

New Decisions Added to CITYADMIN www.citylaw.org – March 2008*

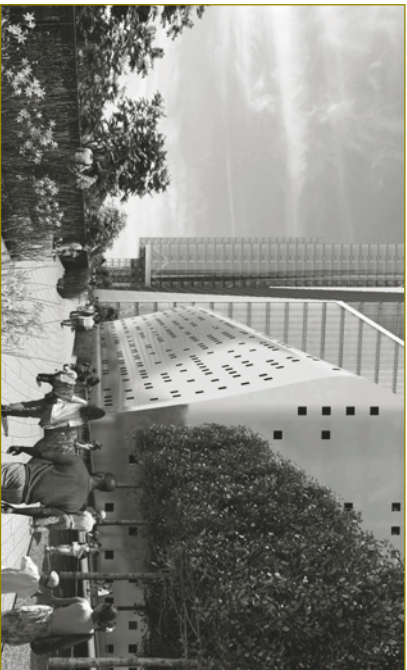
CITY PLANNING COMMISSION (CONT.)				
PROJECT NAME	DESCRIPTION	LOCATION	ULURP #	DATE
Kingsgate House	Amend Urban Renewal Plan (E. Harlem); UDAAP & disp. (185 units)	MN 11	C080096HUM; C080097HAM	3/10/2008
73-77 Reade St.	Special permit (mod. rear yard reqs.)	MN 1	C070556ZSM	3/12/2008
Roscoe Brown Apts.	Amend URP (Bathgate); zoning map amend. (M1-4 to R8A/C2-4); UDAAP & disp. (279 units)	BX 3	C080232HUX; C080233ZMX; C080234HAX	3/12/2008
Courtlandt Corners	Zoning map amend. (R7-2 to R7A); UDAAP & disp. (326 units)	BX 3	C080222ZMX; C080223HAX	3/12/2008
Jennings Street	UDAAP & disp. (103 units)	BX 3	C080227HAX	3/12/2008
James J. Lyons URP	Amend Urban Renewal Plan; UDAAP & disp. (2-story home); zoning map amendment (M1-1 to R5)	BX 9	C080126HUX; C080127HAX; C080128ZMX	3/12/2008
Parkchester Zoning	Zoning text amend. (demolition)	BX 9	N070060ZRX	3/12/2008
Lafayette Ave. Housing	UDAAP & disp. (23 units)	BK 3	C080134HAK	3/12/2008
Columbia/Hicks	Amend URP (Columbia St.); zoning map amendment (M1-1 to R6A, R6B, R7A); dispose City property	BK 6	C080115HUK; C080116ZMK; C080117HDK	3/12/2008
Watkins St. Co-ops	Zoning map amend. (M1-1 to R6); UDAAP & disp. (104 units)	BK 16	C080141ZMK; C080142HAK	3/12/2008
Bristol St. Rezoning	Amend URP (Marcus Garvey); zoning map amendment: UDAAP by HPD (168 units)	BK 16	C080185HUK; C080186ZMK; C080187HAK	3/12/2008
Avenue H Bridge	City map amend. (widen st., adj. grades)	BK 17, 18	C070072MMK	3/12/2008
Yards Text Amendment	Zoning text amend. (yards, open space)	CW	N080078ZRY	3/24/2008
Street Planting Text Amend.	Zoning text amend. (sidewalk plants, trees)	CW	N080081ZRY	3/24/2008
40 Walker Street	Special permit (res. use in M1-5)	MN 1	C080001ZSM	3/26/2008
Centurion Parking Garage	Special permit (76-space garage)	MN 5	C070577ZSM	3/26/2008
14-20 W. 40th Street	Construct 32-story mixed-use bldg.	MN 5	C080042ZSM	3/26/2008
† American Bank Note Co.	Landmark designation	BX 2	N080294HKQ	3/26/2008
New Lots Plaza	Zoning map amend. (C8-1 to R6-A, C2-4); UDAAP & disp. (87 units)	BK 5	C080228ZMK; C080229HAK	3/26/2008
DEP Maintenance Fac.	Acq. of property (sewer maintenance)	BK 18	C050525PQK	3/26/2008
† Cong. Tifereth Israel	Landmark designation	QN 4	N080294HKQ	3/26/2008
† Jamaica Savings Bank	Landmark designation	QN 12	N080295HKQ	3/26/2008
BOARD OF STANDARDS & APPEALS				
ADDRESS	DESCRIPTION	ACTION	CASE NO.	REPRESENTATIVE
787 Seventh Ave., MN	Ext. term (phys. cult. est.)	App'd	531-86-BZ	Spencer Groff
200 E. 66th St., MN	Ext. term (parking garage)	App'd	824-61-BZ	Vincent L. Petraro
473 Cent. Pk. W., MN	Ext. term (cellar apts.)	App'd	57-95-A– 59-95-A	Mitchell S. Ross
1282 Shakespeare Ave., BX	Ext. term (parking lot)	App'd	50-92-BZ	Walter T. Gorman
420 Morris Park Ave., BX	Allow 8-story res. bldg. in M1-1 dist.	W/D	48-06-BZ	Jack A. Adesso
2342 Haviland Ave., BX	Legalize 1-fam. dwelling enlgmt.	W/D	233-06-BZ	Kathleen Bradshaw
1885 Westchester, BX	Legalize auto repair, dance studio	App'd	16-36-BZ	Vassalotti Assocs.
3591 Bedford Ave., BK	Engl. 1-family dwelling (fl. area, yards)	App'd	193-07-BZ	Sheldon Lobel, PC
2515 McDonald Ave., BK	Special permit, amend application (phys. cult. est.)	W/D	78-07-BZ; 730-72-BZ	Sheldon Lobel, PC
163 Washington Ave., BK	Ext. time (15-story mixed-use bldg.); Appeal (vested right to cont. dev.)	App'd	204-07-BZ; 270-07-A	Sheldon Lobel, PC
1169 E. 21st St., BK	Engl. 1-family dwelling (fl. area, yards)	App'd	263-07-BZ	Fredrick A. Becker
718 Avenue S, BK	Const. 2-story bldg. (setback, parking)	App'd	237-07-BZ	Sheldon Lobel, PC
25 Beaumont St., BK	Engl. 1-family dwelling (fl. area, yards)	App'd	217-07-BZ	Eric Palatnik, PC
7118 Third Ave., BK	Ext. spec. perm. (NY Sports Club)	App'd	6-04-BZ	Fredrick A. Becker
8818 Fourth Ave., BK	Ext. time to obtain C of O (gas station)	App'd	119-01-BZ	Edward H. Odesser
135 N. 9th St., BK	Vested right to compl. const. (6-story bldg.)	App'd	261-07-A	Kryztof Rostek
1435 E. 22nd St., BK	Engl. 1-family dwelling (fl. area, yards)	App'd	273-07-BZ	Moshe M. Friedman
1148 E. 27th St., BK	Engl. 1-family dwelling (fl. area, yards)	App'd	235-07-BZ	Fredrick A. Becker

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BOARD OF STANDARDS & APPEALS (CONT.)					
ADDRESS	DESCRIPTION	ACTION	CASE NO.	REPRESENTATIVE	
1901 Eighth Ave., BK	Convert warehouse to 31-unit res. bldg.	App'd	53-07-BZ	Wolf Block Schorr	
41 Queens Walk, QN	Const. dwelling not fronting mapped st.	App'd	292-07-A	Valentino Pompeo	
129-01 Merrick Blvd., QN	Special permit (Curves Fitness)	App'd	286-07-BZ	Sheldon Lobel, PC	
54-07 254th St., QN	Enlg. 1-family dwelling (fl. area, open space)	App'd	293-06-BZ	Rothkrug Rothkrug	
34 Reid Ave., QN	Const. dwelling not fronting mapped st.	App'd	279-07-A	Valentino Pompeo	
187-30 Gr. Cent. Pkwy., QN	Enlarge high school (fl. area, parking)	App'd	209-07-BZ	Raymond J. Irrera	
114-05 Farmers Blvd., QN	Reinstate use variance (service station)	App'd	79-07-BZ	Sheldon Lobel, PC	
87-48 215th Pl., QN	Ext. time to complete const. (2-story temple)	App'd	190-03-BZ	Sheldon Lobel, PC	
181-08 H. Harding, QN	Special permit (service station in C2-2)	App'd	280-06-BZ	Carl A. Sulfaro	
529 48th Ave., QN	Convert warehouse to 6-unit res. bldg.	App'd	211-03-BZ	Eric Palatnik, PC	
56-45 Main St., QN	Allow 2-story add. to hospital	App'd	42-06-BZ	Ackermann Senterfitt	
29 Nelson Ave., SI	Enlarge banquet hall (mod. use)	App'd	1199-88-BZ	Rothkrug Rothkrug	
102-10 59th Rd., QN	Legalize auto repair shop	App'd	31-06-BZ	Sheldon Lobel, PC	
830 Bay St., SI	Ext. term (service station in C1-1)	App'd	742-70-BZ	Rothkrug Rothkrug	
1268 Forest Ave., SI	Dismiss for lack of prosecution	W/D	102-07-BZ	Eric Palatnik, PC	
2270 Clove Rd., SI	Reduce required parking	App'd	67-06-BZ	Joseph P. Morsellino	
76 Romer Rd., SI	Leg. dwelling not fronting mapped st.	App'd	264-07-A	Rampulla Assocs.	
2199 Richmond Ave., SI	Permit Walgreens, accessory parking	App'd	160-06-A	Rothkrug Rothkrug	
LANDMARKS PRESERVATION COMMISSION					
ADDRESS	LANDMARK/HISTORIC DISTRICT	DESCRIPTION	CASE NO	APP'D	ISSUED
CERTIFICATE OF APPROPRIATENESS					
Wall St., MN	New Amsterdam St. Plan	Inst. security devices, repl. pavers	08-8272	Yes	3/21/2008
130 W. 42nd St., MN	Bush Tower	Install windows	08-7325	Yes	2/19/2008
375 Park Ave., MN	Seagram Building	Rem. doors, inst. alley enclosure	08-7949	Yes	3/11/2008
851 Grand Concourse, BX	Bronx Cty. Courthouse	Install generator on roof	08-7715	Yes	3/18/2008
43 Herbert St., BK	19th Precinct Station House	Construct rooftop bulkhead	08-7068	Yes	3/12/2008
1000A Richmond Terr., SI	Sailor's Snug Harbor	Const. rooftop elevator override	08-7783	Yes	3/5/2008
323 Greenwich St., MN	Tribeca West HD	Const. 1-story rooftop addition	08-7472	Yes	2/26/2008
77 Mercer St., MN	SoHo-Cast Iron HD	Install cornice	08-8092	Yes	3/18/2008
150 Wooster St., MN	SoHo-Cast Iron HD	Expand infill, install door	08-7469	Yes	2/22/2008
640 Broadway, MN	NoHo HD	Install areaway stair railing	08-7379	Yes	2/20/2008
56 Charles St., MN	Greenwich Village HD	Const. rear add., porch, railing	08-7564	Yes	2/26/2008
20 E. 9th St., MN	Greenwich Village HD	Replace storefronts	08-0866	Yes	1/18/2008
402 W. 13th St., MN	Gansevoort Market HD	Demo. bldg., const. 5-story bldg.	08-7565	Yes	2/26/2008
15 E. 17th St., MN	Ladies' Mile HD	Install infill	08-6825	Yes	3/19/2008
45 W. 21st St., MN	Ladies' Mile HD	Legalize light fixtures	08-7653	No	2/28/2008
32 W. 22nd St., MN	Ladies' Mile HD	Legalize illuminated sign	08-7755	No	3/4/2008
174 Fifth Ave., MN	Ladies' Mile HD	Replace windows	08-7516	Yes	2/25/2008
200 Fifth Ave., MN	Ladies' Mile HD	Construct rooftop addition	08-7660	Yes	2/29/2008
810 Fifth Ave., MN	Upper East Side HD	Construct rooftop pergola	08-8260	Yes	3/20/2008
65 Cent. Pk. W., MN	Upper West Side/CPW HD	Replace windows	08-7873	Yes	3/6/2008
129 E. 70th St., MN	Upper East Side HD	Reconstruct parlor entrance	08-8172	Yes	3/19/2008
35 E. 75th St., MN	Upper East Side HD	Install terrace pergola	08-7812	Yes	3/13/2008
28 E. 78th St., MN	Met Museum HD	Remove bulkhead, const. roof add.	08-7610	Yes	3/6/2008
249 Cent. Pk. W., MN	Upper West Side/CPW HD	Remove gate, const. garage door	08-6518	Yes	1/18/2008
199 Dean St., BK	Boerum Hill HD	Create curb cut, replace fence	08-6231	No	3/5/2008
179 Washington, BK	Fort Greene HD	Legalize rooftop addition	08-6981	Yes	2/25/2008
28 Willow St., BK	Brooklyn Heights HD	Replace bulkheads, chimney, decking	08-7678	Yes	2/29/2008
325 Grosvenor St., QN	Douglaston HD	Replace garage	08-7816	Yes	3/7/2008
229 Forest Rd., QN	Douglaston HD	Replace garage	08-8137	Yes	3/20/2008
127 Beverly Rd., QN	Douglaston HD	Legalize, modify iron gates	08-7754	Yes	3/6/2008
47-17 39th Ave., QN	Sunnyside Gardens HD	Alter rear facade, inst. doors	08-7621	Yes	3/12/2008

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The MTA selected Tishman Speyer's proposal for the development of Hudson Yards. See story on page 46. Image: Tishman Speyer Properties.

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