voted to approve the rezoning after a contentious public hearing. The Commission found that the height, setback, and bulk controls of the new contextual districts would help preserve the low- to mid-rise tenement and rowhouse character of the area. The Commission, contrary to the views of many who spoke in opposition, favored higher density districts along Chrystie Street, Delancey Street, and Avenue D, noting that the districts were located along wide streets well-served by public transit. The Commission dismissed the idea of including Chinatown and the east side of the Bowery in the rezoning, stating that each area had a distinctive character and, as such, each required its own planning analysis. The Commission also rejected the community’s call for anti-harassment provisions to be included in the proposed zoning text, noting that Local Law 7 of 2008 already affords...
Adopt the Ravitch Commission’s recommendations now

Richard Ravitch has yet again provided a major public service in sending to Governor David Paterson a sophisticated economic plan for the Metropolitan Transportation Authority. The plan deals with the MTA’s management and financial accountability, as well as laying out financial recommendations capable of providing structurally sound funding sufficient to support the buses and trains essential to the mobility of the region. The report is officially that of a special commission appointed by Gov. Paterson. Besides Ravitch, the thirteen commission members deserve enormous credit for producing a report of such breadth and practicality.

The current transit system is the legacy of leaders, among whom Ravitch is most prominent, who, beginning in 1980, led the City and State in making hard choices in support of transit. The Ravitch Report reminds us that “over the last two and a half decades, six successive capital plans have invested more than $70 billion, transforming the system and leading to soaring increases in reliability, safety and tremendous improvement to the quality of the transit experience.” All those improvements could be lost if this generation of leaders does not make similarly hard choices. And hard choices there are, despite the compelling logic behind the recommended regional mobility tax and bridge tolls.

CityLand’s news reports detailing new developments around the City hardly ever mention transit, but transit in fact forms the pre-condition and solid foundation for much of that new development. The Lower East Side, Washington Heights, Long Island City, Jamaica, Harlem, Hudson Yards, Tribeca, Wall Street, Downtown Brooklyn, Dumbo and Williamsburg are just a few of the booming neighborhoods that boast superb public transit. These new developments cannot be sustained without a high quality public transit system.

The Ravitch Commission lays out an essential roadmap for positioning the transit system to support the region’s economic, population and environmental goals. The legislature should quickly adopt the commission’s recommendations.

Ross Sandler
tenants the protection the community had sought.

At the Council’s November 12th public hearing before its Zoning & Franchises Subcommittee, Council Member Rosie Mendez disagreed with the Planning Commission on the anti-harassment issue, and called for anti-harassment provisions to be included in the text amendment. Mendez, along with Council Member Alan J. Gerson, also called for a ten percent increase in the mandatory minimum percentage of floor area allocated to affordable housing units which developers would be required to build in order to take advantage of an inclusionary housing bonus. Gerson reasoned that since landlords can charge relatively high amounts of rent for market-rate units, developers would still “flock to the area” despite a ten percent increase in the affordability requirement from 20 to 30 percent. Representatives of the Dept. of City Planning defended the 20 percent requirement, pointing out that it was a product of a “finessely calibrated formula” designed to ensure that developers would take advantage of the inclusionary housing bonus. Gerson questioned if the calibration was fine enough since the formula had been implemented borough-wide and was not specifically tailored for the Lower East Side or East Village.

When the Subcommittee reconvened a week later on November 19th, Gerson stated that an agreement had been reached with the City, and submitted a letter from Deputy Mayor for Economic Development Robert C. Leiber, which outlined the points of agreement. According to the letter, the Dept. of Housing Preservation & Development agreed to monitor the effectiveness of Local Law 7, and the Dept. of City Planning committed to work with Chinatown and Bowery interest groups in order to help formulate community-wide development plans. The Subcommittee voted to approve that day, as did the Land Use Committee and the full Council.

CITY COUNCIL
Rezoning/Text Amendment
Willets Point, Queens
Council approves contentious Willets Point plan

City agreed to increase affordable housing, but may still use eminent domain. On November 13, 2008, the City Council approved the City’s Willets Point Redevelopment Plan. The contentious plan, impacting a 62-acre area, designates Willets Point as an Urban Renewal Area, creates the Special Willets Point District, and lays out plans to develop a mix of uses, including 5,500 residential units, commercial space, a school, hotel and convention center, and publicly accessible open space. 5 CityLand 154 (Nov. 15, 2008).
At the Council’s October 17th hearing before its Planning, Dispositions & Concessions Subcommittee, Council Member John C. Liu questioned Deputy Mayor for Economic Development Robert C. Leiber about the City’s plans to use eminent domain. Leiber responded that the City remained committed to negotiating with the remaining landowners, but would resort to eminent domain if necessary. Council Member Hiram Monserrate, whose district includes Willets Point, also raised concerns about the City’s plan to designate only 20 percent of the proposed 5,500 residential units as affordable housing. The vote was laid over until November 13th.

On November 12th, after negotiations between Monserrate, Council Speaker Christine C. Quinn, and the Mayor’s Office, it was agreed that 35 percent of the 5,500 residential units would be designated as affordable housing. The following day the City announced that it had agreed to purchase the properties of the three largest Willets Point landowners in exchange for allowing each to temporarily remain in the area.

The Subcommittee approved the plan when it reconvened on November 13th, and the Land Use Committee followed suit, with only Council Members Tony Avella and Charles Barron voting no. Both Council Members objected to the City’s continued invocation of eminent domain in redevelopment projects. The full Council approved the plan, with Avella and Barron as the only no votes.

Review Process
Lead Agency: Dep. Mayor’s Office, Econ. Dev., FGEIS
Boro. Pres.: App’d
CPC: App’d, 11-1-0
Council: App’d, 42-2-8

Council: Willets Point Development Plan (Nov. 13, 2008).

CITY COUNCIL

Site Selection
SoHo, Manhattan
Sanitation facility approved for SoHo’s Washington St.

Council approved despite community concerns over traffic, environmental impact, and aesthetics. On November 19, 2008, the City Council approved a plan by the Dept. of Sanitation to build a five-story service and maintenance garage, a 34,000 gallon refueling station, and a 75ft. tall salt shed at 500 Washington Street in SoHo, Manhattan. The garage and salt shed would serve Community Districts 1, 2, and 5.

CityLand 137 (Oct. 15, 2008).

The plan met with strong opposition from community residents and representatives at its City Planning hearing. Community Boards 1 and 2, as well as Borough President Scott Stringer, supported service for CD1 and 2, but urged the Commission to eliminate CD5 service because the neighborhood could not absorb the additional environmental impact. They also called for elimination of employee parking, noting that it could be made available at Pier 40, and that the space could be used as reservoir space for Sanitation trucks in order to alleviate traffic congestion. Opponents were also concerned about environmental impacts of the salt shed.

The Commission, on October 7, 2008, voted to approve Sanitation’s plan, noting that there were similar facilities across the boroughs which served more than one community district, and that the proposed garage facility would be one of the smallest of the multi-operational facilities. The Commission found that moving CD5’s garage to SoHo was appropriate because it would provide “excellent access to District 5 via Route 9A” and that the alternate sites identified in Sanitation’s study could not match the operational and cost efficiency of the final proposal.

Addressing calls to eliminate employee parking at the facility, the Commission believed it was appropriate to use the mezzanine level of the garage for employee parking, stating that the mezzanine had not been designed as a reservoir space for collection trucks, and as such, could not support their weight.

When the matter reached the Council’s Landmarks, Public Siting, & Maritime Uses Subcommittee, Council Speaker Christine C. Quinn,

ULURP PIPELINE

<table>
<thead>
<tr>
<th>PROJECT</th>
<th>DESCRIPTION</th>
<th>COMM. BD.</th>
<th>ULURP NO.</th>
<th>CERTIFIED</th>
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<tr>
<td>150 Amsterdam Ave.</td>
<td>Rezoning (ed. C2-5 overlay)</td>
<td>MN 7</td>
<td>090112ZMM</td>
<td>11/17/2008</td>
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<tr>
<td>Fordham University/ Lincoln Ctr. Campus</td>
<td>Special permit (height &amp; setback); special permit (3 accessory parking garages); zoning text amend.; authorizations to allow curb cuts</td>
<td>MN 7</td>
<td>050260ZSM; 050295ZSM; 050271ZSM; 090173ZSM; N090170ZRM; N090171ZAM; N090172ZAM</td>
<td>11/17/2008</td>
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<tr>
<td>Dock St. DUMBO Proj.</td>
<td>Rezoning; zoning text amend.; modify window and lot line req.; special permit (height, setback, yards); special permit (public parking garage)</td>
<td>BK 2</td>
<td>090181ZMK; 090182ZMK; 090183ZMK; 090184ZMK</td>
<td>11/17/2008</td>
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<td>BK 7</td>
<td>090197ZMK</td>
<td>11/17/2008</td>
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<td>Oceana–Bldg. P</td>
<td>Rezoning; modify restrictive declaration</td>
<td>BK 13</td>
<td>050199ZMK; M90104ZSM; M90104YQ</td>
<td>11/17/2008</td>
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<td>Dispose City prop.</td>
<td>BK 18</td>
<td>090147ZRM</td>
<td>11/17/2008</td>
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<td>121st Precinct Site</td>
<td>Site selection; special permit</td>
<td>SI 1</td>
<td>060100ZSR; 060107ZSR</td>
<td>11/17/2008</td>
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<td>Hobbs Court</td>
<td>Rezoning (RTA to R8A)</td>
<td>MN 11</td>
<td>090125ZMM</td>
<td>12/1/2008</td>
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<tr>
<td>Blue Heron Park Add.</td>
<td>City map amendment</td>
<td>SI 13</td>
<td>000120ZMR</td>
<td>12/1/2008</td>
</tr>
</tbody>
</table>
who represents the district, testified that finding space for municipal facilities was particularly challenging in lower Manhattan and that any decision would be met with some level of opposition. Sanitation Commissioner John Doherty claimed that it would cost the City an extra $90 million to build a separate CD5 garage. In response to questioning from Chair Jessica S. Lappin, Sanitation officials argued that the 74-space employee parking lot would be necessary during emergencies and snow storms.

When the Subcommittee reconvened on November 19th, Lappin announced that modifications were made to the original proposal, including a reduction in the number of employee parking spaces from 74 to 37, a restriction that only Sanitation vehicles would be allowed to use the refueling station, and a design change to the salt shed which would enclose the shed on all four sides. The Subcommittee and the Land Use Committee voted to approve, with only Council Member Charles Barron opposing. The full Council approved the project later that day.

ULURP Process
Lead Agency: DSNY, FEIS
Comm. Bd: MN 2, Den'd, 40-0-0
Boro. Pres.: Den'd
CPC: App'd, 11-1-0
Council: App'd, 40-1-11

Council: Department of Sanitation Garage (Nov. 19, 2008).

CITY COUNCIL

Rezoning/Text Amendment
Hunter's Point, Queens
EDC plan for 30-acre waterfront development approved

Council approved plan after EDC made further concessions on affordable housing. On November 13, 2008, the City Council voted to approve the NYC Economic Development Corporation's Hunter's Point South plan, a mixed-income 30-acre waterfront development in Long Island City, Queens. The project met with controversy at Council's October 24th Zoning & Franchises Subcommittee public hearing and at the City Planning Commission's August 13th public hearing. Opponents testified that the project lacked a sufficient amount of affordable housing units, and that the already-proposed affordable units were priced beyond the reach of most Queens residents.

At the Subcommittee meeting, EDC representatives announced that 200 low-income senior housing units had been added to the plan following negotiations with Council Member Eric N. Gioia, whose district includes Hunter's Point. EDC also agreed to 330 additional on-site low-income units through inclusionary zoning, and promised to review other sites supplied by Gioia for new affordable housing in Queens.

Though the Subcommittee questioned EDC's reliance on federal funding to pay for the newly added senior housing, an EDC representative stated that it would be funded somehow, most likely by the City, if EDC failed to secure federal funding. The Subcommittee unanimously approved the project later that day.

Review Process
Lead Agency: Dep. Mayor's Office, Eco. Dev., FEIS
Comm. Bd: QN 2, App'd, 20-0-0
Boro. Pres.: App'd
CPC: App'd, 12-0-0
Council: App'd, 45-0-7

Council: Hunter's Point South (Nov. 13, 2008).

CITY PLANNING COMMISSION

Rezoning/Text Amendment
Melrose, Bronx
Melrose project approved

New development would provide affordable housing while incorporating green design features. On October 7, 2008, the City Planning Commission unanimously approved the Dept. of Housing Preservation and Development's plan to build a mixed-use, mixed-income development in the Melrose section of the Bronx. The proposed project, known as Via Verde/The Green Way, is a product of the New Housing New York Legacy Project competition, sponsored by HPD and the New York Chapter of the American Institute of Architects. The competition sought to inspire new forms of sustainable design for a mixed-use, mixed-income project on the irregularly shaped, City-owned parcel at East 156th St. and Brook Avenue. The winning plan, developed by Jonathan Rose Companies, Phipps Houses Group, Grimshaw Architects, and Dattner Architects, proposed a development that would range in height from three- to 20-stories and provide approximately 220 units of affordable housing, 8,532 sq. ft. of retail and community space, and 27,700 sq. ft. of open space.

The proposal includes three- to four-story townhouses, a six- to 14-story mid-rise building, and a 15- to 20-story tower that would wrap around two interior courtyards and an amphitheater. In addition, a series of gardens beginning in the courtyard would spiral up the structure through a series of green roofs. The Commission noted that the proposed design was sympathetic to the broad range of surrounding uses. The low-scale section of the proposed building would avoid shading the ballfields to the south, and the taller part of the building would be of similar height to an existing 18-story residential building to the east.

The Commission, in its report, noted that the proposed project would address the need to provide affordable housing for low- to middle-income families and would facilitate the development of vacant and underutilized City-owned land that has had a “blighting influence” in the neighborhood. The Commission also praised the superior overall...
CLE UPDATE: ZONING AND DEVELOPMENT ANALYSIS

To an unprecedented degree, real estate professionals can now access basic zoning information and estimate development potential utilizing their personal computers.

Armed with a street address or block and lot, the first stop in cyberspace is often the Property Shark website, www.propertyshark.com. This private site offers basic information regarding existing improvements, lot size, zoning district, FAR and unused floor area.

This information should always be cross-checked and supplemented utilizing the Department of Buildings and Department of City Planning websites, both of which can be accessed through www.nyc.gov. The DOB website includes the Building Information System, which provides a Property Profile containing a summary of construction activity and filings since the late 1980’s, a link to the current and prior Certificates of Occupancy, an indication of landmark status, and a history of complaints and violations. The City Planning website, besides explaining zoning and highlighting current zoning changes, includes a feature called GeoQuery, which allows access to NYC.gov CityMap. By clicking on Lot Info, information including lot dimensions, number of floors, gross building area and zoning district can be found. This site also links to the text and maps of the NYC Zoning Resolution.

Once basic information, including lot area, existing improvements and zoning district has been compiled, the Zoning Handbook, published by the Department of City Planning in 2006, may be utilized for an overview of the basic use, bulk and parking regulations. The Handbook even includes several hypothetical zoning analyses.

However, for a more reliable analysis, the relevant provisions of the Zoning Resolution must be consulted.

The complexity of the Zoning Resolution should never be underestimated. While the above sources may be utilized to provide a first cut at a site and its development potential, there is no substitute for a comprehensive zoning analysis prepared by an experienced professional willing to stand behind his or her work.

Howard Goldman presented “Land Use Due Diligence” on Nov. 6, 2008.

Howard Goldman

Rezoning/Special Permit

Whitestone, Queens

Queens residential development plan approved

Commission and Council Member Avella pleased with developer’s decision to reduce proposed number of units from 114 to 52. On October 29, 2008, the City Planning Commission approved 151-45 Sixth Road Whitestone Partners LLC’s plan to develop 52 single-family homes in the Whitestone neighborhood of Queens, just south of the East River between the Whitestone and Throgs Neck Bridges.

Whitestone Partners originally sought to develop the 12.8 acre parcel with 114 detached, semi-detached, and attached residential units and provide 132,500 sq.ft. of open space. In response to the Commission and community’s concerns, Whitestone Partners reduced the number of units from 114 to 52, and modified its plan so that all units would be single-family and detached. The developer also proposed 503,000 sq.ft. of open space, including 130,345 sq.ft. of publicly accessible common open space guaranteed through a restrictive declaration.

Despite a reduction in the project’s parameters, the development still required a zoning map amendment to change the area from M1-1 to R3-2, a City Map amendment to eliminate a portion of 152nd Street, and a special permit to waive a distance between buildings requirement. The special permit was necessary because 38 of the 52 units would not meet the 45ft. window-to-window distance requirement.

Paul Selver of Kramer Levin, speaking on behalf of Whitestone Partners at the Planning Commission’s September 24th public meeting, stated that the waivers would allow for construction of all 52 units on one zoning lot with common open space. This design would allow Whitestone Partners to place homes further away from the flood hazard zone and provide publicly accessible open space along the waterfront.

Council Member Tony Avella complimented the developer for reaching out to the community. He remarked that the revisions were significant improvements upon the original plan, and supported the new development because it would eliminate “obnoxious manufacturing uses” that create truck traffic in residential sections of Whitestone.

The Commission approved the plan without modification. The Commission found that the M1-1
district was no longer appropriate
given the surrounding low-density
residential neighborhoods. It also
found the waivers appropriate since
the proposed design maximized the
amount of open space at the site, and
allowed for “three acres of well-
designed, publicly accessible water-
front open space.” The City Map
amendment was approved as well,
with the Commission noting that the
portions in question were irregularly
configured, unimproved, or used as
vehicle storage by the developer.

In a three-two decision, BSA found
that, when no more than
homes in the Bay Ridge section of
buildings similar to
side yard, as is the case with a row-
district was no longer appropriate
for community facility lot coverage,
height and setback, sky exposure
plane, and tower coverage.

Mt. Sinai claimed that it
required a new research facility in
order to remain competitive among
similar institutions, and that floor
plates of 28,000sq.ft., not including
mechanical space, were required in
order to construct an efficient
research facility. It further claimed
that the retention of the Nurses’ Res-
dered the decision to BSA.

The neighbor claimed that the
Zoning Resolution expressly prohib-
ited front yard parking for attached
homes in an R4-1 district, and that
Buildings incorrectly granted the
permit since the parking space
would be within an open area
between the street line and the street
wall of the attached home. The
neighbor further claimed that park-
ing was not permitted within the
purported side lot ribbon, including
the portion that overlapped the front
yard, because side lot ribbons could
not exist on a zoning lot where an
attached home extended the entire
width of the zoning lot. Moreover,
the neighbor argued that the framers
of the Zoning Resolution intended to
prohibit parking in front yards of
attached homes in R4-1 districts
since front yard parking for attached
homes is prohibited in R4B and R5B
districts, districts that typically pro-
duce attached rowhouses similar to
those found in R4-1 districts.

In a three-two decision, BSA
denied the neighbor’s appeal. It
ruled that parking in an R4-1 district
could be located anywhere within a
side lot ribbon of a zoning lot, includ-
ing the portion that crosses over the
front yard, irrespective of the type of
house built upon the zoning lot. BSA
also ruled that a side lot ribbon could
exist on a zoning lot that did not have
a side yard, as is the case with a row-
house attached on both sides. As for
the neighbor’s original intent argu-
ment, BSA declined to look past the
“four corners” of the Zoning Resolu-
tion, noting that BSA must not look
beyond the plain meaning of the Resolu-
tion’s text to ascertain the frame’s intent. BSA concluded that
the text was unambiguous on the
issue: front yard parking for attached
homes was expressly prohibited in
R4B and R5B districts whereas park-
ing in R4-1 districts was not.

BSA: 846 70th Street (136-08-A) (Oct. 28,
2008). CITYADMIN

CITYLAND Comment: On Dec. 9,
2008, the City Council approved
the project.

CITYLAND

Variance
Yorkville, Manhattan

Mount Sinai wins variance
for research building

Hospital’s programmatic needs sup-
ported granting of variance. Mount
Sinai Hospital and Mount Sinai
School of Medicine of New York Uni-
versity, a non-profit organization,
wanted to construct a 11-story research facility in
Manhattan. The development site
included three tax lots comprising a
single zoning lot. Mt. Sinai’s Nurses’ Resi-
dence occupied one tax lot while
the other two tax lots housed three
hospital buildings that Mt. Sinai
intended to demolish in order to
construct the research building and
adjacent residential building. As pro-
posed, the research building would
not comply with zoning regulations
for community facility lot coverage,
height and setback, sky exposure
plane, and tower coverage.

Mt. Sinai claimed that it
required a new research facility in
order to remain competitive among
similar institutions, and that floor
plates of 28,000sq.ft., not including
mechanical space, were required in
order to construct an efficient
research facility. It further claimed
that the retention of the Nurses’ Res-
didence qualified as a unique

CITYLAND

CITYLAND

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Designation Hearing
Prospect Heights, Brooklyn

Designation of Prospect Hts. district widely supported

Community believes that unprotect-
ed rowhouse neighborhood faces development pressure. On October 28, 2008, Landmarks heard testimony on a proposed historic district encompassing about 870 buildings in Prospect Heights, Brooklyn. The area is generally bounded by Grand Army Plaza, Flatbush Avenue, Pacific Street, and Washington Avenue. If designated, the historic district would be Brooklyn’s largest. The neighborhood includes significant structures, such as the 1887 Duryea Presbyterian Church, but its historic character lies in its residential rowhouses, spanning a variety of styles and built throughout the latter half of the 19th century. 5 CityLand 107 (Aug. 15, 2008).

Residents generally expressed support for Landmarking. Many testified that inappropriate rear yard additions, blocking neighbors’ views and light, had proliferated in recent years. Gib Veconi, Chair of the Prospect Heights Neighborhood Development Council, claimed that “the character and scale of Prospect Heights is threatened today by development seeking to maximize the amount of floor area available,” and that under the current zoning, many of the area’s lots were 25 percent underbuilt, and some as much as 75 percent.

Landmarks has not yet set a date to vote on designation.


<table>
<thead>
<tr>
<th>APPLICANT</th>
<th>PROJECT/ADDRESS</th>
<th>DESCRIPTION</th>
<th>APP. NO.</th>
<th>REPRESENTATIVE</th>
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<tbody>
<tr>
<td>BSA granted the variance, ruling that Mt. Sinai was entitled to deference since the research performed at the new facility would further Mt. Sinai’s clinical care and medical education. Citing to a previous decision, BSA further ruled that when a major health care facility required retention of an existing building to meet its programmatic needs, the need to retain could qualify as a unique physical condition inherent to the zoning lot.</td>
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<tr>
<td>BSA: 3 East 101st Street (257-07-BZ) (Oct. 28, 2008)</td>
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<th>NEW APPLICATIONS FILED WITH BSA — NOV. 1 - DEC. 2, 2008</th>
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<td><strong>VARIANCES</strong></td>
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<td>W. Broadway 330</td>
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<td>Rehobeth Churches</td>
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<th>SPECIAL PERMITS/OFFER ACTIONS</th>
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<td>Key LLC</td>
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<td>Eva Hreskovic</td>
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<td>Ephraim Nierenberg</td>
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<td>S. Side House LLC</td>
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<td>Vincent Passarelli</td>
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<th>EXTEND CONSTRUCTION PERIOD</th>
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<td>Opal Builders</td>
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Mixed response to Seaport development proposal

Height and massing foremost among Commission’s concerns. On November 18, 2008, Landmarks held a hearing on the redevelopment of Pier 17 to provide developer General Growth Properties (GGP) an opportunity to respond to public testimony recorded during Landmarks’ October 21st meeting. At the previous meeting, GGP proposed to demolish the existing mall on the pier, relocate the Tin Building, former home of the Fulton Fish Market, and construct several retail buildings and a hotel. GGP also proposed to build a 495ft. residential/hotel tower just outside the boundaries of the historic district. Preservationists spoke in opposition to the development’s scale, design, and the necessity of the Tin Building’s relocation, while some residents and a representative from the Alliance for Downtown New York testified in support of the project as part of necessary revitalization of the Seaport. 5 CityLand 157 (Nov. 15, 2008).

Responses to the proposal by the Commissioners varied widely, but all concurred that modifications were necessary. Chair Robert B. Tierney found that the Tin Building’s relocation was appropriate, and that the proposal was “heading in the right direction.” Commissioner Pablo Vengoechea determined that the proposal “lacks cultural and maritime-related activity,” and that the
new buildings would create “a tremendous juxtaposition in scale.” Commissioner Stephen Byrns stated that he had visited the site and found the existing mall to be appropriate and viable. Byrns argued that the Tin Building could be incorporated into the East River Esplanade, and that it was “a little simple-minded to just clear the slate.” Commissioner Libby Ryan found the seafaring-related design elements “faux,” and criticized the proposal as a missed opportunity, urging GGP to look at San Francisco’s Terminal Market. Commissioner Roberta Brandes Gratz stated that the relocation of a historic structure should only be undertaken as a last resort, while Commissioner Margery Perlmutter, who had called the architect’s choice of materials “shopping mall-esque,” found that the proposal required further study.

Landmarks did not vote on the proposal, permitting GGP to return with a modified plan.

LPC: 80 and 95 South Street, Manhattan (COFA# 09-3798) (Nov. 18, 2008).

LANDMARKS PRESERVATION COMMISSION

Designation
Greenwich Village, Manhattan
NYU towers landmarked

NYU’s development plans for remaining portion of the site undressed. On November 18, 2008, Landmarks voted to collectively designate University Village, also known as the Silver Towers, as an individual City landmark. Designed by James Freed and I.M. Pei, of Pei Cobb Freed & Partners Architects LLP, the landmark consists of a central plaza and three 32-story towers with concrete facades and recessed windows in a “brutalist” style influenced by Le Corbusier. Built between 1964 and 1967 as part of a Robert Moses-sponsored urban renewal plan, the towers are arranged in a pinwheel configuration around the plaza which features a sculptural interpretation of Picasso’s “Portrait of Sylvette.” Two of the towers are used by NYU for student and faculty housing, while the third houses a cooperative.

At the June 24, 2008 hearing, representatives of NYU presented a plan to add a fourth tower. While supporting designation, NYU’s agents claimed a fourth tower would complement the existing buildings and “complete the pinwheel.” In response, preservationists called for Landmarks to designate the entire superblock, not just the towers and plaza. 5 CityLand 94 (July 15, 2008).

At the designation hearing, Commissioners were generally enthusiastic in their support of landmarking. Commissioner Christopher Moore called the complex a “fascinating part of our very eclectic landscape,” while Commissioner Pablo Vengoechea praised it as an excellent example of how tower-in-the-park developments can be done correctly. Commissioner Roberta Brandes Gratz endorsed designation, but also made a point of stating that the towers’ construction was “a Robert Moses mistake” that replaced a viable manufacturing area. Though Brandes Gratz believed the complex should never have been built, she

| Proposed Designations – November 2008 |
| NAME | ADDRESS | ACTION | DATE |
| University Village | 100 Bleecker St., MN | Designated | 11/8/2008 |
| Baumann Bros. Store | 22 E. 14th St., MN | Designated | 11/8/2008 |
| 144 W. 14th St. Bldg. | 144 W. 14th St., MN | Designated | 11/8/2008 |
| Fire Engine Co. No. 54 | 304 W. 47th St., MN | Designated | 11/8/2008 |
| Morris B. Sanders Studio | 219 E. 49th St., MN | Designated | 11/8/2008 |
| Mount Olive Church | 308 W. 122nd St., MN | Calendared | 11/8/2008 |
| Red Hook Play Ctr. | 155 Bay St., BK | Designated | 11/8/2008 |

| Landmarks Actions Taken in November 2008 |
| ADDRESS | LANDMARK/HISTORIC DISTRICT | DESCRIPTION | CASE NO. | APP’D |
| November 13, 2008 |
| 345 Greenwich St., MN | Tribeca West HD | Est. master plan (windows) | 08-7133 | Yes |
| 568 Broadway, MN | SoHo-Cast Iron HD | Replace windows | 08-8125 | Yes |
| 644 Broadway, MN | NoHo HD | Install windows | 09-2161 | Yes |
| 727 Washington St., MN | Greenwich Village HD | Alter facade, inst. windows | 09-3639 | Yes |
| 42 Garden Pl., MN | Brooklyn Heights HD | Const. add., alt. facade | 09-0409 | Yes |
| 25-04 West Dr., QN | Douglaston HD | Install A/C units | 09-3550 | W/Mod |
| November 18, 2008 |
| 2 E. 52nd St., MN | Morton Plant House | Inst. awnings, leg. flagpoles | 09-4084 | Yes |
| 200 E. 66th St., MN | Manhattan House | Replace driveways, sidewalks | 09-1926 | Yes |
| 390 West End Ave., MN | Apthorp Apartments | Inst. rooftop mech. units | 09-3066 | Yes |
| 89 Greene St., MN | SoHo-Cast Iron HD | Amend previous approval | 09-4988 | No |
| 92 Perry St., MN | Greenwich Village HD | Create storefront openings | 08-5051 | Yes |
| 335 W. 12th St., MN | Greenwich Village HD | Demo. garage, const. bldg. | 08-7986 | Yes |
| 415 W. 13th St., MN | Gansevoort Market HD | Inst. infil, lift, alt. platform | 09-2521 | Yes |
| 717 Madison Ave., MN | Upper East Side HD | Repl. infil, const. rear add. | 09-1936 | In Part |
| 110 E. 70th St., MN | Upper East Side HD | Alt. facade, const. additions | 09-0226 | W/Mod |
| 73 W. 71st St., MN | Upper West Side/CPRW HD | Inst. infil, const. rear adds. | 08-7956 | In Part |
| 45 E. 78th St., MN | Upper East Side HD | Install banner | 09-1020 | Yes |
| 258 W. 88th St., MN | Riverside-West End HD | Const. roof, rear additions | 09-0968 | Yes |
| 610 West End Ave., MN | Riverside-West End HD | Inst. canopy, alt. courtyard | 09-1519 | Yes |
| 241 Lenox Ave., MN | Mt. Morris Park HD | Const. roof add., mod. areaway | 08-6586 | W/Mod |
| 20 Joralemon St., BK | Brooklyn Heights HD | Const. courtyard garage | 08-6905 | Yes |
said that at least the City obtained “something worthwhile” from the destruction of the neighborhood.

Chair Robert B. Tierney thanked NYU for being “cooperative partners” in the designation, but did not address the issue of further development on the site. Stating the he was “delighted to be able to finally designate” the towers, Tierney called a vote, which passed unanimously.


Environmental Control Board
Lenox Hill, Manhattan
Plaza violation upheld

Four-foot tall iron fence blocked access to public plaza. After the Dept. of City Planning received complaints about an obstruction to a public plaza, a Buildings inspector was sent to the site at 733 Park Avenue in Manhattan. The inspector observed a four-foot tall iron fence surrounding the entire plaza and separating the public sidewalk from the garden area and the plaza’s walkways. The inspector issued a violation to the owner, charging it with failing to comply with the terms of an as-of-right plaza bonus by not providing 24-hour public access to the plaza in violation of the City’s Zoning Resolution.

An ALJ upheld the violation, ruling that the owner was obstructing access to the public plaza with a four-foot tall fence. The ALJ found that the owner was supposed to provide a plaza for public use in exchange for a floor area bonus that it received in connection with construction.

The owner appealed, claiming that the fence was not a prohibited obstruction because it contained openings to allow for access to the plaza’s walkways. Buildings countered that the fence obstructed free and open access to the plaza as required by the Zoning Resolution. Buildings further argued that the Zoning Resolution required that a plaza be unobstructed from its lowest level to the sky. In this case, Buildings claimed that only 15ft. of the 170ft. of the plaza’s frontage provided open and free access to the plaza.

The Environmental Control Board denied the appeal, ruling that the four-foot fence, with openings in less than ten percent of the plaza’s frontage, was a violation of the Zoning Resolution. The Board found that a wrought iron fence was not a permitted obstruction, only railings were permitted provided that they were no more than three feet and eight inches high. The fence could not be considered a trellis or arbor, but rather a barrier that impeded access from the sidewalk to the garden.

New York City v. 733 Tenants Corp., ECB Appeal No. 41202 (June 26, 2008).

Landmarks Preservation Commission
Citywide
Landmarks to change designation procedure

Landmarks must promulgate rules that encourage a more timely and transparent processing of landmark nominations. Upon receiving a Request for Evaluation, or an official landmark nomination submitted by the public, Landmarks’ Request for Evaluation Committee would screen the nomination to determine if further consideration was appropriate. If further consideration was warranted, the Committee would send the nomination, a photograph, a statement of significance, and the Committee’s recommendation to each Landmarks Commissioner for comment. When all comments were received, the Chair of the Committee would, at his or her discretion, decide if the full Commission should formally consider the nomination on the record.

Citizens Emergency Committee to Preserve Preservation filed an article 78 petition, claiming that Landmarks’ handling of Requests for Evaluation required modification. Justice Marilyn Shafer granted the petition and ruled that Landmarks’ failure to make timely decisions on certain nominations was arbitrary and capricious. Shafer decided that Landmarks had an obligation to publicly consider every nomination and render a prompt decision. The court ordered that all nominations be submitted to the Committee within 120 days of receipt, and further ordered that all Committee recommendations be reported to the full Commission at a public hearing.


COURT DECISIONS

Bd. of Standards and Appeals
Chelsea, Manhattan
20-story hotel may be built based on 1963 variance

Court found zoning lot merger to be a technical amendment to prior BSA
resolution granting variance; new variance not required, nor is environmental impact statement. BSA granted the College of St. Francis Xavier a variance in 1963 on the condition that Xavier's proposed development conform to the site plan submitted with the original application. In 2008, Xavier agreed to merge its zoning lot with an adjacent lot owned by Clothing Workers Center Incorporated. Clothing Workers would then purchase the unused development rights on Xavier's tax lot and sell its tax lot along with the development rights to a developer who intended to construct a 20-story hotel within the merged zoning lot. Xavier and Clothing Workers applied to BSA for an amendment to the 1963 resolution so that the approved site plan would be updated to reflect the zoning lot merger. BSA approved the application, finding that the new site plan did not affect the findings made in the 1963 resolution. BSA concluded that the amendment was technical and findings for a new variance were not required.

Neighbors and a community organization filed an article 78 petition, claiming that BSA should have made findings necessary for a new variance and directed the applicants to produce an environmental impact statement. Justice Walter B. Tolub denied the petition, finding that BSA's determination that the application did not disturb any of the findings made in 1963 was rational. Tolub reasoned that since the amendment was merely technical, a new variance was not necessary.


COURT DECISIONS

City of New York
Bedford-Stuyvesant, Brooklyn
Value with variance OK’d

In eminent domain case court ruled that appraisal could be based on assumption that variance would be granted. The City acquired title to a vacant M1-2 property, owned by Congregation Adas Yereim, through eminent domain. The property’s zoning allowed light manufacturing uses as-of-right, but prohibited residential uses. Prior to condemnation, Congregation had already begun the process of applying for a special permit and variance that would have allowed it to build a five-story school and four residential buildings with 90 units. A formal application had been submitted for the special permit and hearings had been held on the matter; a variance application for the residential buildings would follow once the special permit was obtained. Though the City took title to the property before the special permit was obtained, Congregation submitted an appraisal report that valued the property as if it would be developed with the residential buildings and school.

The City attempted to preclude the appraisal report from evidence, arguing that it erroneously assumed that a variance would have been granted. The City further argued that, even if the property would have received a variance, the appraisal report should be inadmissible at trial since the method of valuation was inappropriate. The appraiser, according to the City, should have valued the property as it was zoned and then added an increment for the probability of obtaining a variance instead of valuing the property as if it received the variance.

Justice Abraham Gerges rejected the City's position, ruling that the appraisal report was admissible at trial. Gerges determined that the City failed to prove that the sales were not truly comparable, and concluded that the suitability of the comparable sales was a matter of fact for the trial court to consider.


LANDMARKS PRESERVATION COMMISSION

Lower East Side, Manhattan

Designation of P.S. 64 upheld

Court upheld designation even though developer had valid permit to alter facade. 9th & 10th Street LLC owned 605 East 9th Street in Manhattan, the former Public School 64. After the owner received a permit from Buildings to alter the facade, Landmarks designated the site as an individual landmark. In reaching its decision, Landmarks found that P.S. 64 was of special architectural, historical, and cultural significance. 3 CityLand 93 (July 15, 2006). The owner filed an article 78 petition challenging the designation.

Justice Shirley Werner Kornreich denied the owner's petition, ruling that Landmarks had a rational basis to conclude that the building was worthy of designation. Though the owner claimed that P.S. 64 lacked sufficient architectural, historical, or cultural significance to merit designation, Kornreich found that the Commission had relied upon evidence that was adequate to refute the claim, especially since Landmarks found that P.S. 64 was the oldest extant Snyder "H-plan" school with an auditorium accessible from the street. Despite the prior legal removal of some of the decorative facade, Kornreich determined that designation was warranted since Landmarks based its decision on the remaining "special" architectural features as well as the historical and cultural qualities that
were beyond removal.


COURT DECISIONS

NYS Dept. of Environmental Conserv.
Murray Hill, Manhattan

Site qualifies as brownfield
DEC acted outside its authority by creating “but-for” test to deny eligibility. East River Realty Company LLC

CITYLAND PROFILES

Council Member Jessica Lappin on Landmarks, Public Siting, and Site Safety

Council Member
Jessica Lappin represents Community District 5 in Manhattan, which includes parts of Midtown and the Upper East Side. She also chairs the Council’s Subcommittee on Landmarks, Public Siting & Maritime Uses. A New York native and graduate of Stuyvesant High School and Georgetown University, Lappin was raised in a landmarked house in Gramercy Park. Well-regarded by preservation advocates, she has garnered accolades from the Friends of the Upper East Side and the Historic Districts Council for her proactive stance towards the protection of historic neighborhoods and buildings. During her tenure as Chair, the City has designated 67 individual landmarks and 11 historic districts. She has also crafted legislation in response to recent crane collapses, mandating additional safety measures at construction sites and training for crane operators.

On the landmarking process. When fellow council members elected her to Chair, Lappin was more than happy to accept since “the budget and land use are the two big, meaty issues that the City Council deals with,” and because it provided her with an opportunity to “have a real role in terms of shaping our landscape in New York City.” While she states that not all of her predecessors at the helm of the Subcommittee could be considered landmarks advocates, Lappin believes she comes from a position of real appreciation for preservation, looking at every item before the Subcommittee fairly and objectively. Lappin states the importance of continuing to evolve and grow as a City, but she is quick to add that we must always keep our character and history, and be mindful of our architectural jewels. When asked about whether an end to the construction boom will have an effect on the prioritization of landmark designations or protection in the City, Lappin responded that historic preservation, ideally, lies outside such considerations, and that “landmarking should not be used as an anti-development tool or as an alternative to zoning.”

While she says that the Subcommittee generally defers to the research and expertise of the Landmarks Preservation Commission, Lappin believes that the burden is on the Council to consider issues of use and politics. She also believes it is important to have a public discussion at the Council level, which is “more political and community-based” than Landmarks, and makes “property owners feel like they have more say in the process.” Lappin states that Landmarks has been understaffed and underfunded for much of its history, necessitating a greater role for Council, and points with pride to the additional $250,000 she helped secure for the Commission in the City’s budget, which she hopes will allow Landmarks to process permits more efficiently and perform designation research.

Beyond Landmarks. While the Subcommittee is usually associated with landmarking issues, Lappin has made an effort to extend the Subcommittee’s influence over the spheres of public siting and maritime uses. She believes that an oversight hearing on the South Brooklyn Working Waterfront changed the course of the City’s vision for the area, which is shifting from luxury housing development to maritime commerce.

The siting of schools is among the most important and contentious issues with which Lappin deals with as Chair. Though new schools are generally received positively at a macro level, community members are often leery of a new 500-seat high school in their district, and difficulties are presented in the form of legal wrangling such as the recent lawsuit filed against the School Construction Authority for allegedly failing to ensure proper remediation of a brownfield site that will house a new $230 million school campus.

While sitting is particularly difficult in Manhattan, development throughout the City has made siting public facilities more difficult than in years past. Lappin sees part of her job as publicizing these issues, bringing communities into the discussions and causing officials to rethink their approach. Lappin thinks the future of public siting will include siting schools, libraries, and senior centers in large scale developments during the planning process as opposed to after construction is complete.

Looking ahead at construction site safety. While praising the new Department of Buildings commissioner, Lappin thinks that endemic problems will require an ongoing effort since Buildings has “a long history of a corrupt culture.” Lappin is currently working on a bill that would put safety monitors on problematic job sites, but is having trouble defining the focus, because, as one of her colleagues stated, bad job sites are “like pornography, you know it when you see it.” She views construction site safety as a multipronged operation, involving unions, owners, engineers, contractors and developers, which she hopes to bring together for a common cause.

With a full plate of initiatives to see through, Lappin insists that in terms of her future, she is only looking forward to running for reelection to another term at Council.

— Jesse Denno

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owned several contaminated properties in the Murray Hill neighborhood of Manhattan and in 2001 entered them into the NYS Dept. of Environmental Conservation's Voluntary Cleanup Program. The sites are former Con Edison sites, and are among the largest and most valuable development sites in the City.

Following the enactment of the State's Brownfield Cleanup Program in 2003, East River applied to DEC for a transfer of the sites from the Voluntary Cleanup Program to the Brownfield Cleanup Program. After DEC advised East River that its application was complete, the agency delivered a final Cleanup Agreement to East River, which executed the agreement and sent it back to DEC. DEC, in an apparent change of position, refused to execute the agreement, and six months later, issued a determination denying the sites' inclusion in the program.

DEC denied East River's application because it determined that environmental remediation would have occurred even if the program's benefits were not available. East River filed an article 78 petition challenging the determination, claiming that the statute did not include a "but-for" test, nor did it provide authorization to create such a test. East River further claimed that since the redevelopment of its sites would be complicated by the presence of contaminants, the sites met the program's definition of "brownfield site," and, as such, it was entitled to participate in the program as of right.

Judge Lewis Bart Stone rejected DEC's denial of East River's application, and ordered DEC to execute and deliver the Cleanup Agreement to East River. Stone ruled that East River's sites qualified as brownfields since redevelopment of each had been complicated by "cost, time, or uncertainty." Stone also ruled that DEC exceeded its authority when it created a "but-for" eligibility test and used it as a basis to deny East River's application. In ruling that DEC exceeded its authority, Stone also considered several New York Supreme Court decisions addressing DEC's exclusion of sites from the program, including HLP Properties LLC v. NYSDEC, where the court ruled that DEC's self-created economic eligibility criteria amounted to an unauthorized exercise in lawmaking. 5 CityLand 144 (Oct. 15, 2008).


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

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### CITY PLANNING COMMISSION

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--- | --- | --- | --- | ---
SI Ferry Terminal | Disposition of City property | MN 1, SI 1 | C080507PPY | 10/7/2008
Dep’t of Sanit. Garage | Site selection, acquisition of property (salt shed, garage); special permit (height, setback, yards) | MN 2 | C080279PSM; C080280PCM; C080281SM | 10/7/2008
Hudson Square BID | Form Business Improvement District | MN 2 | N090020BDM | 10/7/2008
E. Village/LES Rezoning | Rezoning; zoning text amendment | MN 3 | C080397AZMM; N080398AZRM | 10/7/2008
Habourview | Special permit (height, setback); spec. permit (build in railroad right-of-way) | MN 4 | C080400ZSM | 10/7/2008
125th St. Follow-Up Text | Zoning text amend. (height & bulk regs.) | MN 10 | N090031ZRM | 10/7/2008
Via Verde | Rezoning (M1-1 to C6-2); zoning text amend.; special permit (build in railroad right-of-way); special permit (height, setbacks, yards regs.); acq. of property; UDAAP by HPD (220 units) | BX 1 | C080517ZMX; N080518ZRY; C080519ZSX; C080520ZSX; C080521PQX; C080522HAX | 10/7/2008
Bd. of Elections Warehouse | Site selection, acq. of prop. (warehouse) | BX 1 | C080478PCX | 10/7/2008
Bush Terminal Unit D | Disposition of City property | BK 7 | C080392PCX | 10/7/2008
Dona Petra Santiago Apts. | UDAAP by HPD (56 units) | MN 13 | C080504MAM | 10/29/2008
Wheatsworth Factory | Landmark designation | MN 3 | N090113HMK | 11/19/2008
W. 143rd St. Apartments | UDAAP by HPD (34 units); acquisition of property | MN 10 | C080501HMM; C080502PQM | 11/19/2008
Fire Engine Company 53 | Landmark designation | MN 11 | N090115HMK | 11/19/2008
Bed-Stuy Gateway BID | Form Business Improvement District | BK 3 | N090095BDM | 11/19/2008
Betsy Head Play Center | Exterior and interior landmark designations | BK 16 | N090118RKM | 11/19/2008
Tompkinsville Play Center | Exterior and interior landmark designations | SI 1 | N090116HRR; N090117HRR | 11/19/2008

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### BOARD OF STANDARDS & APPEALS

#### ADDRESS | DESCRIPTION | ACTION | CASE NO. | REPRESENTATIVE
--- | --- | --- | --- | ---
408 Greenwich St., MN | Change use (res. to commercial) | W/D | 340-03-BZ | Davidoff Malito
213 Madison St., MN | Permit commercial use in R7-2 dist. | App’d | 24-96-BZ | Rotkun Rothkug
232 Mercer St., MN | Legalize PCE (NY Sports Club) | App’d | 189-08-BZ | Fredrick A. Becker
600 Broadway, MN | Permit PCE (24-Hour Fitness) | App’d | 179-08-BZ | Rizzo Group
515 E. 5th St., MN | Revoke enlargement of tenement bldg. | App’d | 82-08-A | Harvey Epstein
514 E. 6th St., MN | Revoke enlargement of tenement bldg. | App’d | 81-08-A | Harvey Epstein
420 Lexington Ave., MN | Extend PCE (Equinix Fitness) | App’d | 197-00-BZ | Rotkun Rothkug
303 Park Ave., MN | Ext. of term (phys. cult. est.) | App’d | 20-02-BZ | Fredrick A. Becker
300 E. 74th St., MN | Ext. time to complete const. | App’d | 196-66-BZ | Eric Palatnik PC
3 E. 101st St., MN | Permit 11-story med. ct. | App’d | 257-07-BZ | Gordon J. Davis
170 Claremont Ave., MN | Elev. bldg., install elevator | W/D | 185-08-BZ | Slater & Beckman
1479 Rosedale Ave., BK | Vested rt. to cont. development | W/D | 168-07-A | Fredrick A. Becker
201 E. 202nd St., BK | Ext. of term (funeral home) | App’d | 141-58-BZ | Kenneth H. Koons
2117 Avenue M, BK | Elev. 1-fam. dwelling (fl. area, yards) | App’d | 206-08-BZ | Fredrick A. Becker
1856 E. 24th St., BK | Elev. 1-fam. dwelling (fl. area, yard) | App’d | 35-08-BZ | Lewis E. Garfinkel
1644 48th St., BK | Permit synagogue, apartments | App’d | 268-07-BZ | Eric Palatnik PC
245 Varet St., BK | Legalize res. units in indust. bldg. | App’d | 39-06-BZ | Moshe M. Friedman
846 70th St., BK | Revoke front-yard parking permit | Desied | 136-08-A | John Beckmann
252 Atlantic Ave., BK | Amend variance (streetwall, bulkhead) | App’d | 257-04-BZ | Cazen O'Connor
2226 Gerritsen Ave., BK | Ext. time to obtain C of O | App’d | 360-01-BZ | Carl A. Sufaro
209 20th St., BK | Ext. of term (vehicle storage) | App’d | 182-85-BZ | Dominick Salvati

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<td>Appd; Appd</td>
<td>212-08-A; 202-08-BZ</td>
<td>Greenberg Traurig</td>
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<tr>
<td>67-24 Main St., QN</td>
<td>Special permit (auto service station)</td>
<td>Appd</td>
<td>84-08-BZ</td>
<td>Walter T. Gorman</td>
</tr>
<tr>
<td>117-23 132nd St., QN</td>
<td>Construct 1-fam. dwelling</td>
<td>Appd</td>
<td>79-08-BZ</td>
<td>Fredrick A. Becker</td>
</tr>
<tr>
<td>86-14 128th St., QN</td>
<td>Ext. of term (parking lot)</td>
<td>Appd</td>
<td>705-68-BZ</td>
<td>Rothkrug Rothkrug</td>
</tr>
<tr>
<td>621 Beach 9th St., QN</td>
<td>Legalize ambulance garage</td>
<td>Appd</td>
<td>76-08-BZ</td>
<td>Eric Palestric PC</td>
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<tr>
<td>70-44 Kissena Blvd., QN</td>
<td>Permit 1-story retail facility</td>
<td>Appd</td>
<td>51-07-BZ</td>
<td>Gerald J. Caliendo</td>
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<tr>
<td>212-95 26th Ave., QN</td>
<td>Ext. of term (amusement arcade)</td>
<td>Appd</td>
<td>739-76-BZ</td>
<td>Joseph P. Morelino</td>
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<tr>
<td>22-55 BQE, QN</td>
<td>Ext. of term (Mobil station)</td>
<td>Appd</td>
<td>94-58-BZ</td>
<td>Walter T. Gorman</td>
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<tr>
<td>772 Bayside, QN</td>
<td>Enrg, 1-fam. dwelling in mapped st. bed</td>
<td>Appd</td>
<td>192-08-A</td>
<td>Zygmunt Staszewski</td>
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<tr>
<td>617 Bayside Dr., QN</td>
<td>Enrg, 1-fam. dwelling in mapped st. bed</td>
<td>Appd</td>
<td>174-08-A</td>
<td>Gary D. Lenhart</td>
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<tr>
<td>23 Hudson Walk, QN</td>
<td>Enrg, dwelling not fronting mapped st.</td>
<td>Appd</td>
<td>238-08-A</td>
<td>Gary D. Lenhart</td>
</tr>
<tr>
<td>26 1/2 State Rd., QN</td>
<td>Enrg, 1-fam. dwelling in mapped st. bed</td>
<td>Appd</td>
<td>164-08-A</td>
<td>Gary D. Lenhart</td>
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<tr>
<td>206A Beach 3rd St., QN</td>
<td>Ext. time to complete const.</td>
<td>Denied</td>
<td>306-05-BZ</td>
<td>Stuart A. Klein</td>
</tr>
<tr>
<td>137-42 Guy Bromley Blvd., QN</td>
<td>Amend variance (change of use)</td>
<td>Appd</td>
<td>681-68-BZ</td>
<td>Gerald J. Caliendo</td>
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<tr>
<td>591 Forest Ave., SI</td>
<td>Permit PCE (Planet Fitness)</td>
<td>Appd</td>
<td>59-08-BZ</td>
<td>Sheldon Lobel PC</td>
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<tr>
<td>120 John St., SI</td>
<td>Const. 3-story, 1-fam. dwelling in mapped street bed</td>
<td>Appd</td>
<td>243-07-BZ; 244-07-A</td>
<td>Rothkrug Rothkrug</td>
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<tr>
<td>80 Gallant Loop, SI</td>
<td>Const. 12 dwellings not fronting mapped street</td>
<td>Appd</td>
<td>121-08-A; 132-08-A</td>
<td>Philip L. Rampulla</td>
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**BOARD OF STANDARDS & APPEALS (CONT.)**

**LANDMARKS PRESERVATION COMMISSION**

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<tr>
<th>ADDRESS</th>
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<tr>
<td>1818 Amsterdam Ave., MN</td>
<td>Loth &amp; Co. Silk Ribbon Mill</td>
<td>Install handrails</td>
<td>09-4875</td>
<td>Yes</td>
<td>10/27/2008</td>
</tr>
<tr>
<td>79 Franklin St., MN</td>
<td>Tribeca East HD</td>
<td>Replace storefront</td>
<td>09-4453</td>
<td>Yes</td>
<td>10/21/2008</td>
</tr>
<tr>
<td>478 Broadway, MN</td>
<td>SoHo-Cast Iron HD</td>
<td>Install masonry, mech. equip.</td>
<td>09-5500</td>
<td>Yes</td>
<td>11/20/2008</td>
</tr>
<tr>
<td>53 Great Jones St., MN</td>
<td>NoHo HD Ext.</td>
<td>Replace infill, security gate</td>
<td>09-5020</td>
<td>Yes</td>
<td>10/28/2008</td>
</tr>
<tr>
<td>675 Hudson St., MN</td>
<td>Garsevoir Market HD</td>
<td>Construct 2 exterior stair</td>
<td>09-4946</td>
<td>Yes</td>
<td>10/29/2008</td>
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<tr>
<td>160 Fifth Ave., MN</td>
<td>Ladies' Mile HD</td>
<td>Replace doors, infill, inst. signage</td>
<td>09-4639</td>
<td>Yes</td>
<td>10/17/2008</td>
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<tr>
<td>114 E. 65th St., MN</td>
<td>Upper East Side HD</td>
<td>Enclose terrace, const. roof</td>
<td>09-4953</td>
<td>Yes</td>
<td>11/7/2008</td>
</tr>
<tr>
<td>177 E. 71st St., MN</td>
<td>Upper East Side HD</td>
<td>Demo. add., const. add., rear yard ext.</td>
<td>09-4611</td>
<td>Yes</td>
<td>10/22/2008</td>
</tr>
<tr>
<td>101 E. 81st St., MN</td>
<td>Upper West Side HD</td>
<td>Const. penthouse addition</td>
<td>09-4884</td>
<td>Yes</td>
<td>10/29/2008</td>
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<tr>
<td>117 W. 81st St., MN</td>
<td>Upper West Side/CWHD</td>
<td>Const. 4-story addition</td>
<td>09-4816</td>
<td>Yes</td>
<td>10/24/2008</td>
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<tr>
<td>1056 Fifth Ave., MN</td>
<td>Carnegie Hill HD</td>
<td>Replace railing, eng. facade</td>
<td>09-4664</td>
<td>Yes</td>
<td>10/27/2008</td>
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<tr>
<td>157 Sixth Ave., BK</td>
<td>Park Slope HD</td>
<td>Const. bulkhead, deck, staircase</td>
<td>09-4789</td>
<td>Yes</td>
<td>10/23/2008</td>
</tr>
<tr>
<td>90 Park Pl., BK</td>
<td>Park Slope HD</td>
<td>Legize fence, inst. porch</td>
<td>09-4357</td>
<td>Yes</td>
<td>10/14/2008</td>
</tr>
<tr>
<td>114 Greenpoint Ave., BK</td>
<td>Greenpoint HD</td>
<td>Reconstruct 3rd, 4th floors</td>
<td>09-4654</td>
<td>Yes</td>
<td>10/17/2008</td>
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<tr>
<td>227 Clermont Ave., BK</td>
<td>Fort Greene HD</td>
<td>Demo. rear yd., const. add.</td>
<td>09-3378</td>
<td>Yes</td>
<td>11/20/2008</td>
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<tr>
<td>194 Sterling St., BK</td>
<td>Prospect Lefferts Gdns. HD</td>
<td>Leg. railings, balustrades, gates</td>
<td>09-4711</td>
<td>No</td>
<td>10/21/2008</td>
</tr>
<tr>
<td>234-41 38th Dr., QN</td>
<td>Douglaston HD</td>
<td>Move stable, const. 2-story house</td>
<td>09-4828</td>
<td>Yes</td>
<td>10/30/2008</td>
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<tr>
<td>35-18 87th St., QN</td>
<td>Jackson Heights HD</td>
<td>Replace roof tiles</td>
<td>09-4725</td>
<td>Yes</td>
<td>11/10/2008</td>
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<tr>
<td>39-85 45th St., QN</td>
<td>Sunnyside Gardens HD</td>
<td>Legalize metal door, window grille</td>
<td>09-3784</td>
<td>No</td>
<td>11/10/2008</td>
</tr>
</tbody>
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*Bold indicates the decision is covered in this issue. The symbol † indicates that the decision was covered in a previous issue. City Council decisions available in hard-copy format at the Center for New York City Law.
UPCOMING EVENTS

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Decisions on citylaw.org

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<td>2,950</td>
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<td>1,084</td>
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<td>2,049</td>
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<tr>
<td>Loft Board</td>
<td>1,539</td>
<td>1996-Present</td>
</tr>
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CITY LAW BREAKFAST SERIES

Friday, February 6th, 2009
Mark Page
Director, New York City Office of Management & Budget

Speaking on “Budget Challenges: FY 2010”
Breakfasts begin at 8:15 am at New York Law School.

P.S. 64's landmark designation upheld. See story on page 175.