

Testimony of Robert E. Flahive
to
Zoning and Franchises Committee
New York City Council

Solow/York Avenue Project
(November 12, 2007)

Good morning Chairman Avella and Members of the Subcommittee. My name is Robert Flahive of the firm Kramer Levin Naftalis & Frankel LLP. We represent the Applicant (1113 York Avenue Realty Company, L.L.C.) with respect to Application 0610 (zoning map amendment) and Application 0611 (special permit for a public parking garage with 195 spaces). Favorable reports were adopted by the City Planning Commission on October 3rd. In addition, Community Board 8 recommended approval of both applications by a vote of 30 in favor, 1 opposed and 2 abstaining and the Manhattan Borough President recommended approval of the zoning map amendment and conditional approval of the special permit for public parking.

The proposed zoning map amendment would extend the zoning pattern adopted in 1989 when the First Avenue frontage of the block was zoned C4-7 and the mid-blocks were zoned C6-3 (East 60th Street) and C6-2 (East 61st Street). The proposed C4-7 district on the York Avenue frontage would permit a base FAR of 10, bonusable to 12 FAR through the Inclusionary Housing Program. The proposed rezoning of the mid-block along East 61st Street from a C6-2 to a C6-3 district is requested not to increase the allowable floor area but, rather, to provide flexibility in massing the building and organizing the open space.

The Proposed Garage would contain a total of 195 spaces on the cellar and sub-cellar levels. Vehicles would enter and exit the garage using a 24-foot wide curb cut located on East 61st Street, approximately 100 feet west of York Avenue. Since the 2 buildings will contain a total of 445 apartments and the zoning regulations permit accessory parking for 35% of the units, the zoning regulations allow up to 156 accessory parking spaces on an as-of-right basis. However,

at the request of members of the community (who pointed out that a 578-space garage had existed at this location until it was demolished in 2005), we revised the parking layout, added 64 stackers and amended the original application to request a special permit for a public parking garage with 195 spaces. Although the primary market for the Proposed Garage will be monthly parking for the residents of the two buildings, the Environmental Assessment Statement projects that approximately 25% of the spaces in the garage would become available during the late morning and afternoon hours for use by residents, employees and visitors to other buildings in the area, including Rockefeller University and the nearby medical centers.

The Proposed Building will be the final phase of a two-building complex with an integrated open space plan. The first building, a 41-story residential building located in the mid-block, was completed in 2003. The Proposed Building will have 37 stories with approximately 211 residential units, 2,500 SF of neighborhood retail and 2 cellar levels of public parking. A retail pavilion is proposed at the corner of York Avenue and East 61st to activate these frontages. In addition, an extensive program of streetscape improvements, including landscaping, pedestrian-scale lighting, benches and a water feature, will be provided along East 60th Street in accordance with the recommendations of the 197-a Plan for the Queensboro Bridge Area approved by the City Council in 2006.

The Project Architect, David West of Costas Kondylis & Partners, will now present the design of the Proposed Building, the operation of the Proposed Garage and the streetscape improvements. Jim Schmidt of Solow Management and Lin Do of AKRF, Inc., the Project's environmental consultant, are in attendance this morning and would be pleased to answer any questions.

Century 21 Parking Garage Special Permit

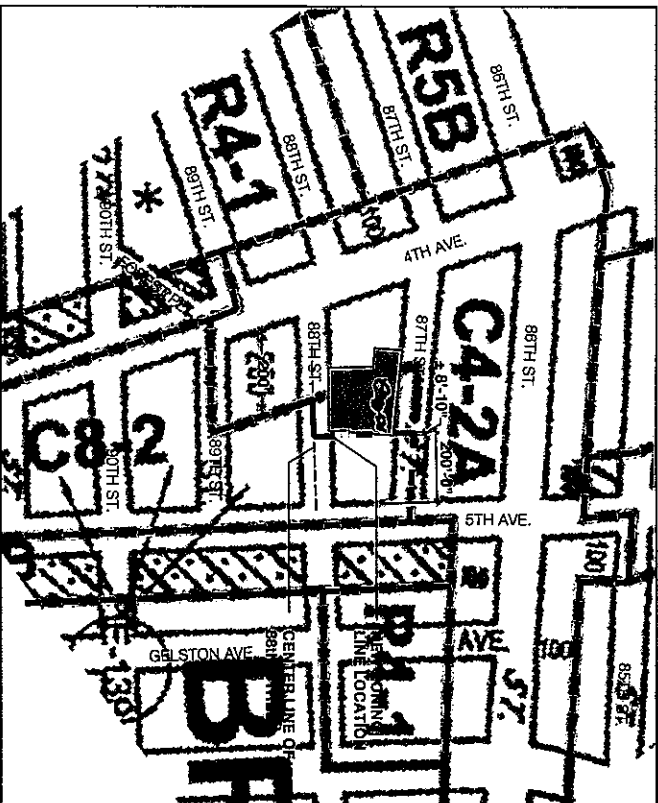
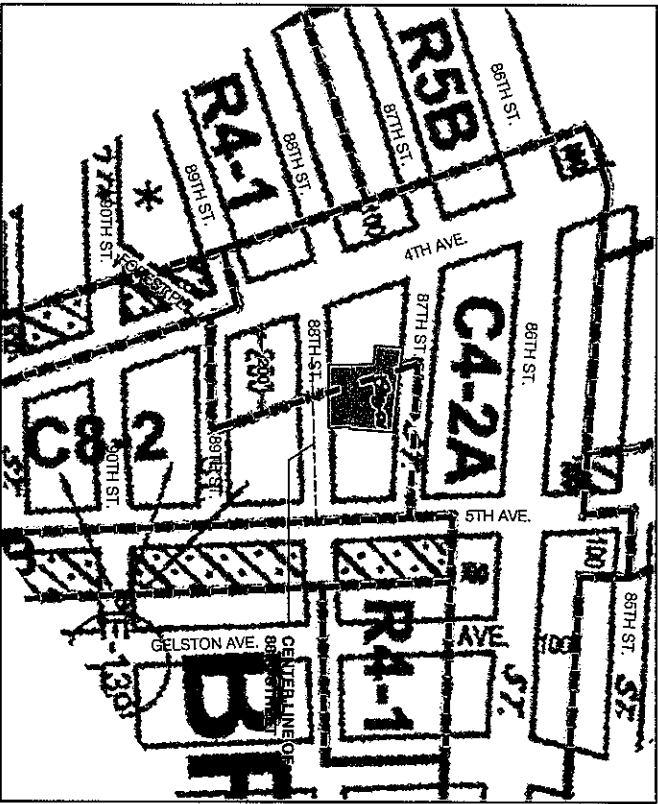
PROJECT TEAM

Century 21 Department Store

Greenberg Traurig, LLP

SBLM Architects

AKRF, Inc.



EXISTING ZONING LINE LOCATION

NEW ZONING LINE LOCATION

ENTIRE SITE WITHIN SPECIAL DISTRICT (BAY RIDGE), SEE ZONING MAP 22d

SBLM

SBLM Architects
 151 W. 26 Street
 New York, NY 10001
 Telephone 212 955 5600
 Fax 212 675 4228
 www.sblm.com

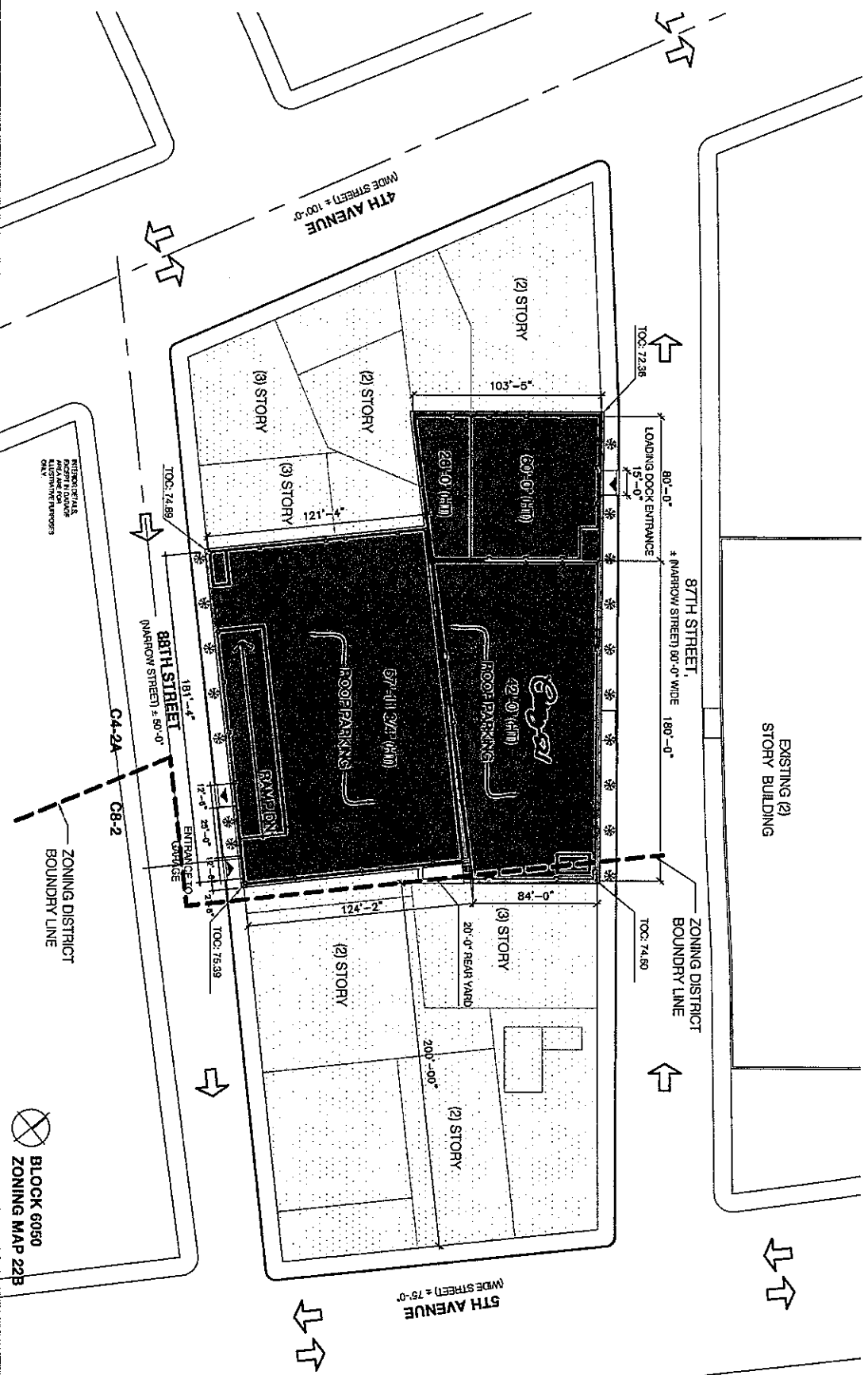
Century 21
 Bay Ridge
 Brooklyn, NY

Proposed Rezoning
 June 11, 2007
 GBP - 1

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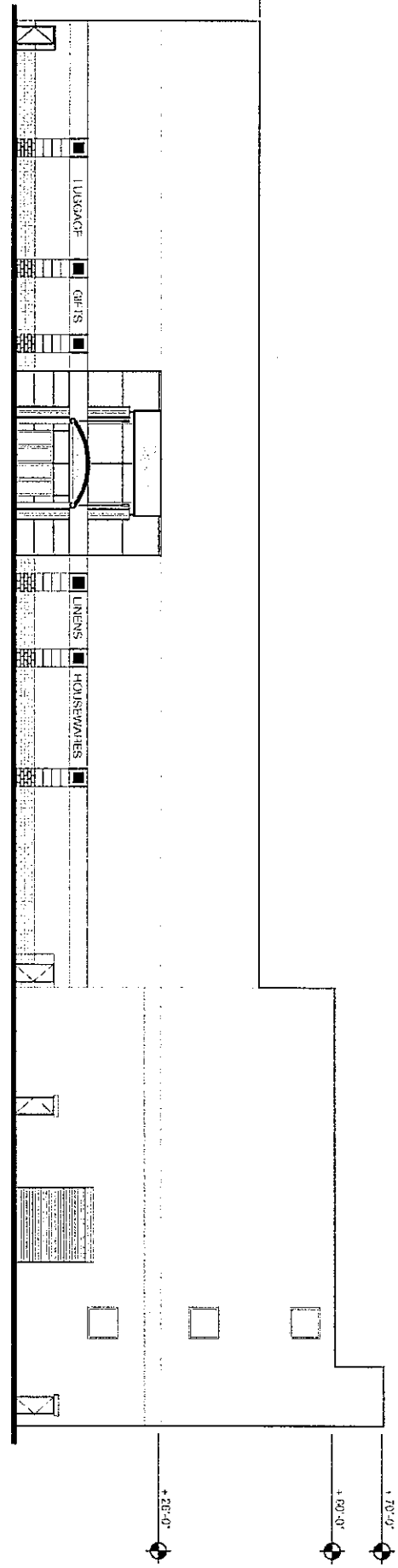
Site Plan
 June 11, 2007
 CBP - 2



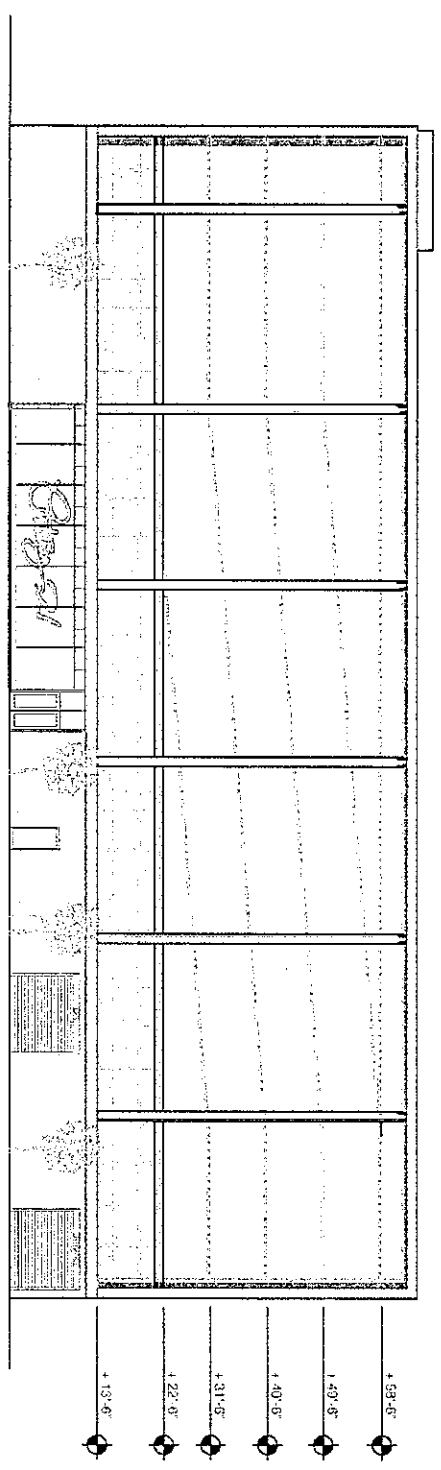
⊗ BLOCK 6050
 ZONING MAP 22B

47'-4 1/2" 0"

PROPOSED 87TH STREET ELEVATION



PROPOSED 88TH STREET ELEVATION



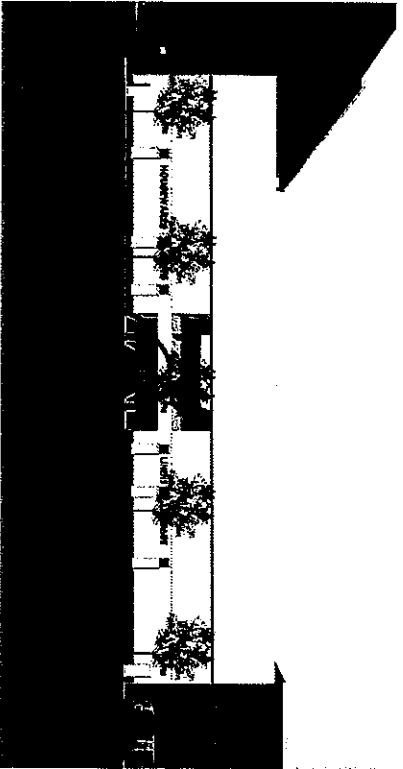
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SBLM Architects
 151 W. 29 Street
 New York, NY 10001
 Telephone 212 946 8900
 Fax 212 975 4228
 www.sblm.com

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Proposed Elevations
 June 11, 2007
 CBP - 4

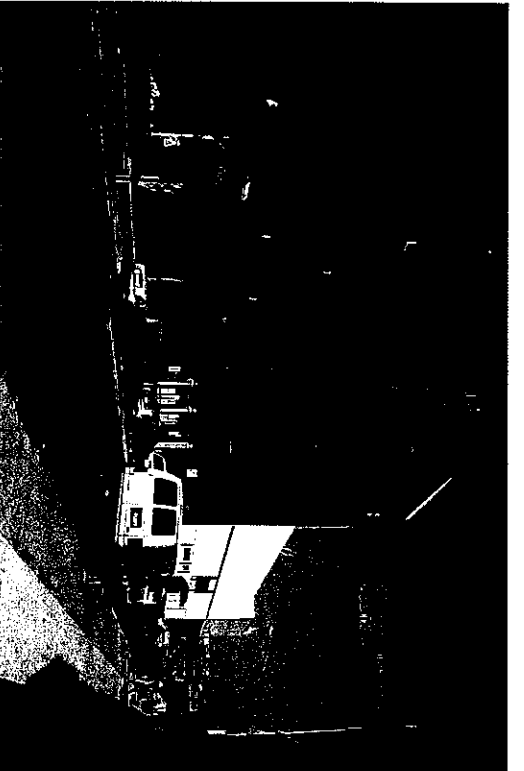
PROPOSED



1. RETAIL BUILDING WITH PROPOSED 2ND STORY ADDITION - 87TH STREET



3. PROPOSED 6 STORY GARAGE WITH GROUND FLOOR RETAIL - 88TH STREET



2. 87TH STREET - LOOKING WEST



4. 88TH STREET - LOOKING WEST

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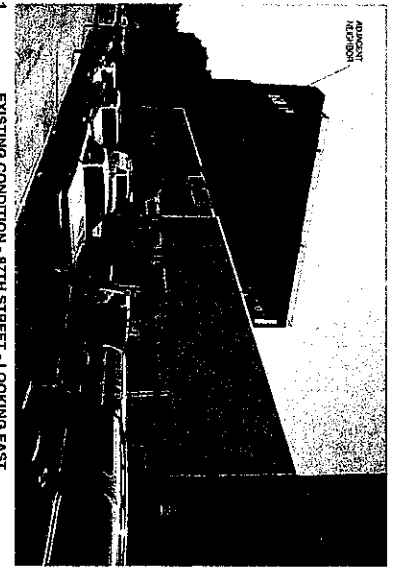
Proposed Rezoning - Proposed Facade & Views
June 11, 2007
CBP - 6



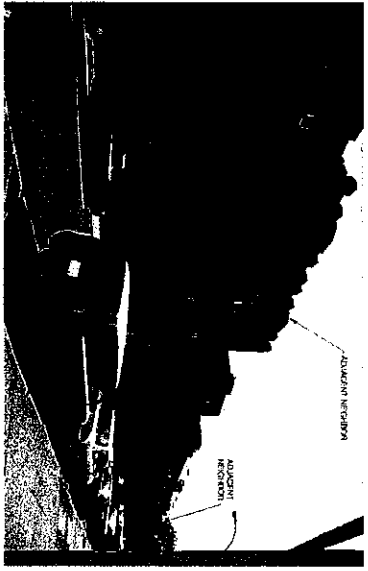
EXISTING CONDITION - 87TH STREET



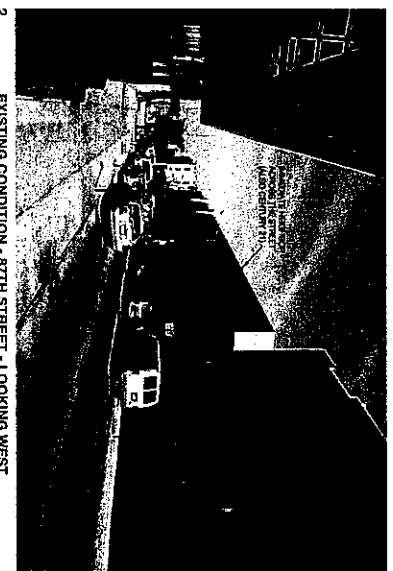
PRIOR CONDITION - 87TH STREET



1. EXISTING CONDITION - 87TH STREET - LOOKING EAST



3. PRIOR CONDITION - 87TH STREET - LOOKING EAST



2. EXISTING CONDITION - 87TH STREET - LOOKING WEST



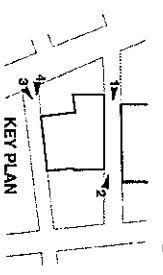
4. PRIOR CONDITION - 87TH STREET - LOOKING EAST

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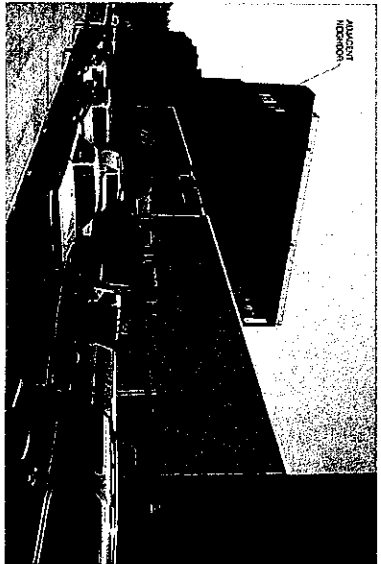
Century 21
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Proposed Rezoning - Prior Conditions
 June 11, 2007
 CBP - 8

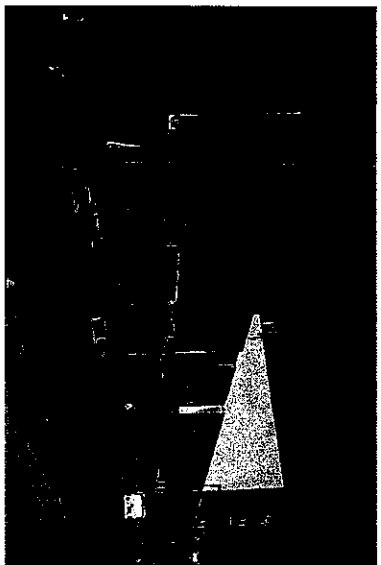




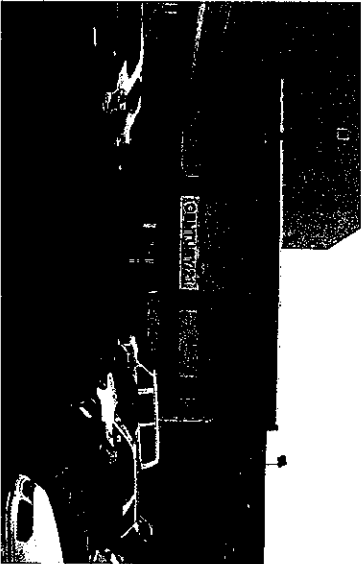
EXISTING CONDITION - 87TH STREET



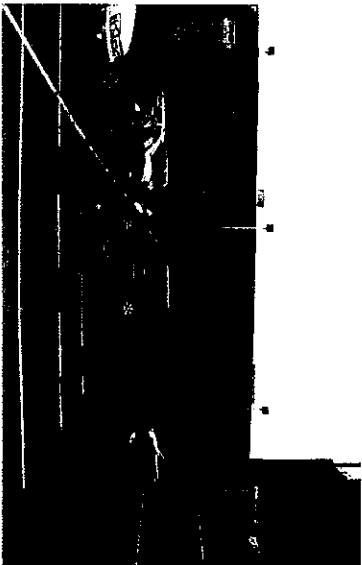
1. EXISTING CONDITION - 87TH STREET - LOOKING EAST



2. EXISTING CONDITION - 87TH STREET - LOOKING WEST



3. EXISTING CONDITION - 88TH STREET



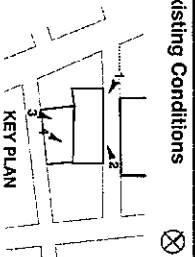
4. EXISTING CONDITION - 88TH STREET

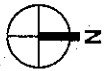
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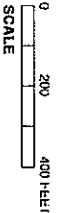
Proposed Rezoning - Existing Conditions
 June 11, 2007
 CBP - 9





————— Project Site Boundary
 - - - - - Study Area Boundary
 (400-Foot Perimeter)

- Residential
- Residential (with Ground-Floor Retail)
- Commercial
- Office
- Institutional
- Industrial, Utilities, Transportation, Public Parking
- Vacant Parcels



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Century 21
 Bay Ridge
 Brooklyn, NY

Land Use
 June 11, 2007
 CBP - 10

Brooklyn Borough President Recommendation

CITY PLANNING COMMISSION

22 Reade Street, New York, NY 10007

FAX # (212) 720-3356

INSTRUCTIONS

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representatives as indicated on the Notice of Certification.

APPLICATION # 070203 ZMK / 070204 ZSK
Century 21 Bay Ridge

In the matter of applications submitted by Century 21 Department Stores LLC and Michael Sonnabend LLC pursuant to Sections 197-c and 201 of the New York City Charter for: a) an amendment of the Zoning Map, Section No. 22b changing from a C8-2 District to a C4-2A District, and, b) the grant of a special permit pursuant to Section 74-512 of the Zoning Resolution to allow a seven-level unattended public parking garage with a maximum capacity of 279 spaces and to permit floor space on three levels up to a height of 23 feet above curb level to be exempted from the definition of floor area as set forth in Section 12-10 of the Zoning Resolution and to permit public parking spaces to be located on the rooftops of the public parking garage to facilitate the enlargement of a commercial development at 416 to 450 87th Street and 415 to 435 88th Street.

COMMUNITY DISTRICT NO.

10

BOROUGH OF BROOKLYN

RECOMMENDATION

- APPROVE
 APPROVE WITH MODIFICATIONS/CONDITIONS
 DISAPPROVE WITH MODIFICATIONS/CONDITIONS
 DISAPPROVE

EXPLANATION OF RECOMMENDATION - MODIFICATIONS/CONDITIONS

- RECOMMENDATION ATTACHED
 RECOMMENDATION TO FOLLOW

The borough president supports those applications that provide additional parking resources for Brooklyn's regional shopping districts. The availability of parking is vital to the sustainability for such regional shopping areas outside of Downtown Brooklyn that need to remain competitive with suburban centers. This proposed parking facility will increase the number of parking spaces available for the patrons of Century 21 and other nearby retailers. The borough president commends Century 21 for its commitment to make this facility available after store hours to area restaurants that provide valet service. Such use of the garage might make it less difficult for area residents to find parking during prime dining hours. The borough president believes that this proposed facility would be a valued resource.

Be it resolved that the Borough President of Brooklyn, pursuant to section 197-c of the New York City Charter, recommends that the City Planning Commission and City Council approve this amendment to the Zoning Map.


 BOROUGH PRESIDENT

August 15, 2007

DATE

**Zoning and Land Use Committee
Brooklyn Community Board 10 Report and Minutes
June 18, 2007**

Committee Meeting Date: June 11, 2007

The Committee met in quorum on June 11, 2007 at 8:00 PM to hear the presentation of applicants, Century 21 Department Stores LLC and Michael Sonnaband LLC, ("Century") to rezone a portion of the block between 87th and 88th Streets and 4th and 5th Avenues to facilitate development of a 6 story parking garage and an expansion of the existing annex to the Century 21 store. This was an informational meeting as the application has not been certified by the Committee meeting date. The applicant represented that the application to be submitted to the Department of City Planning will be substantially the same if not identical to the application we were provided with. Most of the lot to be developed was occupied by Mark Lanes Bowling Alley for many years (the "Development Lot").

Century was represented by Jay Segal, Esq. and Meloney McMurry, Esq. of Greenberg Traurig, L.P. and Betty Cohen, principal for one of the applicants.

Reference is made to the ZALUC Committee Report of Stephen A. Harrison, former ZALUC Chair dated December 12, 2005 in which the project (which remains substantially unchanged) is described.

Century proposes two actions. First, it seeks to add one level of retail commercial space above the Century 21 annex (which houses its house wares department) on property on the south side of 87th Street. It also seeks to connect this commercial space to the Development Lot and create a multilevel parking lot with roof top parking, to accommodate 269 parking spaces. Current zoning would only allow a lot of about half that size, and Century seeks to amend the zoning to allow a larger structure.

The application seeks a zoning change to increase the available F.A.R. from 2.0 to 3.0 in order to construct the garage and facilitate expansion of the annex. In addition, the rezoning will eliminate a rear yard equivalent of 40 feet. This is proposed, in part, by rezoning the Development Lot to a C4-2A zoning district from its present zoning as part C8-2 and part C4-2A, which, in effect, extends the C4-2A zoning district to cover more of the block. The application also seeks permission for rooftop parking and an exclusion of the first two levels of the facility from the definition of "floor area" under Z.R. Section 12-10.

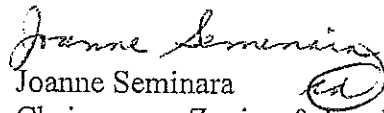
ZALUC members responded favorably to the proposal, though no vote was taken. Though some noted that 279 cars might create traffic problems on 88th Street, those same members also noted that the lot would probably relieve the circling effect of those seeking parking spaces that clogs 86th Street. Even if the lot were used exclusively by Century 21, by far the largest retailer on 86th Street, the garage would free-up many street parking spaces. In response to the Committee's request in 2005, Century now offers to allow the lot to be kept open after Century 21's closing to make the lot available for local restaurants and to enter into arrangements with the valet services to relieve the nightly congestion of Third and Fourth Avenues restaurants and establishments. The Committee felt that this would make a significant dent in the valet parking issues which are primarily driven by insufficient on street parking.

After a detailed presentation, there was an extensive discussion with the applicants' counsel and Betty Cohen regarding aspects of the project, including the retail expansion of the store annex, supervision and safety of the parking lot, especially when it was used by the public and/or restaurant valet services, the desirability of providing off-street parking in a community burdened by a lack of parking, and street trees. The Committee was favorably impressed by the applicant's willingness to amend its application since 2005 in order to request zoning changes to accommodate.

Although there was no formal vote of the Committee, all members approved of the project and we await certification, which, as the date of this report, June 17, 2007, has not taken place.

Since the meeting the applicant provided further clarification and responses to the Committee regarding its intent to plant 4 street trees (on each) of 87th and 88th Streets and the rooftop parking area, the configuration of the parking attendant booth location and the restaurant valet use, which it promises to make arrange for after construction.

Respectfully submitted,


Joanne Seminara
Chairperson, Zoning & Land Use
Committee

Community/Borough Board Recommendation

CITY PLANNING COMMISSION
22 Reade Street, New York, NY 10007
FAX # (212) 720-3356

Application # **C 070203 ZMK**
CEQR # **07DCP062K**
Community District No. 10 Borough: Brooklyn
Community District No. ___ Borough: _____
Project Name: **Century 21 Bay Ridge**

INSTRUCTIONS

1. Complete this form and return one copy to the Calendar Information Office, City Planning Commission, Room 2E, at the above address.

2. Send one copy of the completed form with any attachments to the applicant's representative at the address listed below, one copy to the Borough President, and one copy to the Borough Board, when applicable.

Docket Description:

IN THE MATTER OF an application submitted by the Century 21 Department Stores LLC and Michael Sonnaband LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22b changing from a C8-2 District to a C4-2A District property bounded by 87th Street, a line 200 feet northwesterly of 5th Avenue, 88th Street, and a line 200 feet southeasterly of 4th Avenue as shown on a diagram (for illustrative purposes only) dated July 9, 2007, Borough of Brooklyn, Community District 10.

Applicant(s):

Century 21 Department Stores LLC and
Michael Sonnaband LLC
22 Cortlandt Street
New York, New York 10007
Tel.: 212 227-9092 Fax: 212 227-1202

Applicant's Representative:

Jay A. Segal, Attorney
Greenberg Traurig, L.P.
200 Park Avenue
New York, New York 10166
Tel.: 212 801-9265 Fax: 212 801-6400

Community Board No. 10 Borough: **Brooklyn**

Borough Board **Brooklyn**

Date of public hearing: **July 11, 2007**

Location: **Knights of Columbus (Columbian Room)**
1305 - 86th Street, Bklyn, nY 11228