

KOSSOFF & UNGER

ATTORNEYS AT LAW

217 BROADWAY SUITE 401

NEW YORK, NEW YORK 10007-3398

(212) 267-6364

FAX (212) 385-2558

MITCHELL H. KOSSOFF

SALLY E. UNGER

LESTER BREISBLATT**

STACIE BRYCE FELDMAN

CHRISTINA A. SMYTH

STEVEN Y. STEINHART

*OF COUNSEL
**ALSO ADMITTED IN NJ

BY HAND

DAWN R. MYERS**

MICHAEL DAVID NACHTOME**

RANAKDEVI CHUDASAMA**

ANTHONY J. RODRIGUEZ, JR.

OLGA TZORTZATOS

DANIEL GEWIRTZ

ZOE DAVIDSON

DAVID J. PATTERSON*

LINDA RZESNIOWIECKI***

October 19, 2007

David Hershey-Webb, Esq.
Himmelstein, McConnell, Gribben
Donoghue & Joseph
15 Maiden Lane, 17th Floor
New York, NY 10028

Re: Garage Application (95 West 95th Street)

Dear David:

As you are aware, this office serves as legal counsel to the owner of the above captioned building. Further and in this capacity it is my pleasure to inform the Columbus House Tenants Association that if my client's pending application to alter and expand the existing garage use is granted (i.e. all governmental consents are procured in furtherance of said application), then in that event my client will be offering all 19 of the currently unassigned garage spaces to the rent stabilized tenants of Columbus House at the rate of \$117 per month plus applicable taxes.

Thank you for your attention to the matters set forth.

Very truly yours,


Mitchell H. Kossoff

MHK:vvd

T H E
WITKOFF
G R O U P

220 East 42nd Street
New York, NY 10017

Tel (212) 672.4700
Fax (212) 672.4726

www.witkoff.com

October 19, 2007

Office of Council Member Gail Brewer
District Office
563 Columbus Avenue
New York, NY 10024
Attn: Peter Goldwasser

Re: 95 West 95th Street New York, NY Garage Application

Dear Peter,

Thank you for forwarding David Hershey-Webb's letter dated October 18, 2007 regarding the pending application submitted to change the use of the existing garage located at the subject property.

It is important to note that many of the issues raised in Mr. Hershey-Webb's letter are construction issues and not land use issues. The application and plans previously submitted to the New York City Planning Commission, Community Board 7, City Council, Borough President, your office and CHTA are plans that address the land use issues of the application and are not detailed construction drawings. However, we want to assure you, the CHTA, and all concerned, that when prepared, all of our plans will conform to the building codes. If the application is approved we will hire the appropriate professionals to ensure that the construction complies with all applicable laws and building codes.

Please find below a list of the issues raised by the Columbus House Tenant's Association ("CHTA") and our response to those issues:

Inadequate Ventilation: The CHTA has raised concerns that, with the increased capacity of the garage, the existing ventilation system would not be adequate to properly ventilate the garages.

Response: We have not studied in detail the ventilation at this point. However, we want to assure you and CHTA that, if the existing system is not sufficient to handle the increased capacity, we will expand the system accordingly. Under no circumstances would we allow employees or tenants to occupy a space that is not adequately ventilated. We were under the impression that issues that are so directly within the jurisdiction of the Department of Buildings were not normally addressed as part of a land use application.

Interference with Sprinkler Pipes: The tenants have voiced concerns that the new plan for the garage would interfere with the pipes located in the garage.

Response: Ownership is well aware that the work to the garage may interfere with the existing building infrastructure located in the garage. If there is any interference, the pipes will be relocated as part of our renovation. Again, this a detailed construction issue not normally addressed as part of a land use application.

Interference with Traffic on 96th Street: The CHTA has again raised issues concerning traffic on 96th street with the proposed new garage.

Response: We have asked our traffic expert, Philip Habib Associates, to address traffic concerns in the EAS. It was his expert opinion that the increased trip count for this garage over what is currently being generated is minimal and should not affect traffic patterns to any great extent. As I wrote you on October 12, 2007 via email, the proposed garage would have a minimal effect on the traffic pattern and the bus route because we are only seeking an additional 57 spots. To further alleviate traffic concerns we have committed, based on a recommendation of The Office of the Borough President, to prioritize 32 spots for monthly parkers.

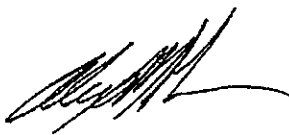
Access to the Building: The tenants state that the ownership is removing access points from the garage to the residential building. In addition, the tenants also assert the walkway from the garages to the building is not adequate to allow them passage from the accessory garage to the building.

Response: Ownership will not be removing any existing access point between the garage and the building. The three (3) existing access points will be maintained.

Technically, the accessory garage was not part of this application, as it is as of right. However, in an effort to address every one of the tenants' concerns, we will ensure that a walkway is created in the accessory garage to accommodate the tenants' access from the accessory garage to the building.

Thank you for your time and patience in dealing with this matter. As I believe you can see from this and all of our previous correspondence, we have made every effort to address every concern that has been raised at every level of this process. We believe that the current application has been strengthened considerably by all of the suggestions made. If you have any further questions or concerns please feel free to contact me.

Sincerely,



Alex M Levine
Vice President, Asset Management

T H E
WITKOFF
G R O U P

220 East 42nd Street
New York, NY 10017

Tel (212) 672.4700
Fax (212) 672.4726

www.witkoff.com

August 24, 2007

Columbus House Tenants' Association
95 West 95th Street
Apt 31C
New York, NY 10025
Attn: Ms. Burns, President

Dear President Burns:

On behalf of the ownership of Columbus House, I want to thank you and your colleagues from the Tenants Association for taking the time to meet with us on Tuesday. We feel that it was extremely productive for us to have the opportunity to discuss directly with you the concerns expressed by the tenants regarding the proposed changes to the parking at Columbus House.

We are making every effort to address each of those concerns. This letter shall summarize our proposals to address the concerns that you raised both in our meeting and at previous Community Board meetings.

Elevator Concerns: Concerns have been raised regarding access to a tenant's car if one of the proposed two elevators is out of service at any given time.

Response: We shall construct an emergency roll-down door between the two garages. By this means, parking attendants would have access to an elevator in either garage in the event one elevator was not in service, allowing the attendants to use the working elevator to service the garage customers. The roll-down door would only be used when one of the two elevators was not in service.

Tenant Access: Concerns were raised that we may be restricting tenant access to the garage through the new parking configuration.

Response: We want to assure you that every existing means of access to the building will be maintained under our proposed plan. We will be implementing either a key or a keycard access system to ensure additional security for building tenants. We are open to discussing with the Tenants Association which system makes more sense for the residents. In addition, both garages will have dedicated loading areas for tenants, so that tenants can load or unload their cars without impacting traffic on the street or exposing themselves or their belongings to the elements. In addition, we will be seeking approval

from the City of New York to change the parking rules to permit a loading and unloading zone for residents of the building in front of the building on 95th Street. This will allow residents of the building an additional location to load and unload their vehicles in a location that gives them direct access to the building.

Traffic Concerns: The tenants and community have very reasonably sought assurances that this proposal will not negatively impact the traffic situation in the neighborhood.

Response: In order to address the concerns regarding increased traffic raised by tenants and the community board, we hired Philip Habib Associates to conduct a traffic study. Philip Habib Associates is a recognized leader in traffic studying and determining way to mitigate any negative traffic impact. Philip Habib Associates concluded that expanding the garage capacity at Columbus House by 57 spaces will have a negligible impact on traffic on 96th and surrounding streets. We have enclosed a copy of their report for your review. In addition, in order to take further steps to alleviate concerns, we are proposing that 32 of the 57 proposed additional spaces will be prioritized as monthly parking spaces and will attempt to lease as many of the remaining 25 spaces to monthly parking as the market demands.

Safety Concerns: Concerns were raised concerning the two way traffic on the ramps.

Response: We share your concerns regarding the safety of tenants using the garages and pedestrians on the street. Nothing is more important than making sure that we address this issue completely. The proposed plan includes the installation of a traffic light system at the bottom of the ramp servicing the proposed western garage. This signal will instruct outgoing cars to stop at the bottom of the ramp when vehicles are entering the garage. By doing this, the queue of cars will exist inside the garage consisting of cars leaving the garage rather than cars on 96th street trying to enter the garage. In addition, we will install an audible signal to alert the pedestrians on 96th street that cars are exiting the garage.

Valet Parking Concerns: A number of concerns were raised about valet parking including whether the garages will be accessible on a 24 hour basis; whether the operation of the garage will be adequately staffed to address the needs of the tenants, and whether tenants will continue to be able to park their own cars in dedicated spots.

Response: We understand that the implementation of valet parking is a change for tenants, We do want to assure you that the garages will remain open on a 24 hour/365 day basis. Tenants will be able to access their cars at any time of the day or night. In addition, we will be writing directly into our contract with any parking lot operator requirements for sufficient staffing to meet the needs of all customers including the tenants. We expect that tenants will be able to call for their cars as they are about to leave their apartments which will allow their cars to be ready by the time they reach the garage. We are committed to delivering an excellent level of service at Columbus House.

Construction Concerns: Concerns were raised about how long the construction will take, whether the disruption will result in cars being displaced, and how we can be sure that there will be no structural damage to the building.

Response: We want to assure you that the construction that is proposed is not major from a structural point of view. The plans will be prepared by an independent licensed structural engineer. We have a very significant investment in Columbus House and we will take all steps to ensure any construction poses no risks to the building or any person. The construction will be done after the plans have been approved by a licensed independent engineer and will have absolutely no impact on the structural integrity of the building. We expect that the construction of the two elevators and the reconfiguration of the garages will take about two months. During that period, every effort will be made to stage construction so as to minimize any impact on tenants using the garage currently. We hope that there will be no disruption in service during that period. If any disruption is necessary, we will certainly contract with another neighborhood garage provider to provide service for that very limited period of time at our expense.

Waiting List: Concerns were raised regarding the leasing of parking spaces to the tenant who have expressed interest in occupying the vacant spaces.

Response: As of the date of this letter there are currently nineteen (19) tenants who have expressed a desire to lease the current twenty (20) vacant spaces in the garage. We are fully prepared to lease these spaces to the tenants who have expressed interest in them. We look forward to discussing any and all reasonable suggestions regarding the rental rate for these spaces that the Tenants Association puts forward in the future.

Future Parking on the Public Plaza: Concerns have been raised about future parking spaces being constructed on the public plaza located above the existing garage.

Response: We have no plans and will not construct a garage or allow parking on the area that is now the public plaza above the garage.

During our meeting we reiterated that it is our desire to settle all issues outstanding relating to the tenancy of the building including the issues concerning the outstanding unique or peculiar application. Our proposal was made to you after considerable thought and after we considered your comments from our previous meetings. We believe the proposal offers all of the existing tenants protection from future unknown rent increases and avoids a potential contentious disagreement with the tenants. Our proposal is:

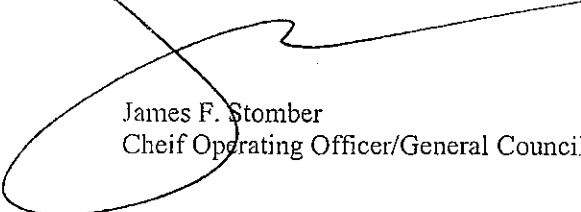
1. No increase in rent for the existing tenants except for that allowed under the NYS DHCR Rent Stabilizations Guidelines pertaining to increases on renewals.
2. No MCI increases will be sought by the ownership for 5 years from the date an agreement is reached.

3. Tenants consent to a two tier rent system. This will allow the owner to register the rent for all apartments at a level higher than the current tenants are paying. However, the current tenants will only be charged their current rent subject to statutory rent increases for lease renewals.
4. Tenants will not oppose our application for a change of use for the garage presently submitted to the City of New York, provided the application is consistent with the garage issues addressed above.
5. All successors in interest to the apartments, as defined in the Rent Stabilization Code, will continue to have the rights and obligations listed therein as well as the rights and obligations listed above.

I want to emphasize again how grateful we all were for the opportunity to meet with and discuss with you tenant concerns. I also appreciate your suggestion that we set up more regular meetings to discuss matters of common concern. I would welcome that opportunity. I am happy to sit down with you and members of your board on a quarterly or any other regular basis as you see fit. I agree that the more chance we get to directly share our concerns, the better our chances are to address them together.

If there are any other issues which you or members of the Tenant Association would like to raise, please don't hesitate to contact me directly. Thank you for your attention to these important matters.

Sincerely,



James F. Stomber
Chief Operating Officer/General Council

cc: David Hershey-Webb
Mitch Kossoff
Scott Alper
Alex Levine



Columbus House Tenants Association

**Columbus House
Tenants Executive
Steering Committee**

October 18, 2007

Co-chairs

Leslie Burns
Woody Henderson

Committee Members

Norman Applebaum
Lily Klebanoff Blake
Arlene Brooks
Rolando Cabra
Fanie Reimbieau-Chery
Tracy Hung
Ann Lemon
Florence O'Shaughnessy
Carol Smith
Jim Victorine
Amy Weintraub

Lifetime Member

Pat Letousel

To Whom It May Concern:

This document contains a series of comments and questions, with support material, from the Columbus House Tenants Association pertaining to the Witkoff Group's application (C070381ZSM) to allow the conversion of a portion of an existing accessory parking garage to a public parking garage at 95 West 95th Street in Manhattan.

The Tenants association continues to oppose the application. By adding additional public parking to our residential neighborhood the Witkoff Group will be contributing to traffic congestion in Manhattan. There are already several public parking garages in our immediate neighborhood. At least two within a block on 95th Street. One is directly across from our building and another just across Columbus Avenue.

The proposed attended parking plan, as presently constituted, will increase congestion near the 96th Street cross-town bus stop by delaying entrance to the garage. 96th Street is the only cross street in Manhattan that directly connects the FDR Drive with the West Side Highway. It seems that it would make sense to wait for completion of the studies being conducted on congestion pricing and alternative solutions before adding public parking on a two-way street that may become a major commuter entry point in a residential neighborhood.

The Tenant Association has the following additional concerns detailed in the attached documents:

- inadequate ventilation
- inadequate and unsafe pedestrian access to the garage and building
- interference with traffic on 96th Street
- interference with the buildings system pipes, including sprinklers due to the installation of the emergency roll-down doors

We had hoped to be able to present the issues raised in this document at the City Planning Commission's (CPC) hearing held in August 2007. We had voiced some of our concerns in a meeting with the Borough President's representative, Brian Cook. Mr. Cook told us that he would review all the technical issues related to the garage application before the Borough President made his recommendation. He also assured us that he would notify us of the date, time, and location of the CPC hearing so that we could voice our concerns. We had already had an opportunity to speak at Community Board 7 prior to their recommendation.

Unfortunately, Mr. Cook notified us of the hearing on the same day that it took place. We were unable to organize an appearance due to the timing of the notification.

It also appears that no one from the Borough President's office visited the site to compare it's actual state against the plans submitted by the Witkoff Group. This leads us to believe that the Borough President's technical review was, at best, incomplete.

We hope that time will be taken to review this document before the Council of the City of New York makes it's ruling on the application.

Thank you in advance for your consideration,

The Columbus House Tenants Association

95 West 95th Street, New York, New York 10025



Ventilation

We have several questions pertaining to the ventilation in both the public and accessory garage bays. According to the application the public and accessory garages will be walled off from each other with emergency roll-down doors. Except in an emergency, the only opening between the two areas will be a door that will allow tenants to leave the accessory garage at the street level and enter the public garage to obtain entrance into the building for access to the basement elevator.

At present there are two fan rooms. One in the public garage, cellar level and one in the accessory garage in the bay below the street level bay. They both lead to vents in the bays immediately above or below.

Public Garage

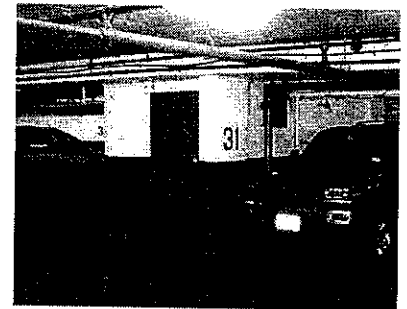
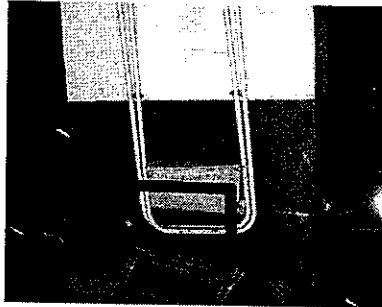
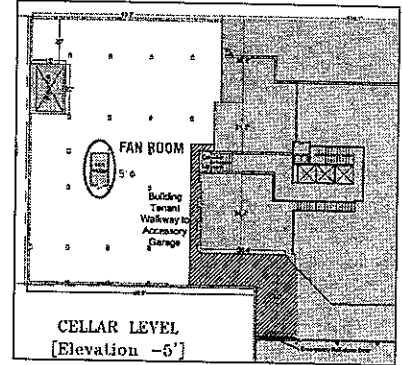
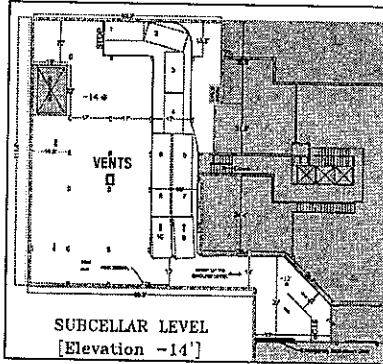
Due to the increase in the number of cars that will be added to the two bays comprising the public garage, we are concerned that there may not be enough ventilation. We are especially worried about the safety of the parking attendants, who may be working up to eight hour shifts. There will, in all likely hood, be an increase in carbon monoxide, which does not rise, in more enclosed areas.

Accessory Garage

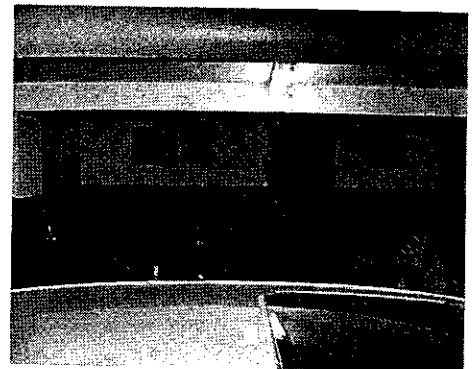
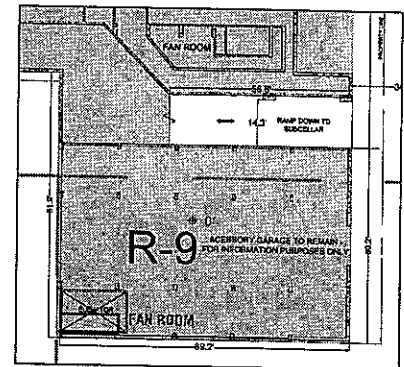
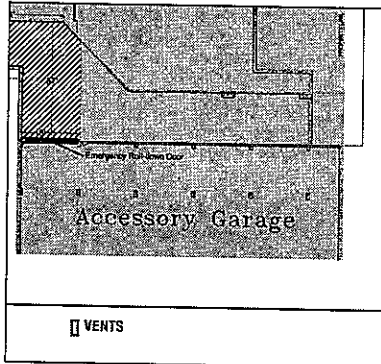
As with the public garage, we are concerned that there may not be enough ventilation due to the increase in the number of cars that will be added to the two bays comprising the accessory garage. Our biggest concern is that the drawings show the vehicle elevator where the present van room and vents are located. There is no indication of a new fan room and vents in the plans.

Will there be enough ventilation in the garages to avoid health risks?

Vents are not indicated in the drawings of the sub cellar public garage.



Vents and fan room are not shown in the drawings of the accessory garage.





Operation of the Public Garage and Location of Attendant's Booth

Public Garage

The plans indicate that patrons will drive into the subcellar level garage and will leave their cars in one of the reservoir spaces near the attendant's booth.

There is no indication of a pedestrian walkway for patrons to exit or enter the subcellar garage.

The point of entry and exit near the back of reservoir spaces nine and ten appears too narrow for safe simultaneous vehicle and pedestrian access.

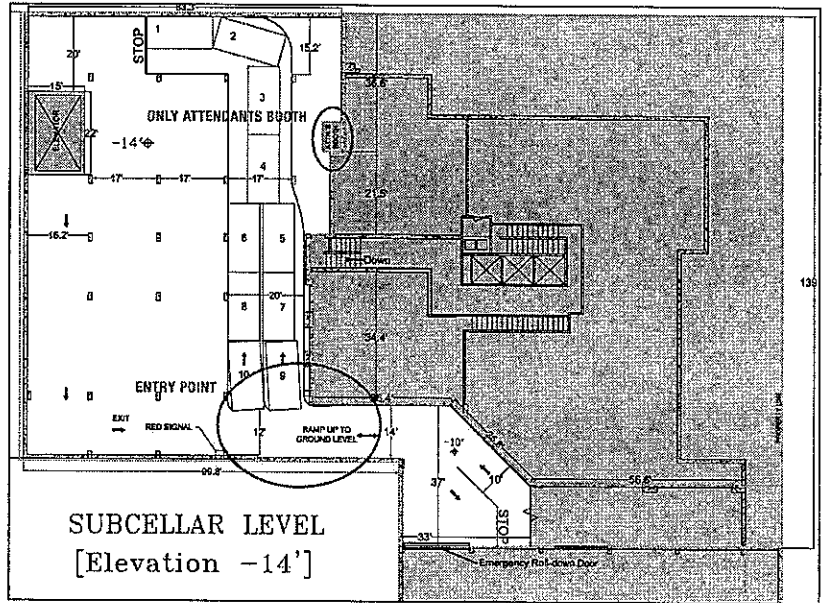
Will a walkway for patrons be required?

If yes, is there room?

There is large system piping running along the wall where cars are to exit. It is not indicated in the plans.

Does the piping pose a problem due to clearance?

Drawing of the public parking bay with reservoir spaces and the ramp to ground level.



Ramp to the public parking garage.





Accessory Garage Reservoir Spaces

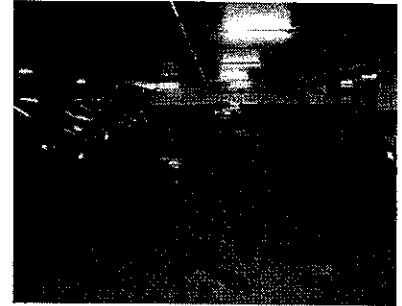
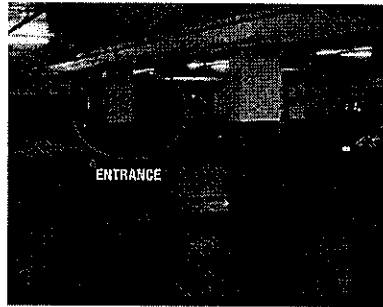
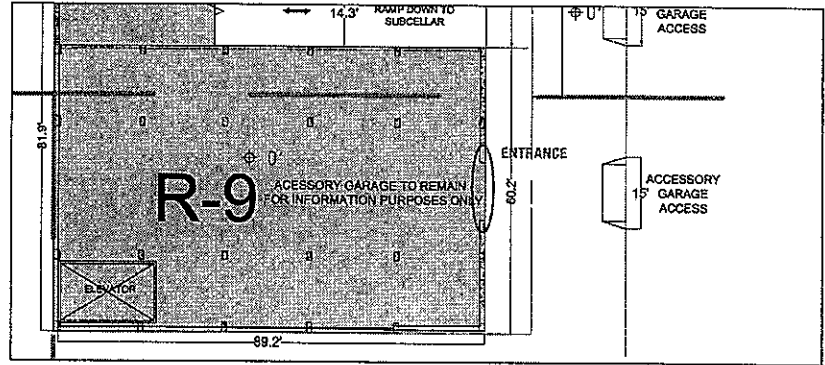
Ten reservoir spaces have been provided for the public garage to prevent cars from having to line up on 96th Street or to be parked temporarily on the sidewalk, as occasionally occurs in midtown.

No reservoir spaces or attendant's booth has been indicated near the entrance to the accessory garage. The two accessory bays will be consolidating 93 spaces for the tenants, according to the Planning Commission report. (The current Certificate of Occupancy indicates a total of 100 parking spaces in the garage as it is presently configured.) Only two cars can be parked between columns.

Will there be room for cars to enter the accessory garage without having to line up on 96th Street?

How and where will the proposed configuration allow for cars to lineup within the garage?

Drawings do not indicate reservoir spaces in the accessory garage.



Emergency Roll-down Doors

Our primary concern has to do with the installation of the emergency roll-down doors interfering with the sprinkler system and other pipes suspended from the ceiling and/or running along the walls.

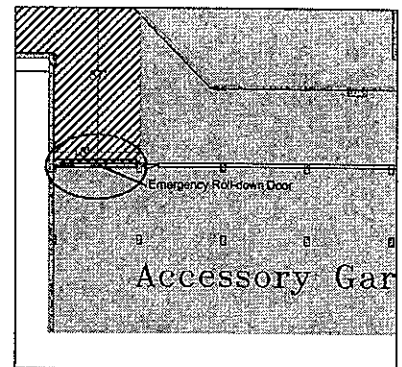
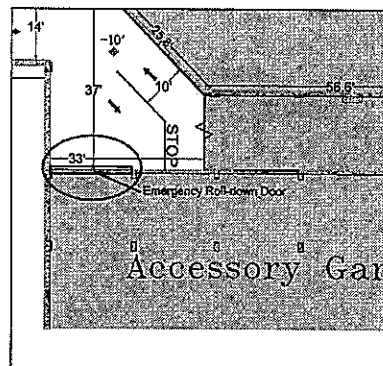
This applies to the doors on both levels.

How will the roll-down doors be installed with the sprinkler system and other pipes in their present configuration?

How will tenants be affected if system pipes have to be moved to allow for the installation of the roll-down doors?

What city authorities will have to review and approve the obstruction and/or moving of the pipes if that is necessary?

Drawings do not indicate any of the system pipes.





Tenant Access from the Accessory Garage to the Building Elevator

Public Garage

The proposed walkway for the tenants is indicated on the drawing by hash lines. The walkway narrows to approximately three feet or less once you are in the public garage after walking down an incline. This will allow only one tenant to pass through the area at any given time. The width will also limit tenants from carrying large packages or luggage from their car into the building.

There is a dark boundary line on the outside of the designated walkway. *Does the dark line represent some kind of wall or barrier?*

What will separate tenants from the vehicles in the parking area to maintain safety?

Accessory Garage

There are no hash lines indicated in the drawing of the accessory garage.

Will there be a designated walkway in the accessory garage to provide tenants unobstructed passage to and from the doorway next to the emergency roll-down door to maintain safety?

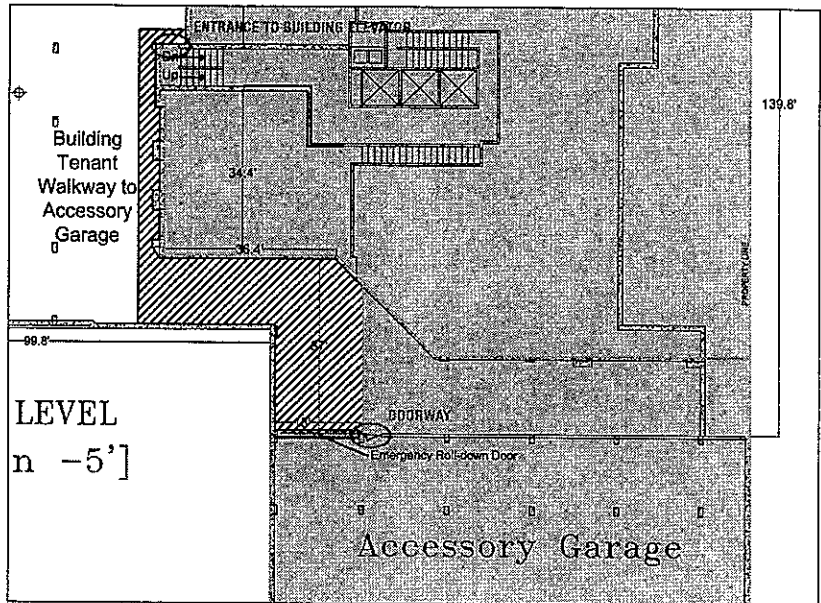
Access to the Building Elevator

At present there are three doors providing entrance to the building's elevator from the garage. The plans indicate access by the tenants to only one door, with one being removed. The door being removed only has two steps up to the basement elevator. The remaining entrance requires the use of a steep set of stairs.

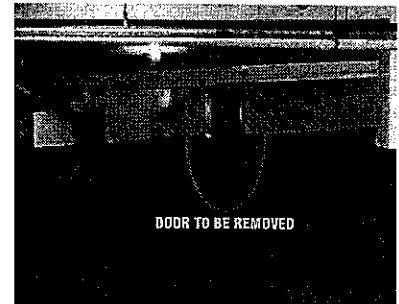
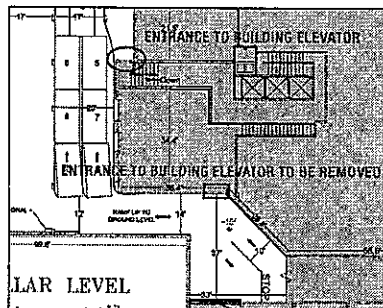
Tenants now have the capability of temporarily parking near one of any of three doors to allow for the safe and easy transfer of packages, luggage, etc. within the building.

What guarantees can be given to ensure safe and easy access for the tenants?

Drawing showing the walkway to the accessory and entrances.



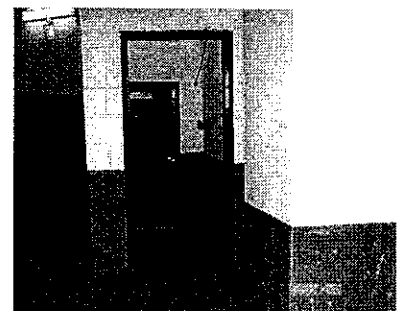
Doors no longer to be accessible from accessory garage



Stairs to be used for the accessory garage

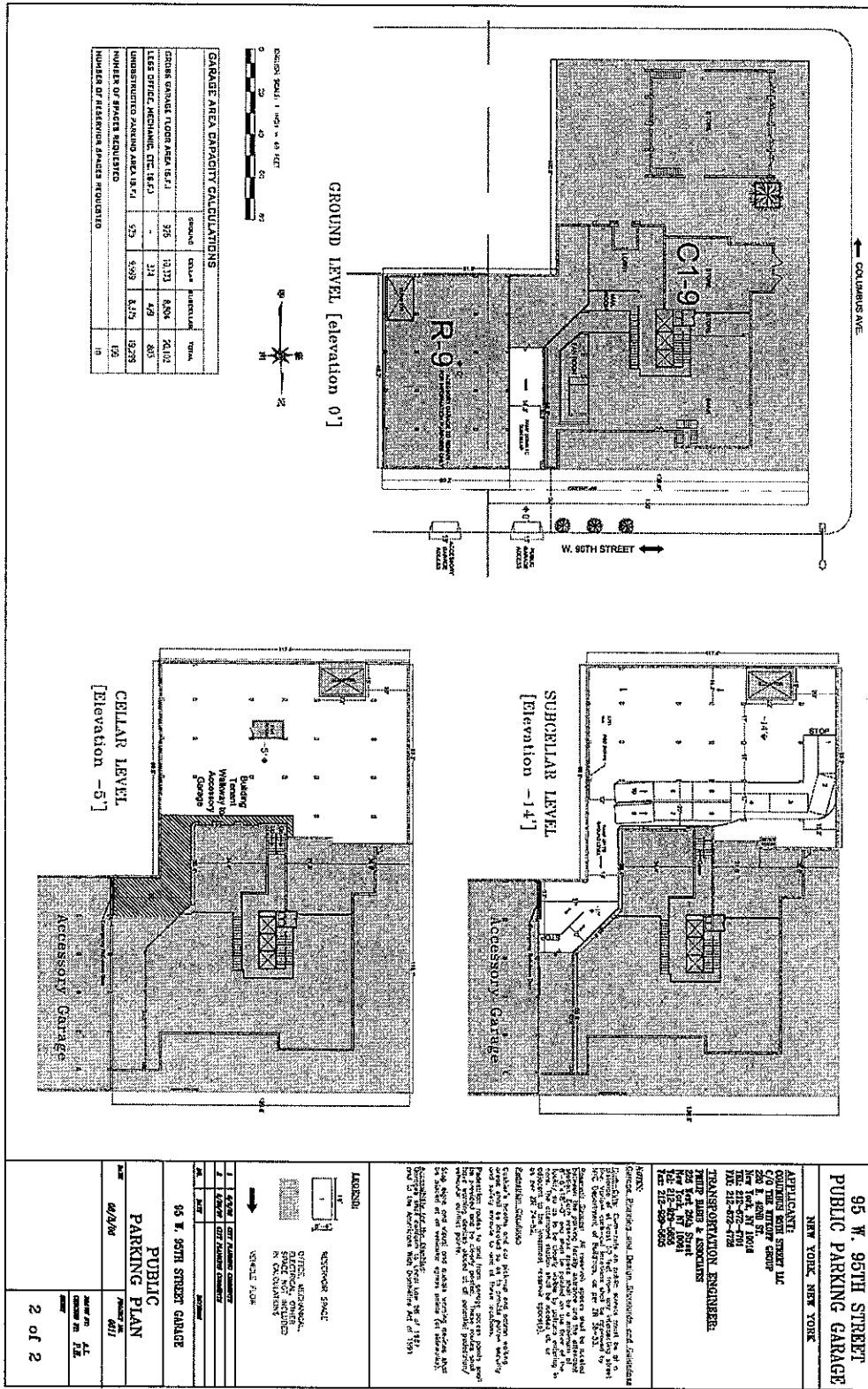


Door being removed as seen from elevator.





Public Parking Plan Drawing Revised plan provided by the Witkoff Group





Existing Certificate of Occupancy - page 1

DEPARTMENT OF BUILDINGS

BOROUGH OF MANHATTAN, THE CITY OF NEW YORK

Date June 9, 1971 No. 70645

CERTIFICATE OF OCCUPANCY

NO CHANGES OF USE OR OCCUPANCY NOT CONSISTENT WITH THIS CERTIFICATE SHALL BE MADE UNLESS FIRST APPROVED BY THE BOROUGH SUPERINTENDENT

This certificate supersedes C. O. No. 70299 Temp. (721-35 Columbus Avenue)

THIS CERTIFIES that the new-rebuilding-premises located at 73-99 West 95th St.; 60-90 West 96th St. Block 1209 Lot 1

That the zoning lot and premises above referred to are situated, bounded and described as follows: BEGINNING at a point on the east side of Columbus Avenue distant 0 feet from the corner formed by the intersection of West 96th Street and Columbus Avenue running thence east 199' 11 5/8" feet; thence south 100' 8 1/8" feet; thence west 81' 11 7/8" feet; thence south 100' 8 1/8" feet; running thence west 117' 11 3/4" feet; thence north 207' 42" feet;

to the point or place of beginning, conforms substantially to the approved plans and specifications, and to the requirements of the Building Code, the Zoning Resolution and all other laws and ordinances, and of the rules of the Board of Standards and Appeals, applicable to a building of its class and kind at the time the permit was issued; and

CERTIFIES FURTHER that, any provisions of Section 646e of the New York Charter have been complied with as certified by a report of the Fire Commissioner to the Borough Superintendent. CLASS 1

N.B. Exdlt. No. 24-1968 Construction classification-- Fireproof

Occupancy classification-- Hereafter Erected Height Bsmt. & 32 stories, 290 feet.

Date of completion-- June 9, 1971 Class "A" Mult. Dwell. located in E 9 & C 1-9 Zoning District

This certificate is issued subject to the limitations hereinafter specified and to the following resolutions of the Board of Standards and Appeals; and The City Planning Commission: (Citations numbers to be inserted here)

PERMISSIBLE USE AND OCCUPANCY

Off-Street Parking Spaces Off-Street Loading Berths

Table with columns: STORY, LIVE LOADS (LB. per Sq. Ft.), PERSONS ACCOMMODATED, and USE. Rows include Sub-Clr., Clr., Bsmt., Store Mezz., 1st, 2nd to 32nd Incl., Roof, and Tank.

- OVER -

Signature of Borough Superintendent

ORIGINAL

THIS CERTIFICATE OF OCCUPANCY MUST BE POSTED WITHIN THE BUILDING IN ACCORDANCE WITH THE RULES



Existing Certificate of Occupancy - page 2

PERMISSIBLE USE AND OCCUPANCY (continued)

STORY	LIVE LOADS Lbs. per Sq. Ft.	PERSONS ACCOMMODATED	USE
			<p>NOTE: Parking is primarily for residents and may include parking for non-residents. For non-residents the time is limited to not less than one (1) week and not more than one (1) month. Residents may recapture any of the non-resident parking spaces upon thirty (30) days written notice to the Owner.</p> <p>Owner's Registration No. 138989.</p> <p><u>FIRE DEPARTMENT APPROVALS:</u> Standpipe System-June 2, 1971. Sprinkler System-February 4, 1971. Interior Fire Alarm-June 2, 1971.</p> <p>THIS CERTIFICATE SHALL ALSO BE CONSIDERED A CERTIFICATE OF COMPLIANCE OR OCCUPANCY UNDER SECTION 301 OF THE MULTIPLE DWELLING L.A.C.</p>

Borough Superintendent

THE CITY OF NEW YORK
OFFICE OF THE PRESIDENT
BOROUGH OF MANHATTAN

SCOTT M. STRINGER
BOROUGH PRESIDENT

August 15, 2007

Recommendation on
ULURP Application No. C 070381 ZSM - 95 West 95th Street
by Columbus 95th Street LLC

PROPOSED ACTION

Columbus 95th Street LLC seeks a special permit pursuant to ZR §§ 13-562 and 74-52 of the Zoning Resolution to allow a 100-space parking garage, including 43 accessory spaces, on portions of the ground floor, cellar and sub-cellar, and to allow floor area up to a height of 23 feet above curb level to be exempted from the definitions of floor area set forth in ZR §12-10, within a mixed use building located at 95 West 95th Street. In order to grant the special permit, the Commission must find that the garage will not be incompatible with vital uses and functions in the general area; that such use will not create or contribute to a serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow; that such use is located to draw minimum vehicular traffic and through local streets in nearby residential areas; that there are adequate reservoir spaces; that the streets will be adequate to handle traffic generated; and that any floor area exempted is needed to prevent on-street parking demand and relieve traffic congestion.

PROJECT DESCRIPTION

The applicant seeks to convert an existing 49-space accessory garage in the cellar and sub-cellar of an existing 22-story mixed use development into a 100-space attended public parking garage. The applicant also seeks to exempt 925 square feet of the floor space. The existing building occupies the full block frontage along Columbus Avenue, between 95th and 96th streets.

The building currently includes two unattended accessory parking garages with 49 spaces. One garage is located in the sub-cellar, and the other garage is located in the cellar at ground floor. The garages are located across two zoning districts, C1-9 and R9. Public parking is not allowed as-of-right in R9 districts. The applicant proposes to erect a wall to divide the garages in half and merge the respective cellar and sub-cellars into two garages. The garage on the eastern side (cellar and sub-cellar) in the R9 zoning district would become a 55-space attended accessory parking garage. The garage on the western side (cellar and sub-cellar) in the C1-9 zoning district would become a 100-space attended public parking garage with 43 accessory parking spaces. Elevators would be installed in both garages to allow access between the two levels.

The proposed public parking garage would occupy approximately 21,361 square feet and would be open and fully attended 24 hours a day. Ingress and egress would be from the existing 15-foot western ramp and lead to the sub-cellar to ten reservoir spaces located off the ramp.

The entrance to the public parking garage is located on the first floor and, if converted, would count as commercial square footage. However, the project site is located in the West Side Urban Renewal Area (referred to as the "LSRD") and the development is subject to the provisions of the LSRD. The LSRD stipulates that the building was to have only 4,200 square feet of commercial uses, instead of the 40,000 square feet that would normally be allowed under the Zoning Resolution. Because the additional commercial square footage attributable to the garage would increase the total commercial area beyond the maximum allowed, a portion must be exempted to allow the conversion.

COMMUNITY BOARD RECOMMENDATION

At a full board meeting on July 10, 2007, Community Board 7 voted 32 in favor, 0 opposed, 2 abstained and 0 recused, to recommend disapproval of the special permit. The community board found that the applicant did not meet findings A, B, C, D, E or G for the special permit due to the existing congestion on 96th Street, which has two cross-town bus routes, connects two highways and is primarily residential. Additionally, the board felt that the reservoir spaces were not located at the entrance to the garage and that there is no evidence that the extra spaces would alleviate congestion. The board further noted that if congestion pricing were to be instituted, drivers could use the public parking garage at 96th Street to avoid proposed tolls at 86th Street; that the configuration of the garage is problematic; that the attended garage will be an inconvenience to existing accessory garage use; that the owner is warehousing current accessory spaces; and that an unusually large number of tenants oppose the garage.

BOROUGH PRESIDENT'S COMMENTS

Special Permit

The public purpose of ZR § 13 is to control traffic congestion and comply with environmental standards by requiring a special permit for a public parking garage in the Manhattan core. While applicants who satisfy the relevant findings cannot be denied a special permit, the growing importance of improving environmental quality and reducing reliance on automobiles requires that these findings be satisfied under a strict interpretation.

The proposed garage appears to satisfy the findings even under such an interpretation. West 96th Street is a major cross-town street and therefore would be unlikely to qualify as a "local residential street" (finding C); the reservoir spaces are the number specified in the Zoning Resolution and are located off of the entrance as is common with many parking garages (finding D); and West 96th Street is a wide street that can physically handle the traffic from the public parking garage (finding E).

Finding G requires that the waiver of the floor space is needed to relieve excessive on-street parking demand. As the community board's resolution, the neighborhood is prone to double parking. This would indicate that the on-street parking demand is high. It is likely that any amount of public parking would assist in relieving this demand and therefore the floor area meets the criteria for being exempted.

The majority of the community's concerns appear to be related to whether the garage will create significant traffic congestion (finding B) and whether that congestion will be affect the vitality of

surrounding uses (finding A). If this garage were a new 143-space public parking garage, SEQRA would have probably required a Level of Service analysis and such analysis may have indicated an impact significant enough to warrant rejection of the permit. However, since 98 accessory spaces currently exist in the two garages, the environmental impact studied is only the impact from the additional 55 public parking spaces. Because these new spaces will not create the 50 trips per hour that constitute the minimum threshold under SEQRA for Level of Service analysis, the environmental assessment statement (EAS) concludes the action will have no significant impact on traffic congestion.

This is a valid assumption, but it is dependent on two specific conditions: first, that the public parking garage will have 43 accessory spaces, and second, that 32 of the spaces will be rented to monthly users, rather than daily parkers, who tend to create more automobile trips. It is therefore appropriate that the applicant be held to these criteria and operate the garage as it was studied to ensure that it does not have an impact on the street.

Additional concerns related to design and operation

During Community Board 7's public hearing, several issues were raised related to the design and operation of the garage. In response to these concerns, the applicant has modified the application. The applicant has added a tenant walkway which would extend from the accessory garage through the public parking garage. This walkway would not be available for parking and is not in the line of any traffic. The walkway will allow the tenants who utilize the eastern garage access to the garage without having to leave the building.

The applicant has also added two stop signals in the garage: one located at the bottom of the garage and one located just before the egress/ingress ramp. This would inform cars that are exiting if a car is entering the garage and provide two opportunities to stop and prevent a vehicular conflict. The applicant is also adding an audio and visual warning system at the ingress/egress point to warn pedestrians and vehicles when a car is exiting the garage. This should provide a measure of safety and assist in preventing vehicular incidents through the narrow garage ramp.

At the hearing, members of the community also expressed concern that the applicant has not been renting some of the accessory spaces to existing tenants. The applicant has indicated that there are 19 accessory spaces available in the current garage and that 20 tenants in the building have applied for those spaces. The applicant has committed to offering those spaces to the tenants to resolve this issue.

While these changes should resolve many of the community concerns related to the garage's operation, they will not meet the concern that tenants will not be able to load or unload their cars in the attended parking garage as they could when they had individually assigned spaces. This concern, however, could be met by creating a loading and unloading zoning on 95th Street by the building's entrance. This will allow for residents to park in front of the building and load and unload packages, groceries etc., without impacting the flow of either 95th Street or 96th Street. The applicant has indicated that they are willing to pursue the loading and unloading zone with the Department of Transportation, and the Borough President's office is also willing to work with the Department of Transportation to explore this possibility.

BOROUGH PRESIDENT'S RECOMMENDATION

The application meets all of the required findings for a special permit, pursuant to ZR §72-52, provided that the garage is operated as it was studied in the EAS. Therefore, the 43 spaces of the

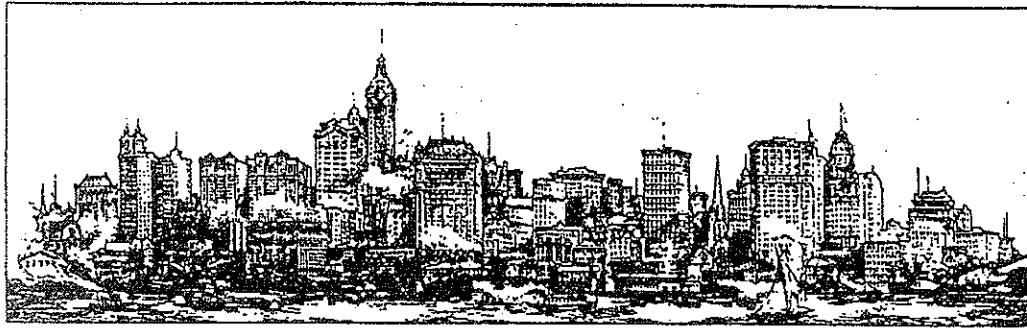
100 public parking spaces must be reserved as accessory spaces and 32 spaces should be prioritized as monthly public parking spaces.

In addition, the applicant should meet their commitment to make the aforementioned improvements to the design of the garage, should lease the existing vacant 19 accessory spaces to tenants, and should pursue a loading and unloading zone in front of the building's entrance at 95th Street.

Therefore, the Manhattan Borough President recommends conditional approval of ULURP Application No. C 070381 ZSM, provided that 43 spaces be accessory parking spaces, that at least 32 spaces be prioritized for monthly parking, and that the applicant continues the aforementioned efforts to improve the safety of and access to the proposed garage.



Scott M. Stringer
Manhattan Borough President



THE SOCIETY FOR THE ARCHITECTURE OF THE CITY

130 Court Street, C070156 ZSK

Zoning Subcommittee, City Council, October 23, 2007

Submitted by Christabel Gough

The Landmarks Law in the section Scope of the Commission's Powers (25-304) states

Nothing contained in this chapter shall be construed as authorizing the Commission in acting with respect to any historic district or improvement therein...to regulate or limit the height and bulk of buildings...

That is why—immediately after the landmark designation of Brooklyn Heights in 1965, local preservationists started a campaign to amend the zoning resolution. They understood the need to create limited height districts which would protect the character of certain old, low-lying neighborhoods in ways the Landmarks Commission was not authorized to do. The Limited Height District they obtained, covering Brooklyn Heights and Cobble Hill, has protected those neighborhoods for forty years—since 1967.

Now we are seeing an application that would create a precedent for undoing that protection. The applicant has claimed that because the Landmarks Commission approved the 130 Court Street application, all other agencies of government must follow suit. That is wrong: the Landmarks Commission has narrowly followed its legal mandate, and that decision should have been supplemented and modified by the City Planning Commission's application of the Limited Height District regulations. The City Planning Commission failed here, and we are asking the City Council to deny an application that would undercut the forty year old legal protection of height limits in Brooklyn's wonderful brownstone districts. Brooklyn Heights and Cobble Hill are a unique bastion of an older New York that has now become one of New York's most sought after residential neighborhoods. The Limited Height District is a success, and it must be preserved.

45 CHRISTOPHER STREET APT. 2E, NEW YORK, N.Y. 10014 (212) 741-2628

Ronald Kopnicki, President • Matt McGhee, Treasurer • Christabel Gough, Secretary

The Society for the Architecture of the City, Inc. publishes the review, *Village Views*

Statement of Otis Pratt Pearsall on October 23, 2007
Before the City Council's Zoning Subcommittee in
Opposition to Waiver of Cobble Hill's LH-1 Fifty-Foot
Limited Height District for 130 Court Street, Brooklyn

My name is Otis Pratt Pearsall, and in 1966 and 1967 I led the Brooklyn Heights Association's successful effort to amend the Zoning Resolution to provide for Limited Height Districts in historic districts previously designated by the Landmarks Preservation Commission ("LPC"), and to achieve the designation of Brooklyn Heights as the first LH-1 fifty-foot Limited Height District. Cobble Hill, immediately adjacent to Brooklyn Heights on the south, received its parallel LH-1 designation following its Historic District designation in 1969.

I set forth the history of the LH-1 amendment, and the City Planning Commission's rationale for its need to compensate for the Landmarks Law's explicit limitations on the LPC's authority to control height, in my comprehensive July 27, 2007 letter to Borough President Marty Markowitz, copies of which I am providing for the Committee's use. I am also providing copies of my September 5, 2006 letter to Chairman Tierney and fellow LPC Commissioners detailing, in light of burgeoning development pressures, the necessity for rigorous adherence to the LH-1 limitations in low-scale historic districts.

In now opposing before you waiver of the Cobble Hill LH-1 limitation for 130 Court Street, I shall endeavor so far as possible to avoid duplicating the detail of those letters, but I would like to add a few thoughts on the crucial matter of precedent.

Over the 40 year period since adoption of the LH-1 limitation for the Heights, it has come to be accepted that in Cobble Hill as well as the Heights new construction exceeding 50 feet is simply not acceptable. There has in fact been no exception. This would be the groundbreaking first. And if, our unbroken history notwithstanding, one developer on some rationale or another is now allowed a pass, can anyone seriously believe in this day of development frenzy that henceforth every developer in these districts will not seek his own exception? And on what basis of subjective differentiation, of hair-splitting distinctions, will it be possible to deny such exceptions? No, the dam will be broken. And the LH-1 Limited Height Districts, as a bar in these narrowly-limited areas to discordant development, will be history.

The LH-1 district provides critical control in three contexts. The first is assuring that the development of vacant land in low-rise historic districts is consistent in scale with the overall historic setting. This we are told is not a worry because, essentially, there is little or no vacant land available. Well, tell that to the buyers of co-op apartments surrounding the finely articulated modernist sculpture garden adjacent to Lee Harris Pomeroy's 1974 renovation of the Candy Factory in the North Heights. Unfortunately, while within the historic district, the garden fell just outside the LH-1 district and thus was subject only to the LPC's amorphous "appropriateness" standard. Not only did Landmarks condone development of the garden but, buying the preservation consultant's reference to a few taller structures in the area, several of the commissioners over the two year course of no fewer than six hearings pronounced themselves satisfied with the "appropriateness" of applicant's 9-story proposal.

Ignored was the principle that appropriateness must be judged by reference to the architecture that provided the rationale for designation in the first place, not by reference to those anomalous buildings despite which the designation occurred. While ⁱⁿ this particular case, the LPC ultimately approved a four story building, because the garden was just beyond the protection of the LH-1 District it took us six hard-fought hearings to get there, with the issue of scale very much in doubt until the last.

Have no doubt that developers can indeed find considerable vacant land such as 130 Court Street, for which the LH-1 limitation rather than the LPC must prove the decisive safeguard of compatible scale.

The second context in which the LH-1 district stands as the critical bulwark is the ubiquitous case of the typical no-style 20th century apartment building which nonetheless generally conforms to the predominating low-rise scale of the historic setting. While some of these surely can be defended as contextually appropriate, many would be vulnerable to demolition and replacement with new, out-of-scale architecture under the Landmarks Law's "appropriateness" standard were it not for the disincentive of the overlaying LH-1 district mandating adherence to the historic scale.

But the third function of the LH-1 district is probably, in my opinion, the most significant, and that is preserving in this age of the "tear-down" the historic fabric and scale of the many period townhouses that due to unsympathetic alterations over the years might be characterized as "stripped" or "skinned". Indeed, relatively few low-rise 19th century structures will have escaped the marks of time and use, which in fact often serve to enrich a district's patina. A "skinned" brownstone, for example, will still contribute in many ways, materials, age, window alignment, cornice or roofline, height, scale, etc. and, of course, in today's world there is always the real potential for reskinning. Yet when contrasted with a taller, cutting edge proposed replacement by a skilled or well-known architect, realistically such structures must be acknowledged as vulnerable under the "appropriateness" standard. It would be foolish to forget the Landmarks Commission's willingness to sacrifice the Norwegian Club, the more or less skinned 19th century structure whose proposed demolition by the Watchtower Society contributed to the Limited Height Districts amendment, or the townhouse demolition approved for the proposed Whitney expansion or, for that matter, the admittedly contributing Purchase Building. Only rigorous adherence to the LH-1 limitation can assure that Brooklyn Heights and Cobble Hill will prove free from similar sacrifices over the years in the name of "appropriateness".

Those who would trifle in this case with our unbroken 40 year precedent seem prepared to play Russian Roulette with the historic architecture and scale of Brooklyn Heights and Cobble Hill, two jewels of Brooklyn's famous brownstone crescent. I, certainly, am not so prepared; and I respectfully trust that neither are you.

Karen
Ocasio/Sec/NY/ArnoldAndPorter
NY - 3405 212-715-1117
07/27/2007 05:06 PM

To marty@brooklynbp.nyc.gov
cc jbenguiat@brooklynbp.org, rbearak@brooklynbp.org,
deblasio@council.nyc.ny.us
bcc bkhtsassoc@aol.com; tv@nvda.com;
alexherrera@nylandmarks.org; lkersavage@mas.org;
sbankoff@hdc.org; opmacw@aol.com;
edit@brooklyneagle.net
Subject Sent from Otis Pratt Pearsall
In Opposition To The Casual Dismissal of Our 40 Year
Preservation Bulwark



Pearsall Letter to MM.doc



- 1993 OPP Reminiscences_(NY_320830_1).PDF



- 12_22_66 OPP Statement to Bd_of Est_(NY_320828_1).PDF



- 6_7_67 OPP Statement to CPC_(NY_320835_1).PDF



- 8_24_67 Bd_of Est_Calendar_(NY_320829_1).PDF

To: Marty Markowitz

Re: In Opposition To The Casual Dismissal of Our 40 Year Preservation Bulwark: LPC-072059

Sent for Otis Pratt Pearsall

Dear Marty,

I write most respectfully to ask that you reject so much of the application under Section 74-711 in the 130 Court Street matter as would allow the proposed new building on Atlantic Avenue to exceed the height limitation of Cobble Hill's LH-1 50 foot Limited Height District.

For 40 years, almost to the day in the case of Brooklyn Heights and almost as long for Cobble Hill, their LH-1 50 foot Limited Height Districts have stood as a key bulwark, hardly less important than the Landmarks Preservation Law itself, safeguarding the historic architecture and scale of these two jewels of Brooklyn's famous brownstone crescent. They have accomplished this goal, as they were designed to do, first, by removing the incentive to purchase and demolish the low-rise houses and commercial structures characteristic of these districts and, second, by limiting new construction to the predominating 50 foot historic height of the area.

Over this 40 year period it has come to be accepted as an absolute given that in these Limited Height Districts new construction exceeding 50 feet is simply not permitted. There has in fact been no exception. This would be the first. And what a terrible precedent it must surely prove. If, our 40 year unbroken history notwithstanding, one developer on some rationale or another is now permitted an exception, can anyone believe that henceforth every developer will not also seek his own exception? And on what basis of subjective differentiation, of hair-splitting distinctions will it be possible to deny such exceptions? Please, make no mistake. The dam will be broken. And the LH-1 50 foot Limited Height Districts, as a bar in these narrowly limited areas to discordant development, will be history.

Oddly, in neither its 10/2/06 Certificate of Appropriateness (COFA 07-2277) nor its 10/2/06 Report to the City Planning Commission ("CPC") under Section 74-711 does the Landmarks Preservation Commission ("LPC") so much as acknowledge the Cobble Hill LH-1 50 foot Limited Height District, much less analyze or even mention the stark implications of its historic action in countenancing this exception. It appears that in casually sweeping away 40 years of history the LPC either does not appreciate or simply does not care what it has done.

The Limited Height Districts amendment to the Zoning Resolution was not some frivolous surplusage, but a coolly analytical response to the practical limitations placed by the Landmarks Law, at the behest of the real estate community, on the LPC's authority to limit height.

When, shortly after the November 23, 1965 designation of Brooklyn Heights as New York's first Historic District, the Brooklyn Heights Association learned of the Watchtower Society's plan to construct a 12 story "community facility" on the full Columbia Heights block-front between Clark and Pineapple Streets, we were forced to focus on two key provisions of the new Landmarks Law, Sections 207-3.0, and 207-6.b (3) [now sections 25-304 and 25-307.b (3)]. The former, dealing with the "Scope of Commission's Powers", stated that nothing should be construed as authorizing the Commission, in acting with respect to any historic district or improvement therein, to limit the height of buildings. And the latter reiterated that the Commission, in making its determinations, shall not apply any regulation, limitation, determination or restriction as to the height of buildings other than regulations, etc., otherwise provided by "law", which we understood to mean the Zoning Resolution.

Accordingly, on April 29, 1966 we wrote to Chairman Ballard of the CPC, setting forth our analysis and asking that the gap in the Landmarks Law, with its dangerous implications for the Heights, be filled with a clearcut height limitation tailored to the prevailing scale of our brownstones. The CPC agreed with our analysis and, with the crucial support of our Borough President, Abe Stark, so did the Board of Estimate.

The new enabling amendment to the Zoning Resolution authorized the CPC to designate limited height districts in historic districts previously designated by the LPC, and in June 1967 the CPC designated Brooklyn Heights the first LH-1 50 foot Limited Height District, with Board of Estimate confirmation in August, just 40 years ago. In due course Cobble Hill's CPC designation as another 50 foot LH-1 District followed its 1969 LPC designation as an Historic District.

Remember that in early 1966 when, in response to the Watchtower Society's challenge, the limited height district concept was conceived, Brooklyn Heights was the only designated historic district and the Heights Association was in intimate coordination with the LPC and especially with its Heights liaison, Commissioner Bancel La Farge, who remained deeply involved in the Watchtower and limited height issues until their ultimate resolution with the compromise construction of the first new building in an historic district at Columbia Heights and Pineapple Street. While the LPC was not, for obvious reasons, a formal proponent of the Limited Height Districts amendment, its complete consent is evidenced by its failure to offer an objection, which would of course have forestalled the process.

Rather than expand on this history here, I attach as PDFs (1) an excerpt on the origination of the 50 foot limited height district arrangement from my 1993 Reminiscences on the occasion of my Landmark Lion Award, (2) my 12/22/66 Statement to the Board of Estimate, (3) my 6/7/67 Statement to the CPC, and (4) the 8/24/67 Board of Estimate Calendar entry containing the CPC's analysis.

However, given that memories appear to have dimmed concerning the rationale for the LH-1 Districts, I set out below an excerpt from the CPC's report as to Brooklyn

Heights, which is in all essential respects equally applicable to the Cobble Hill issue at hand:

“The Landmarks Preservation Commission, in designating the Brooklyn Heights area as an ‘historic district’, recognized that its history and the general excellence and homogeneity of its buildings warranted keeping the character of the area substantially as it is. This decision has not only been confirmed by the Board of Estimate but the national importance of Brooklyn Heights was recognized by the Federal Government in January 1965 when it was designated a National Historic Landmark.

“While the Landmarks Preservation Commission is empowered to prevent, within statutory limits, the demolition or inappropriate exterior alteration of existing structures within a ‘historic district’, it is quite specifically barred from controlling the height or bulk of new buildings which might be built on parcels which are presently empty or which might, in the future, become available for redevelopment. Yet an important characteristic of Brooklyn Heights is the generally uniform height of buildings – typically three and a half or four stories – and it is essential that this generally uniform height be maintained if the character of the district is to be preserved.

“The proposed establishment of an LH-1 District within most of this ‘historic district’ would limit the height of buildings to a maximum of 50 feet above curb level. It is recognized that there are many existing buildings within the proposed boundaries that presently exceed this limit. The 50 foot height is, however, characteristic of the majority and of the best of the area--the fine individual buildings and, more especially, the many continuous rows of buildings which it is the Nation’s hope and the City’s expressed intention to see preserved. Existing intrusions will, of course, be unaffected by the proposal; constructed before the zoning change they can remain as a matter of right. The LH-1 designation will, however, prevent their replacement by new structures higher than 50 feet. Thus, the proposal will not only prevent the further spread of intrusive structures in a designated ‘historic district’ but may act, over the years, effectively to reduce their number and so bring about throughout the entire district, the harmony and homogeneity that are now characteristic of its best parts.”

Marty, I respectfully submit that when weighed against the important public interest in maintaining the integrity of the Cobble Hill LH-1 District, the private interest of the developer here in adding an additional 10 feet to one new building is insufficient to justify the requested exception, with all of its inevitable consequences.

Sincerely,

Otis Pratt Pearsall

**Otis Pratt Pearsall's Reminiscences Of The Nine Year
Effort To Designate Brooklyn Heights As
New York City's First Historic District And Its First
Limited Height District**

**Prepared on the Occasion of the Historic Districts
Council's 1993 Landmark Lion Award Presentation**

Borough Hall, Brooklyn, 3/8/93

What a marvelous honor this is to be your 1993 Landmark Lion and to receive such a splendid citation, all in this glorious landmark setting, for the restoration of which we owe a great debt to the Borough President's vision and determination and to the consummate skill of his architect, Bill Conklin. My thanks to the Historic Districts Council, to Borough President Golden and to each of you, and welcome, especially to those of you who have come from so many other historic districts throughout the City to this place where it literally all began.

I recognize, of course, that in honoring me, what we are actually doing is taking a moment to look back for some sense of our collective roots; and to celebrate the beginnings some 35 years ago of an incredible success story the importance of which to our City today could scarcely have been imagined by that band of urban pioneers who in the Fall of 1958 first gathered in the undercroft of the First Unitarian Church. And so I'm proud to accept this award on behalf of that original group and the many others who worked with the Brooklyn Heights Association over seven long years to achieve designation of the Heights as our first historic district on November 23, 1965.

There are still, I'm happy to say, a good number of those original preservationists in our midst: first and foremost, of course, my wife, Nancy, who was always in the forefront, organizing events, conducting surveys, preparing maps, and doing just about everything I got the credit for; Martin Schneider, who was co-chair of the original group before its absorption into the Association and thereafter active as an Association governor; Malcolm Chesney, who was central to the original leadership but tonight is enjoying Tobago; Ted Reid, our first conservation committee chairman, who is temporarily in Tokyo; Herb Kaufman, who was with us in important roles from start to finish; Dwight Demeritt, who performed exhaustive research in the Buildings Department and produced for the Landmarks Commission the photographic record of the Heights at its moment of designation; Ed Rullman who in 1962, when the Heights was put on hold for three years while the city-wide effort caught up, organized the Design Advisory Council which provided volunteer architectural guidance on proposed alterations and thus minimized the damage that would have otherwise occurred during that difficult period; and many others.

No longer, unfortunately, in Brooklyn Heights but very much alive and well in his 18th Century home outside Lexington, Kentucky is the member of our group who

~~matter, and Brooklyn Heights, thanks to Clay Lancaster, having long since done its homework and being of one mind on designation, was the only district ready.~~

~~During the late Summer of 1965 we met a couple of times with Jim Van Derpool to review our state of readiness and especially the matter of boundaries. Jim had just one more task for us but that proved to be Herculean, the preparation of a card file providing date, style and other pertinent data for each of the 1,316 separate lots within the proposed district. The burden fell on Clay and Nancy Pearsall, and countless hours were devoted to this laborious exercise during the Summer and Fall of 1965. I certainly hope the Commission found it useful. Then in September we had the "dress rehearsal" mentioned earlier at an executive session of the Commission where the major, if only, issue was the boundary.~~

~~After seven years, November 17, 1965, the day of our hearing, perhaps should have been anticlimactic, but I promise you it was anything but. Supported by a great crowd of Heights rooters, the Association presented the entire case for designation that we had so carefully constructed over so many years. A large number of other Heights residents also spoke and it was immensely gratifying that with just two exceptions, the community was unanimously in favor.~~

~~The two exceptions were St. Francis College and the Watchtower Society. St. Francis, which was not familiar with the community's long pursuit of historic zoning, had recently purchased the Behr Mansion within the district and, learning of the hearing at the last minute, had decided somewhat hastily to take the safe course and voice opposition. But upon reviewing with the Association almost immediately after the hearing the implications of designation and anxious to be as one with the community on this important matter, acted at once to withdraw its opposition, leaving the Watchtower, which had plans for new construction, as the sole objector.~~

~~Just six days later, on November 23, 1965, the Commission promulgated its three-page designation decision and New York City had its first historic district, the Brooklyn Heights Historic District. Now some 28 years later, New York has 58 historic districts and each of you who struggled for the designation of your district has a story of commitment, hard work, disappointment and ultimate success not unlike ours. We just happened to be the first.~~

~~Hardly, however, had that fleeting glow of success subsided before we discovered that our legislative work was not yet at an end. Even before Mayor Wagner signed the Landmarks Law, the Association heard that the Watchtower Society was seeking to purchase as much of the block bounded by Columbia Heights, Clark, Willow and Pineapple Streets as possible, and eventually we learned that it had acquired the frontage along Columbia Heights between Clark and Pineapple to a depth of 100 feet on which it proposed to construct a 12 story "community facility."~~

~~This news, needless to say, caused us to scrutinize closely two key provisions of the new Landmarks Law, Sections 207-3.0 and 207-6.b (3) [now Sections 25-304 and 25-307.b (3)]. The former, dealing with the "Scope of Commission's Powers,"~~

stated that nothing should be construed as authorizing the Commission, in acting with respect to any historic district or improvement therein, to limit the height of buildings. And the latter reiterated that the Commission, in making its determinations, shall not apply any regulation, limitation, determination or restriction as to the height of buildings other than regulations, etc. otherwise provided by "law," which we understood to mean the Zoning Resolution. To our disgust we were forced to acknowledge based on these provisions that if open space for any reason became available in an historic district, a developer would surely argue that, regardless of the district's predominating scale, the height of permissible new construction was constrained solely by whatever limits pertained to the area under applicable zoning.

Naturally, we recognized that open space would inevitably occur over time in Brooklyn Heights or any other district for any number of reasons. Buildings sometimes simply collapse or are demolished by fire or explosion. Or the Commission might allow the demolition of a nondescript structure that did not contribute to a district's character. Or the Commission might be required to permit demolition on grounds of insufficient return, and we envisioned that this might occur where, for example, the value of several contiguous lots occupied by small houses might rise to reflect the potential for large scale development. But more specific to our immediate problem, we were very unsure how the limitation on demolition might be construed to work in the context of a nonprofit such as the Watchtower Society. In short, we were greatly concerned that we had discovered a serious possible gap in the statute's protection, with dangerous immediate and long-term implications for the Heights.

Since the Columbia Heights site included several buildings that clearly contributed to the district's character, we believed, but could not be certain, that we could block their demolition. But assuming they were demolished, the applicable Heights zoning would clearly permit a community facility of 12 stories or even more. What we needed, therefore, was a clear-cut height limitation tailored to the prevailing scale of our brownstones that would apply regardless of the circumstances giving rise to new construction. And since we were familiar with the 50 foot limitation originally imposed on the piers below the Esplanade following construction of the Brooklyn-Queens Expressway to protect our famous harbor view, it was no big jump to conceive the idea of proposing to the Planning Commission a Zoning Resolution amendment authorizing the Planning Commission to establish "Limited Height Districts" in areas previously designated by the Landmarks Commission as historic districts. Not only would a fifty foot height limitation assure that any future development conform to the brownstone scale of the Heights, which would result over time in some tendency to replace nonconforming structures with conforming ones, but it would remove virtually all future incentive to tear down brownstones in the first place.

Through the good offices of Beverly Moss Spatt who was then a Planning Commissioner we took the matter up with Millard Humpstone of the Planning Department's staff and, to our great relief, received a wholly favorable response. Here

was a government agency that not only understood our practical problem but was eager to be of help. We were thrilled.

The next step was a formal Association letter to Planning Chairman William F. R. Ballard explaining the statutory issue which, based on our review of over fifty preservation laws nationwide, was unique, its range of potential implications for the Heights, and our proposed limited height district solution. Although to minimize the risk of organized real estate industry opposition our actual proposal to Chairman Ballard contemplated a limited height district just for Brooklyn Heights, Mr. Humpstone preferred an amendment that would authorize the Planning Commission to create one or more limited height districts in any historic district since any district where scale contributed significantly to character would face issues similar to ours.

Eventually a satisfactory set of amendments authorizing creation of one or more 50, 70, or 100 foot limited height districts in, but not necessarily coterminous with the boundaries of, designated historic districts were developed and in November 1966 were approved by the Commission. Now came the hard part, approval by the Board of Estimate. As we had predicted, the real estate industry was resolutely opposed to this notion of superseding in historic districts the ordinary zoning regulations governing height, and fought us toe to toe. Happily, however, this was pre-Charter Revision, when a Borough President, if you could persuade him of the justice of your cause, had the clout to even the odds for individual neighborhoods caught up in the powerful cross-currents of big city politics. Abe Stark was in our corner on this one and with his help in December 1966 the Board of Estimate narrowly approved the limited height district enabling amendments by a vote of 12 to 10.

Now it was a matter of designating Brooklyn Heights the first LH-1, or 50 foot, Limited Height District. Although we made elaborate supporting presentations, it really wasn't necessary. The real estate industry, it seemed, didn't care about the particular Brooklyn Heights case, only the authorization of limited height districts in broad, and having lost that battle did not oppose ours. So in June 1967 the Planning Commission designated the bulk of the Brooklyn Heights Historic District the first 50-foot Limited Height District and in August, at a hearing attended by a large group of Brooklyn Heights residents, the Board of Estimate approved.

The City's rationale for this unprecedented action, set forth in Millard Humpstone's report for the City Planning Commission to the Board of Estimate, may not be widely understood and so, I think, bears repeating here:

"The Landmarks Preservation Commission, in designating the Brooklyn Heights area as an 'historic district', recognized that its history and the general excellence and homogeneity of its buildings warranted keeping the character of the area substantially as it is. This decision has not only been confirmed by the Board of Estimate but the national importance of Brooklyn Heights

sensitively modeled in brick by Ulrich Franzen to gently echo the bays of the house row next door.

So it was that by August 1967, just nine years after that original group of urban pioneers began meeting in Don McKinney's undercroft, the struggle for legal protection of Brooklyn Heights' architectural heritage was finally over. Since that time, while there certainly has been some minor erosion, we have not suffered the loss of a single house or a single stoop or, indeed, any of the depredations which motivated us at the outset and along the way. To the contrary, the high value the community learned through the preservation effort to place on our historic architecture has brought about a wealth of splendid restoration.

Yes, to be sure, we still live with significant problems, the St. George, piers redevelopment, and institutional expansion, to name just a few. But compared to the fragility we faced 30 years ago, history has fully vindicated Richard Margolis' extravagant editorial prediction in March 1959 that "historic zoning would virtually guarantee stability on the Heights." Grandest of all, the miracle Margolis predicted has proved true not just for the Heights but for our multiplicity of historic districts throughout the City.

I am enormously proud of what you and we together have accomplished for the permanent enrichment of our City, both culturally and economically. And as I stated to Eric Allison in acknowledging his kind proposal to honor me with your award, looking back, it is clear that nothing in the hurly-burly of a lifetime career has given me such satisfaction as watching the trickle that began in Brooklyn Heights become the powerful preservationist torrent of today.

Thank you for the immense honor of naming me your Landmark Lion for 1993.

109

BROOKLYN HEIGHTS ASSOCIATION, INC.

ORGANIZED 1910

76 MONTAGUE STREET
BROOKLYN, N. Y. 11201

TELEPHONE ULSTER 8-9193

December 22, 1966

ADVISORY COMMITTEE

Naughton Sell
Walter Bruchhausen
Louis Cohen
William R. Fisher
Lewis W. Francis, Jr.
Norman H. Free
Andrew L. Gomory
Mrs. J. Victor Herd
Irving G. Idler
B. Meredith Langstaff
Leonard P. Moore
F. W. Nitarzy
Preston B. O'Sullivan
Morrison Pratz
Arden H. Rathkopf
Stewart W. Richards
Roy M. D. Richardson
Miss Harriet T. Richter
Paul Windels

BOARD OF GOVERNORS

Frederick C. Bartsch, Jr.
Mrs. Philip F. Broughton
Ralph F. Cameron
Robert C. Carey
Malcolm M. Chesney, Jr.
E. Virgil Conway
John H. Doherty
Edward M. Fuller
David H. Gray
Horatio K. Gray
F. Warren Hellman
George P. Howard
Terry W. Lasso
Edwin M. Linton
Russell F. Layfield
Mrs. Philip T. Morehouse
G. Monroe Morley
Oris P. Pearsall
William B. Pennell
Edward S. Reid
Robert S. Rubin
Edward F. Rullman
Marin E. Segal
John Titman
Mrs. William C. Ughetta
Dr. Virginia T. Weeks
Frederick Weymuller
Eric E. Wohlforth

COMMITTEE CHAIRMEN

RUSSELL F. LAYFIELD
Civic Improvement

MRS. PHILIP T. MOREHOUSE
Cleanliness

EDWARDS F. RULLMAN
Design Advisory Council

JOHN H. DOHERTY
MALCOLM M. CHESNEY, Jr., Co-Ch.
Education

WILLIAM R. FISHER, Ch.
OTIS P. PEARSALL, Co-Ch.
Historical Preservation

FRANCIS J. H. De ROSA
Housing Violations & Zoning

WILLIAM B. PENNELL
Membership

DAVID H. GRAY
Noise & Smoke

MRS. PHILIP F. BROUGHTON
Planting & Trees

G. MONROE MORLEY
Police

GEORGE P. HOWARD
Publicity

FREDERICK WEYMULLER
Recreation

LEE ADLER
Research

TERRY W. LASO
Traffic

ERIC E. WOHLFORTH
Urban Renewal

OFFICERS

President
ROBERT C. CAREY

Vice-Presidents
GEORGE P. HOWARD
MALCOLM M. CHESNEY, JR.
JOHN H. DOHERTY
ERIC E. WOHLFORTH

Treasurer
ROBERT S. RUBIN

Secretary
MRS. WILLIAM C. UGHETTA

Executive Secretary
MRS. MARY B. VITALE

Statement of Otis Pratt Pearsall,
Co-Chairman of the Historic Preser-
vation Committee of the Brooklyn
Heights Association, before the
Board of Estimate, City of New York

Mr. Mayor, and members of the Board of Estimate, the Brooklyn Heights Association strongly recommends your immediate approval of the amendment to the Zoning Resolution concerning the establishment of "Limited Height Districts". The Association, which has continuously served the Brooklyn Heights community for over 56 years, presently consists of nearly 1500 dues-paying Heights residents, a very large number of whom are property owners.

Since Brooklyn Heights has been an operating historic district for just over a year, and since it is reasonable to assume that portions of the Heights are likely to be mapped as Limited Height Districts should the amendment be approved, the Association appears uniquely qualified to judge the amendment's merits.

What reason is there for the amendment?
The proposed amendment is absolutely essential in

order to close a crucial gap in the protection offered historic districts under the existing Landmarks Preservation Law.

While the Preservation Law approved by Mayor Wagner on April 19, 1965 vested significant power in the Landmarks Commission it nevertheless prohibits the Landmarks Commission from considering the factor of scale in making its determinations. Under Section 207-6.b.(3) of this law, the appropriateness of height is to be determined solely by reference to the Zoning Resolution. Representatives of the Brooklyn Heights Association have carefully studied over 50 preservation statutes now in effect from coast to coast and we believe that New York City's Preservation Law is the only one which does not provide for control of height in administering historic districts.

As you know, the Preservation Law does not give the Landmarks Commission power to prohibit demolition under all circumstances. Accordingly, apart from building sites already available, it is not only possible but probable that open space suitable for new construction will become available within historic districts. Since the

Preservation Law does not give the Landmarks Commission power to control the height of new construction, it would be possible, for example, to erect a very tall building right in the middle of the City's most elegant row of Greek Revival town houses.

Unfortunately, the threat of such a disaster is not hypothetical; it has proven real and immediate. Last spring, long after the designation of Brooklyn Heights as an historic district, the Association learned of well advanced plans to erect a 12-story building in one of the best preserved sections of Brooklyn Heights. In this particular case, after a number of meetings with Association representatives, the owner has commenced to display good will and forbearance, and it may be that we will escape a real catastrophe. But obviously it is impractical to count on forbearance, and very recently we have received word of a second threat with equally serious implications. Thus, even now we are faced with a substantial danger to the integrity of Brooklyn Heights notwithstanding its dual designation as a National Landmark by the Federal Government and as an historic district by our own Landmarks Commission.

Considerations of scale are clearly crucial to the effective preservation of historic districts. The Landmarks Commission could do its job perfectly and yet, because it is not permitted to consider the matter of height, not prevent the destructive impact of inharmonious new construction. This is why the proposed amendment must be approved.

Under the Landmarks Law considerations of height within historic districts are to be determined in accordance with the Zoning Resolution. The proposed amendment would introduce into the Zoning Resolution for the first time height determination criteria especially tailored for use in meeting the special problems of historic districts. By providing that the Planning Commission may map as Limited Height Districts all or portions of areas already designated as historic districts, the amendment would make available a flexible new tool to assure that the esthetic integrity of historic districts will not be destroyed through erection of structures out of scale with their immediate surroundings.

Flexibility is achieved by the availability of three categories of Limited Height

Districts, which would respectively limit the height of new construction to 50 feet, 70 feet and 100 feet, and by the fact that the Planning Commission, depending upon the circumstances, could employ one, or all in combination, or none of these Limited Height Districts within a given historic district.

Thus, under the proposed amendment the Planning Commission has discretion to determine whether or not to create a Limited Height District in any historic district. It would not be required to create a Limited Height District in any historic district, or portion thereof, where it would be inappropriate.

Further, the Planning Commission may determine whether all or just part of a historic district should be a Limited Height District. The Commission would not be required to map all of a given historic district as a Limited Height District if it considered that such treatment was appropriate in only one part.

Finally, the Commission would have power with respect to a given historic district to map one portion as a 50 foot Limited Height

District, another portion as a 70 foot Limited Height District, and another portion as a 100 foot Limited Height District, without mapping still other portions as Limited Height Districts at all.

The Brooklyn Heights Association believes that the proposed amendment represents a highly intelligent and urgently required supplement to the existing scheme of statutory protection for our City's historic districts. We are convinced that without it, the present apparent protection is illusory. And so, for our own sake and for the sake of future generations, we urge your immediate approval of the proposed amendment.

BROOKLYN HEIGHTS ASSOCIATION, INC.

ORGANIZED 1910

76 MONTAGUE STREET
BROOKLYN, N. Y. 11201
TELEPHONE ULSTER 8-9193

OFFICERS

- President
ROBERT C. CAREY
- Vice-Presidents
GEORGE P. HOWARD
JOHN H. DOHERTY
WILLIAM B. PENNELL
LEE ADLER
- Treasurer
PAUL B. WOODFIN
- Secretary
EDWIN M. LATSON
- Exec. Secretary
MRS. MARY B. VITALE

ADVISORY COMMITTEE

- Maughan Bell
- Walter Bruchhausen
- Louis Cohen
- William R. Fisher
- Lewis W. Francis, Jr.
- Norman H. Free
- Andrew L. Conroy
- Marion K. Gray
- Mr. J. Victor Nord
- Irving G. Jaker
- B. Meredith Longstaff
- Leonard P. Moore
- C. Monroe Marley
- F. W. Nicardy
- Preston B. O'Sullivan
- Arden H. Reinhold
- Stewart W. Richards
- Ray M. D. Richardson
- Miss Marjorie T. Richter
- Paul Sindels

June 7, 1967

Statement of Otis Pratt Pearsall,
Co-Chairman of the Historic Preservation
Committee of the Brooklyn Heights Association, before the City Planning
Commission, City of New York, in support
of designating Brooklyn Heights an LH-1
Limited Height District

BOARD OF GOVERNORS

- Lee Adler
- Mrs. Philip F. Broughton
- Ralph F. Cameron
- Robert C. Carey
- Isaac M. Chesney, Jr.
- E. Virgil Conroy
- Dwight B. Demerut, Jr.
- John H. Doherty
- Edward M. Fuller
- David H. Gray
- Peter V. Haight
- The Rev. Canon Melville Harcourt
- George P. Howard
- Mrs. Stanley E. Kooper
- The Rev. Harry M. Krusner
- Terry Ward Lassoe
- Edwin M. Loran
- Russell P. Layfield
- Mrs. Philip T. Marhouse
- Otis Pratt Pearsall
- William B. Pennell
- Edward S. Reid
- Robert S. Rubin
- Edward F. Rullman
- John Timon
- Mrs. William C. Ughere
- Dr. Virginia T. Weeks
- Fredrick Weymuller
- Paul B. Woodfin

COMMITTEE CHAIRMEN

- DAVID H. GRAY
Air Pollution & Noise
- JAMES T. HARRIS
Civic Improvement
- MRS. JOHN S. DILLON
Cleanliness
- EDWARDS F. RULLMAN
Design Advisory Council
- Education
WILLIAM R. FISHER, CH.
OTIS PRATT PEARSALL, Co-Ch.
Historic Preservation
- HUGH DOUGAN
Housing Violations & Zoning
- WILLIAM B. PENNELL
Membership
- MRS. PHILIP F. BROUGHTON
Planning & Trees
- Police
GEORGE P. HOWARD
Publicity
- Recreation
LEE ADLER
Research
TERRY WARD LASSOE
Traffic
- Urban Renewal

Mr. Chairman, and members of the Commission, the Brooklyn Heights Association strongly recommends your immediate designation of an LH-1 Limited Height District, with boundaries substantially as described in the notice of this hearing, within the historic district of Brooklyn Heights.

The Association, which has continuously served the Brooklyn Heights community for over 56 years, presently consists of nearly 1500 dues-paying Heights residents, a very large number of whom are property owners. We make this recommendation, just as we recommended establishment of the historic district, notwithstanding our normal hesitance with respect to any loss of individual control over use of property. We do so because we recognize on the basis of harsh experience that, absent appropriate preservation controls, including

control over height, Brooklyn Heights will surely lose the distinctive character from which its material values, no less than its spiritual ones, clearly emanate. On balance, we consider that the loss of this character, which has earned for generations the praise of discriminating observers, has drawn to the Heights large numbers of its residents, and has sparked and fed over the past 12 years a renaissance trebling and quadrupling real estate values, is a danger far more to be feared than the loss of any individual's right to destroy the beauty of his own property, and thereby the beauty and value of his neighbors' property.

What reason is there for designating Brooklyn Heights a Limited Height District when already it is an historic district under the jurisdiction of the Landmarks Commission? The answer is simple. The proposed designation is absolutely essential in order to close a gaping hole in the protection afforded Brooklyn Heights under the existing Landmarks Preservation Law.

While the Preservation Law approved by Mayor Wagner on April 19, 1965 vested significant power in the Landmarks Commission it nevertheless prohibits the Landmarks Commission from considering

the factor of scale in making its determinations. Under Section 207-6.b.(3) of this law, the appropriateness of height is to be determined solely by reference to the Zoning Resolution. Representatives of the Brooklyn Heights Association have carefully studied over 50 preservation statutes now in effect from coast to coast and we believe that New York City's Preservation Law is the only one which does not provide for control of height in administering historic districts.

That height controls are in such general use elsewhere simply reflects a common sense recognition that no historic district which to begin with substantially retains the harmony of its original scale can be meaningfully preserved if the integrity of such scale is sacrificed. Permeate such a district with a sufficient number of out-of-scale structures and like magic it will vanish as such, leaving behind nothing worthwhile or at best a handful of unrelated, individual landmarks. Of course, such landmarks, if sufficiently worthy, should certainly be preserved. But individual monuments cannot convey the character and atmosphere of the City as it was. This can only be achieved through an historic district, a dense

grouping of homogeneous structures which retain in high degree the integrity of their original architecture.

Within New York City, the historic district concept is uniquely exemplified by Brooklyn Heights. By far, it is the finest remaining microcosm of our City as it was more than 100 years ago. Saved by the East River from the development experienced by similar areas in downtown Manhattan, and left behind as Brooklyn expanded out into its open areas, Brooklyn Heights remains remarkably free of out-of-scale structures and non-residential uses, and, block after block, looks today much as it did at the outset of the Civil War. There worked some of America's finest architects, men like Minard La Fever and Richard Upjohn, who left behind a quantity of elegant dwellings and public buildings which still testify to the skill, imagination and drive of an era that changed our City from a concentration of structures south of Chambers Street to a world center of commerce and industry.

Clustered around early churches at the river's edge remain the original, narrow, tree-lined streets with their blue-stone sidewalks and rows of stately frame, brick and brownstone houses

representing in finest flower each of the principal architectural styles of the 19th Century. Of the 1230 buildings within the proposed Limited Height District, at least 663 were built before the Civil War and at least 1042 before the turn of the Century. There are 56 Federal, 398 Greek Revival, 44 Gothic Revival, and 196 Anglo-Italianate buildings as well as 201 buildings in eclectic and miscellaneous styles, not to mention 61 early carriage-houses grouped largely along unspoiled mews. In addition, 180 buildings the original styles of which are as yet unknown or which were originally without recognized style are of generally conforming scale.

Only 91 buildings, representing less than 7% of all structures within the proposed district, exceed five stories in height and only 40, or 3%, exceed six stories. Of these 40, just 4 are higher than 12 stories.

Clearly, therefore, the houses of three and four stories above a basement overwhelmingly predominate, and from the totality of these interesting old buildings, arrayed on irregular streets, with unexpected vistas, emanates an appearance, and, even more, a spirit and character of old New York

which no single part thereof, and certainly no individual landmark, could possibly provide.

The tangible impact of Brooklyn Heights' special character is amply demonstrated by the remarkable renaissance experienced by the area over the past twelve years. For a number of years up to about 1955, Brooklyn Heights had been slipping downhill. Property values, particularly along streets on the periphery, were falling and several blocks could only be characterized as slums. Then young couples, attracted by the character of the area and the opportunity for civilized living so close to their jobs in downtown Manhattan, commenced the purchase and restoration of run-down rooming houses. They were joined by friends, and their friend's friends. And the rest is history. Today the established reputation of Brooklyn Heights as an historic area and National Landmark continues to attract buyers for century-old residences at ever-increasing prices, currently ranging from approximately \$70,000 to \$150,000, and up.

The Association is of the view that designation of Brooklyn Heights as a fifty foot Limited Height District, by aiding the preservation of its special character and hence its long-

term desirability as a place to live, will serve to protect and enhance present property values.

On the other hand, we are convinced that absent such designation the great cultural asset New York City has in Brooklyn Heights cannot withstand the test of years. The Landmarks Commission can do its job perfectly and yet, because it is not permitted to consider matters of height, fail to prevent the destructive impact of inharmonious construction. The danger is from two directions:

- (1) the addition of further floors to existing structures; and
- (2) brand new construction.

Of course, the addition of a floor to an existing structure clearly involves the alteration of an exterior architectural feature within the meaning of the Preservation Law. Indeed, no exterior alteration can have graver consequences for the original nineteenth century appearance of a row of houses than the sudden sprouting of an incongruous addition above a generally uniform cornice line. Nonetheless, because this type of alteration involves a matter of height controlled by the Zoning Resolution, the jurisdiction of the Landmarks Commission to prevent it is highly questionable. Since it would

sensitively modeled in brick by Ulrich Franzen to gently echo the bays of the house row next door.

So it was that by August 1967, just nine years after that original group of urban pioneers began meeting in Don McKinney's undercroft, the struggle for legal protection of Brooklyn Heights' architectural heritage was finally over. Since that time, while there certainly has been some minor erosion, we have not suffered the loss of a single house or a single stoop or, indeed, any of the depredations which motivated us at the outset and along the way. To the contrary, the high value the community learned through the preservation effort to place on our historic architecture has brought about a wealth of splendid restoration.

Yes, to be sure, we still live with significant problems, the St. George, piers redevelopment, and institutional expansion, to name just a few. But compared to the fragility we faced 30 years ago, history has fully vindicated Richard Margolis' extravagant editorial prediction in March 1959 that "historic zoning would virtually guarantee stability on the Heights." Grandest of all, the miracle Margolis predicted has proved true not just for the Heights but for our multiplicity of historic districts throughout the City.

I am enormously proud of what you and we together have accomplished for the permanent enrichment of our City, both culturally and economically. And as I stated to Eric Allison in acknowledging his kind proposal to honor me with your award, looking back, it is clear that nothing in the hurly-burly of a lifetime career has given me such satisfaction as watching the trickle that began in Brooklyn Heights become the powerful preservationist torrent of today.

Thank you for the immense honor of naming me your Landmark Lion for 1993.

109

BROOKLYN HEIGHTS ASSOCIATION, INC.

ORGANIZED 1910

76 MONTAGUE STREET
BROOKLYN, N. Y. 11201

TELEPHONE ULSTER 8-9193

December 22, 1966

ADVISORY COMMITTEE

Haughton Eoff
Walter Bruchneusen
Louie Cohen
William R. Fisher
Lewis W. Francis, Jr.
Norman H. Free
Andrew L. Gomory
Mrs. J. Victor Herd
Irving G. Idler
B. Meredith Langstaff
Leonard P. Moore
F. W. Niterdy
Preston B. O'Sullivan
Morrison Pretz
Arden H. Raikopf
Stewart W. Richards
Roy M. D. Richardson
Miss Harriet T. Richter
Paul Windels

BOARD OF GOVERNORS

Frederick C. Bartsch, Jr.
Mrs. Philip F. Broughton
Ralph F. Cameron
Robert C. Carey
Malcolm M. Chesney, Jr.
E. Virgil Conway
John H. Doherty
Edward M. Fuller
David H. Gray
Horatio K. Gray
F. Warren Hallman
George P. Howard
Terry W. Lasso
Edwin M. Lasso
Russell F. Layfield
Mrs. Philip T. Morehouse
G. Monroe Morley
Otis P. Pearsall
William B. Pennell
Edward S. Reid
Robert S. Rubin
Edwards P. Rullman
Martin E. Segal
John Timan
Mrs. William C. Ushette
Dr. Virginia T. Weeks
Frederick Weymuller
Eric E. Wohlfarth

COMMITTEE CHAIRMEN

RUSSELL F. LAYFIELD
Civic Improvement

MRS. PHILIP T. MOREHOUSE
Cleanliness

EDWARDS F. RULLMAN
Design Advisory Council

JOHN H. DOHERTY
MALCOLM M. CHESNEY, Jr., Co-Ch.
Education

WILLIAM R. FISHER, Ch.
OTIS P. PEARSALL, Co-Ch.
Historical Preservation

FRANCIS J. H. De ROSA
Housing Violations & Zoning

WILLIAM B. PENNELL
Membership

DAVID H. GRAY
Noise & Smoke

MRS. PHILIP F. BROUGHTON
Planting & Trees

G. MONROE MORLEY
Police

GEORGE P. HOWARD
Publicity

FREDERICK WEYMULLER
Recreation

LEE ADLER
Research

TERRY W. LASSOE
Traffic

ERIC E. WOHLFORTH
Urban Renewal

OFFICERS

President
ROBERT C. CAREY

Vice-Presidents
GEORGE P. HOWARD
MALCOLM M. CHESNEY, JR.
JOHN H. DOHERTY
ERIC E. WOHLFORTH

Treasurer
ROBERT S. RUBIN

Secretary
MRS. WILLIAM C. UGHETT

Executive Secretary
MRS. MARY B. VITALE

Statement of Otis Pratt Pearsall,
Co-Chairman of the Historic Preser-
vation Committee of the Brooklyn
Heights Association, before the
Board of Estimate, City of New York

Mr. Mayor, and members of the Board of Estimate, the Brooklyn Heights Association strongly recommends your immediate approval of the amendment to the Zoning Resolution concerning the establishment of "Limited Height Districts". The Association, which has continuously served the Brooklyn Heights community for over 56 years, presently consists of nearly 1500 dues-paying Heights residents, a very large number of whom are property owners.

Since Brooklyn Heights has been an operating historic district for just over a year, and since it is reasonable to assume that portions of the Heights are likely to be mapped as Limited Height Districts should the amendment be approved, the Association appears uniquely qualified to judge the amendment's merits.

What reason is there for the amendment? The proposed amendment is absolutely essential in

order to close a crucial gap in the protection offered historic districts under the existing Landmarks Preservation Law.

While the Preservation Law approved by Mayor Wagner on April 19, 1965 vested significant power in the Landmarks Commission it nevertheless prohibits the Landmarks Commission from considering the factor of scale in making its determinations. Under Section 207-6.b.(3) of this law, the appropriateness of height is to be determined solely by reference to the Zoning Resolution. Representatives of the Brooklyn Heights Association have carefully studied over 50 preservation statutes now in effect from coast to coast and we believe that New York City's Preservation Law is the only one which does not provide for control of height in administering historic districts.

As you know, the Preservation Law does not give the Landmarks Commission power to prohibit demolition under all circumstances. Accordingly, apart from building sites already available, it is not only possible but probable that open space suitable for new construction will become available within historic districts. Since the

Preservation Law does not give the Landmarks Commission power to control the height of new construction, it would be possible, for example, to erect a very tall building right in the middle of the City's most elegant row of Greek Revival town houses.

Unfortunately, the threat of such a disaster is not hypothetical; it has proven real and immediate. Last spring, long after the designation of Brooklyn Heights as an historic district, the Association learned of well advanced plans to erect a 12-story building in one of the best preserved sections of Brooklyn Heights. In this particular case, after a number of meetings with Association representatives, the owner has commenced to display good will and forbearance, and it may be that we will escape a real catastrophe. But obviously it is impractical to count on forbearance, and very recently we have received word of a second threat with equally serious implications. Thus, even now we are faced with a substantial danger to the integrity of Brooklyn Heights notwithstanding its dual designation as a National Landmark by the Federal Government and as an historic district by our own Landmarks Commission.

Considerations of scale are clearly crucial to the effective preservation of historic districts. The Landmarks Commission could do its job perfectly and yet, because it is not permitted to consider the matter of height, not prevent the destructive impact of inharmonious new construction. This is why the proposed amendment must be approved.

Under the Landmarks Law considerations of height within historic districts are to be determined in accordance with the Zoning Resolution. The proposed amendment would introduce into the Zoning Resolution for the first time height determination criteria especially tailored for use in meeting the special problems of historic districts. By providing that the Planning Commission may map as Limited Height Districts all or portions of areas already designated as historic districts, the amendment would make available a flexible new tool to assure that the esthetic integrity of historic districts will not be destroyed through erection of structures out of scale with their immediate surroundings.

Flexibility is achieved by the availability of three categories of Limited Height

Districts, which would respectively limit the height of new construction to 50 feet, 70 feet and 100 feet, and by the fact that the Planning Commission, depending upon the circumstances, could employ one, or all in combination, or none of these Limited Height Districts within a given historic district.

Thus, under the proposed amendment the Planning Commission has discretion to determine whether or not to create a Limited Height District in any historic district. It would not be required to create a Limited Height District in any historic district, or portion thereof, where it would be inappropriate.

Further, the Planning Commission may determine whether all or just part of a historic district should be a Limited Height District. The Commission would not be required to map all of a given historic district as a Limited Height District if it considered that such treatment was appropriate in only one part.

Finally, the Commission would have power with respect to a given historic district to map one portion as a 50 foot Limited Height

District, another portion as a 70 foot Limited Height District, and another portion as a 100 foot Limited Height District, without mapping still other portions as Limited Height Districts at all.

The Brooklyn Heights Association believes that the proposed amendment represents a highly intelligent and urgently required supplement to the existing scheme of statutory protection for our City's historic districts. We are convinced that without it, the present apparent protection is illusory. And so, for our own sake and for the sake of future generations, we urge your immediate approval of the proposed amendment.

BROOKLYN HEIGHTS ASSOCIATION, INC.

ORGANIZED 1910

76 MONTAGUE STREET
BROOKLYN, N. Y. 11201
TELEPHONE ULSTER 8-9193

June 7, 1967

ADVISORY COMMITTEE

Hughson Bell
Walter Bruchhausen
Lewis Cohen
William R. Fisher
Lewis W. Francis, Jr.
Hermon H. Free
Andrew L. Gentry
Harriet K. Gray
Mrs. I. Victor Hard
Irving C. Idler
B. Meredith Longstaff
Leonard P. Moore
C. Monroe Marley
F. W. Nierdy
Freeman B. O'Sullivan
Arden H. Runkel
Stewart W. Richards
Ray M. D. Richardson
Miss Marjorie T. Richter
Paul Sindels

BOARD OF GOVERNORS

Leo Adler
Mrs. Philip F. Broughton
Ralph F. Cameron
Robert C. Carey
Malcolm M. Chesney, Jr.
E. Virgil Conway
Dwight B. Demerott, Jr.
John H. Deherby
Edward M. Fuller
David H. Gray
Peter V. Haight
The Rev. Canon Melville Harcourt
George P. Howard
Mrs. Stanley E. Kooper
The Rev. Harry M. Krueger
Terry Ward Lassoe
Edwin W. Lawson
Russell F. Layfield
Mrs. Philip T. Marchese
Otis Pratt Pearsall
William B. Pennell
Edward S. Reid
Robert S. Rubin
Edwards F. Rullman
John Timon
Mrs. William C. Ughetto
Dr. Virginia T. Weeks
Frederick Weymuller
Paul B. Weedin

COMMITTEE CHAIRMEN

DAVID M. GRAY
Air Pollution & Noise

JAMES T. HARRIS
Civic Improvement

MRS. JOHN S. DILLON
Cleanliness

EDWARDS F. RULLMAN
Design Advisory Council

Education
WILLIAM R. FISHER, CH.
OTIS PRATT PEARSALL, CO-CH.
Historic Preservation

HUGH DOUGAN
Housing Violations & Zoning

WILLIAM B. PENNELL
Membership

MRS. PHILIP F. BROUGHTON
Planting & Trees

Police
GEORGE P. HOWARD
Publicity

Recreation
LEE ADLER
Research

TERRY WARD LASSOE
Traffic

Urban Renewal

OFFICERS

President
ROBERT C. CAREY

Vice-Presidents
GEORGE P. HOWARD
JOHN H. DOHERTY
WILLIAM B. PENNELL
LEE ADLER

Treasurer
PAUL B. WOODFIN

Secretary
EDWIN M. LAYSON

Exec. Secretary
MRS. MARY B. VITALE

Statement of Otis Pratt Pearsall,
Co-Chairman of the Historic Preservation
Committee of the Brooklyn Heights Assoc-
iation, before the City Planning
Commission, City of New York, in support
of designating Brooklyn Heights an LH-1
Limited Height District

Mr. Chairman, and members of the Com-
mission, the Brooklyn Heights Association
strongly recommends your immediate designation
of an LH-1 Limited Height District, with bound-
aries substantially as described in the notice
of this hearing, within the historic district
of Brooklyn Heights.

The Association, which has continuously
served the Brooklyn Heights community for over 56
years, presently consists of nearly 1500 dues-
paying Heights residents, a very large number of
whom are property owners. We make this recommend-
ation, just as we recommended establishment of the
historic district, notwithstanding our normal
hesitance with respect to any loss of individual
control over use of property. We do so because
we recognize on the basis of harsh experience that,
absent appropriate preservation controls, including

control over height, Brooklyn Heights will surely lose the distinctive character from which its material values, no less than its spiritual ones, clearly emanate. On balance, we consider that the loss of this character, which has earned for generations the praise of discriminating observers, has drawn to the Heights large numbers of its residents, and has sparked and fed over the past 12 years a renaissance trebling and quadrupling real estate values, is a danger far more to be feared than the loss of any individual's right to destroy the beauty of his own property, and thereby the beauty and value of his neighbors' property.

What reason is there for designating Brooklyn Heights a Limited Height District when already it is an historic district under the jurisdiction of the Landmarks Commission? The answer is simple. The proposed designation is absolutely essential in order to close a gaping hole in the protection afforded Brooklyn Heights under the existing Landmarks Preservation Law.

While the Preservation Law approved by Mayor Wagner on April 19, 1965 vested significant power in the Landmarks Commission it nevertheless prohibits the Landmarks Commission from considering

the factor of scale in making its determinations. Under Section 207-6.b.(3) of this law, the appropriateness of height is to be determined solely by reference to the Zoning Resolution. Representatives of the Brooklyn Heights Association have carefully studied over 50 preservation statutes now in effect from coast to coast and we believe that New York City's Preservation Law is the only one which does not provide for control of height in administering historic districts.

That height controls are in such general use elsewhere simply reflects a common sense recognition that no historic district which to begin with substantially retains the harmony of its original scale can be meaningfully preserved if the integrity of such scale is sacrificed. Permeate such a district with a sufficient number of out-of-scale structures and like magic it will vanish as such, leaving behind nothing worthwhile or at best a handful of unrelated, individual landmarks. Of course, such landmarks, if sufficiently worthy, should certainly be preserved. But individual monuments cannot convey the character and atmosphere of the City as it was. This can only be achieved through an historic district, a dense

grouping of homogeneous structures which retain in high degree the integrity of their original architecture.

Within New York City, the historic district concept is uniquely exemplified by Brooklyn Heights. By far, it is the finest remaining microcosm of our City as it was more than 100 years ago. Saved by the East River from the development experienced by similar areas in downtown Manhattan, and left behind as Brooklyn expanded out into its open areas, Brooklyn Heights remains remarkably free of out-of-scale structures and non-residential uses, and, block after block, looks today much as it did at the outset of the Civil War. There worked some of America's finest architects, men like Minard La Fever and Richard Upjohn, who left behind a quantity of elegant dwellings and public buildings which still testify to the skill, imagination and drive of an era that changed our City from a concentration of structures south of Chambers Street to a world center of commerce and industry.

Clustered around early churches at the river's edge remain the original, narrow, tree-lined streets with their blue-stone sidewalks and rows of stately frame, brick and brownstone houses

representing in finest flower each of the principal architectural styles of the 19th Century. Of the 1230 buildings within the proposed Limited Height District, at least 663 were built before the Civil War and at least 1042 before the turn of the Century. There are 56 Federal, 398 Greek Revival, 44 Gothic Revival, and 196 Anglo-Italianate buildings as well as 201 buildings in eclectic and miscellaneous styles, not to mention 61 early carriage-houses grouped largely along unspoiled mews. In addition, 180 buildings the original styles of which are as yet unknown or which were originally without recognized style are of generally conforming scale.

Only 91 buildings, representing less than 7% of all structures within the proposed district, exceed five stories in height and only 40, or 3%, exceed six stories. Of these 40, just 4 are higher than 12 stories.

Clearly, therefore, the houses of three and four stories above a basement overwhelmingly predominate, and from the totality of these interesting old buildings, arrayed on irregular streets, with unexpected vistas, emanates an appearance, and, even more, a spirit and character of old New York

which no single part thereof, and certainly no individual landmark, could possibly provide.

The tangible impact of Brooklyn Heights' special character is amply demonstrated by the remarkable renaissance experienced by the area over the past twelve years. For a number of years up to about 1955, Brooklyn Heights had been slipping downhill. Property values, particularly along streets on the periphery, were falling and several blocks could only be characterized as slums. Then young couples, attracted by the character of the area and the opportunity for civilized living so close to their jobs in downtown Manhattan, commenced the purchase and restoration of run-down rooming houses. They were joined by friends, and their friend's friends. And the rest is history. Today the established reputation of Brooklyn Heights as an historic area and National Landmark continues to attract buyers for century-old residences at ever-increasing prices, currently ranging from approximately \$70,000 to \$150,000, and up.

The Association is of the view that designation of Brooklyn Heights as a fifty foot Limited Height District, by aiding the preservation of its special character and hence its long-

term desirability as a place to live, will serve to protect and enhance present property values.

On the other hand, we are convinced that absent such designation the great cultural asset New York City has in Brooklyn Heights cannot withstand the test of years. The Landmarks Commission can do its job perfectly and yet, because it is not permitted to consider matters of height, fail to prevent the destructive impact of inharmonious construction. The danger is from two directions:

- (1) the addition of further floors to existing structures; and
- (2) brand new construction.

Of course, the addition of a floor to an existing structure clearly involves the alteration of an exterior architectural feature within the meaning of the Preservation Law. Indeed, no exterior alteration can have graver consequences for the original nineteenth century appearance of a row of houses than the sudden sprouting of an incongruous addition above a generally uniform cornice line. Nonetheless, because this type of alteration involves a matter of height controlled by the Zoning Resolution, the jurisdiction of the Landmarks Commission to prevent it is highly questionable. Since it would

be impossible in the case of many houses on Brooklyn Heights to add another story without exceeding a height of fifty feet, the proposed Limited Height District would go a long way toward obviating the danger from this quarter.

But obviously the primary danger is brand new construction. As you know, the Preservation Law does not give the Landmarks Commission power to prohibit demolition under all circumstances. Furthermore, over the years, a certain number of structures are bound to be destroyed by fire and other natural catastrophe. Accordingly, apart from building sites already available, it is not only possible but probable that open space suitable for new construction will become available within Brooklyn Heights. Since the Preservation Law does not give the Landmarks Commission power to control the height of new construction, it would be possible, for example, to erect a very tall structure right in the middle of one of our City's most elegant rows of Greek Revival town houses.

Unfortunately, the threat of such a disaster is not hypothetical; it has proven real and immediate. Last spring, months after the designation of Brooklyn Heights as an historic district,

the Association learned of well advanced plans to erect a 12-story building on a full half block in one of the best preserved sections of Brooklyn Heights. After a number of meetings with Association representatives the owner was persuaded to restrict his construction to a site 50' by 100'. But we were then startled to discover that, even so, it would be possible under R-6 zoning to erect a so-called community facility as high as ten stories.

In this particular case, the owner has displayed forbearance, and it may be that we will escape a real catastrophe. But obviously it is impractical to count on forbearance. And, in fact, we have been informed of a second threat with equally serious implications. Thus, even now we are faced with a substantial danger to the integrity of Brooklyn Heights notwithstanding its dual designation as a National Landmark by the Federal Government and as an historic district by our own Landmarks Commission. The plain fact is that only its further designation as an LH-1 Limited Height District can arrest the piecemeal decimation of Brooklyn Heights by new construction of non-conforming scale.

On the question of boundaries, while we

would prefer the Limited Height District to coincide precisely with the historic district, we are in substantial agreement with the proposal of the Commission. We especially applaud the inclusion of Montague Street and the north side of Atlantic Avenue.

Although devoted to local shopping, Montague Street is presently characterized by structures in keeping with the scale and, for the most part, the age of the surrounding neighborhood. Indeed, along its entire length within the proposed district there are only nine buildings which exceed five stories. Montague Street is the central axis of Brooklyn Heights. Its high-rise development would certainly create a divisive barrier no less devastating than that which was almost inflicted by the original, pre-Promenade proposal that the Brooklyn-Queens Expressway bisect the Heights. But happily this oppressive prospect, otherwise a distinct possibility with disastrous implications for the historic district, would be precluded by the proposed LH-1 designation.

We feel that inclusion of the north side of Atlantic Avenue within the Limited Height District is similarly important. This broad thoroughfare

forms the natural and historical southern boundary of Brooklyn Heights, and most of the structures along its north side are integral with those elsewhere in the historic district with respect to scale, style and age. While some of these structures are not for the moment in the best of condition, there has been much improvement of late, and there is every reason to expect that in time this row will enjoy the same renaissance as has been experienced immediately to the north. Moreover, should further reason be required to bar high-rise development along the north side of Atlantic Avenue, it may readily be found in the disastrous consequences such development would clearly have for the splendid rows of Greek Revival houses on the south side of State Street. Hence, we heartily approve the Commission's proposal to include this area within the Limited Height District.

The Association, however, does wish to recommend one amendment of the proposed boundary. We consider that the frontage along Clinton Street between Montague and Pierrepont Streets, occupied by Minard Lafever's Church of the Holy Trinity and George B. Post's Long Island Historical Society building, is a crucial and inexplicable omission

which should be rectified. While for some reason this area has been zoned commercial it has not in fact ever been commercial except for a couple of shops on the ground floor of the Historical Society, and hence its zoning status should present no significant obstacle to inclusion within the Limited Height District.

One final point. The Brooklyn Heights historic district is unique. It's a one-of-a-kind. No other area in the City, however worthy, approaches its qualifications. Hence, there should be no concern on anyone's part that designation of Brooklyn Heights as a Limited Height District would serve as an automatic precedent for similar designations elsewhere. On the other hand, the Limited Height District amendment to the Zoning Resolution was conceived and promulgated with particular reference to Brooklyn Heights, and so, if it is ever to be applicable anywhere, Brooklyn Heights should be the place.

Accordingly, the Association urges your immediate designation of Brooklyn Heights as an LH-1 Limited Height District.

CALENDAR
of the
Board of Estimate
of The City of New York

THURSDAY, AUGUST 24, 1967

MEETING at 10:30 A.M.

in the
City Hall

(No. 3)

Prepared under the direction of Ruth W. Whaley, Secretary,
Board of Estimate, by Bernard J. Ghee, Calendar Clerk.

The proposed hospital complex would be located to serve a primary service area of Canarsie, Flatlands and Sheepshead Bay and would also serve a secondary service area of East New York, Bensonhurst, Midwood, Gravesend, Coney Island and Ozone Park. Existing hospitals within these areas will not be adequate to meet the anticipated medical, surgical, obstetrical and emergency service requirements of the expanding population of these areas. The existing R5 District would permit the construction of a hospital only barely sufficient to cover the present needs of the community. It would be shortsighted, in the case of such a major investment, not to allow for the necessary future expansion. This can be accomplished only if the proposed rezoning is approved. In addition, the proposed zoning would permit a more appropriate alignment of the initial phase of the main building to provide a more open view of Paerdegat Basin. It should be noted that the change in zoning would not affect the proposed height of the hospital.

The area proposed to be rezoned from R5 to R6 is limited to the specific site to be occupied by the hospital. The Commission has no plans to expand the scope of the rezoning to increase the permissible residential bulk in the surrounding areas.

It was determined that the amendment under consideration would provide appropriate zoning for the area involved and it was adopted, together with a resolution, which was filed with the Secretary of the Board of Estimate, in accordance with the provisions of Section 200 of the New York Charter, on August 17, 1967.

The Board of Estimate may approve, disapprove or modify the recommendation of the City Planning Commission within 60 days from the date of the filing of such recommendation with the Board which period will expire on October 16, 1967.

For consideration.

No. 236

R-4733

IN THE MATTER of a zoning change, pursuant to Section 200 of the New York City Charter, involving an amendment of the Zoning Map, Section Nos. 12d and 16c, establishing an LH-I District within the area bounded by Atlantic Avenue, Brooklyn-Queens Connecting Highway, Poplar Street, Hicks Street, Middagh Street, Henry Street, Clark Street, Monroe Place, a line 100 feet south of Clark Street, a line 100 feet west of Clinton Street, Aitken Place and Livingston Street, and a line 100 feet west of Court Street, Borough of Brooklyn, as shown on a diagram bearing the signature of the Secretary of the City Planning Commission and dated May 24, 1967.

REPORT of the City Planning Commission (CP-19829, dated August 16, 1967), stating that the action was initiated on the request of the Brooklyn Heights Association. The area involved comprises most of an area which was designated as an "historic district" by the Landmarks Preservation Commission on November 23, 1965 and which was approved by the Board of Estimate on February 10, 1966 (Cal. No. 22).

The proposed amendment was the subject of a public hearing duly held by the Commission on June 7, 1967 (Cal. No. 32) at which a representative of the Brooklyn

Heights Association, several property owners, and a local legislator appeared in favor of the proposal. Several representatives of the Watchtower Bible and Tract Society, the owners of a plot within the block bounded by Columbia Heights, Pineapple Street, Willow Street and Clark Street, requested that they be permitted to proceed with the construction of a previously planned building which would not comply with the 50-foot height limitation of the proposed LH-1 District.

The Commission is in receipt of communications from a number of residents of the Brooklyn Heights area expressing their support.

The Landmarks Preservation Commission, in designating the Brooklyn Heights area as an "historic district", recognized that its history and the general excellence and homogeneity of its buildings warranted keeping the character of the area substantially as it is. This decision has not only been confirmed by the Board of Estimate but the national importance of Brooklyn Heights was recognized by the Federal Government in January 1965 when it was designated a National Historic Landmark.

While the Landmarks Preservation Commission is empowered to prevent, within statutory limits, the demolition or inappropriate exterior alteration of existing structures within a "historic district", it is quite specifically barred from controlling the height or bulk of new buildings which might be built on parcels which are presently empty or which might, in the future, become available for redevelopment. Yet an important characteristic of Brooklyn Heights is the generally uniform height of buildings—typically three and a half or four stories—and it is essential that this generally uniform height be maintained if the character of the district is to be preserved.

The proposed establishment of an LH-1 District within most of this "historic district" would limit the height of buildings to a maximum of 50 feet above curb level. It is recognized that there are many existing buildings within the proposed boundaries that presently exceed this limit. The 50-foot height is, however, characteristic of the majority and of the best of the area—the fine individual buildings and, more especially, the many continuous rows of buildings which it is the Nation's hope and the City's expressed intention to see preserved. Existing intrusions will, of course, be unaffected by the proposal; constructed before the zoning change they can remain as a matter of right. The LH-1 designation will, however, prevent their replacement by new structures higher than 50 feet. Thus, the proposal will not only prevent the further spread of intrusive structures in a designated "historic district" but may act, over the years, effectively to reduce their number and so bring about throughout the entire district, the harmony and homogeneity that are now characteristic of its best parts.

It was determined that the amendment under consideration would provide appropriate zoning for the area involved and it was adopted, together with a resolution, which was filed with the Secretary of the Board of Estimate, in accordance with the provisions of Section 200 of the New York City Charter, on August 17, 1967.

The Board of Estimate may approve, disapprove or modify the recommendation of the City Planning Commission within 60 days from the date of the filing of such recommendation with the Board which period will expire on October 16, 1967.

For consideration.

OTIS PRATT PEARSALL

c/o ARNOLD & PORTER LLP
34TH FLOOR
399 PARK AVENUE
NEW YORK, NY 10022-4690

Otis_Pearsall@aporter.com
212.715.1050
212.715.1387 FAX

September 5, 2006

Hon. Robert B. Tierney, Chair
Landmarks Preservation Commission
1 Centre Street, 9th Floor
New York, New York 10007

Re: Preserving Preservation

Dear Chairman Tierney and Fellow Commissioners:

As development pressures intensify throughout the City, under-built FAR in our historic districts has become a prime target of opportunity, placing the cherished character of our predominantly low-rise residential districts, in particular, at unprecedented risk. Many preservationists believe that unless these pressures spilling into the districts are firmly checked now, loss of the open space, historic fabric and, above all, the human scale that collectively differentiate the district experience from that of individual landmarks will prove inevitable and irreversible. Any hope for some future, recognizable tipping point from which safely to draw back seems unrealistic. And so the responsibility to safeguard the preservation gains of a generation is uniquely ours, the preservation community's and the Commission's.

The purpose of this letter is to offer most respectfully the briefest protocol of core preservation policies that many in the preservation community deem essential to protect, long-term, the character of our historic districts, with the hope of prompting the Commission's adoption of key presumptions to guide its decision-making.

Background

Not that long ago the preservation community worried about "feathering" the zoning outside the boundaries of historic districts to prevent their being walled-in by tall buildings in the manner of Central Park. But now the threat of tall buildings is no longer at the gates: it is very much inside, along with other threats, as a few examples preservationists cite (not always unanimously) will illustrate:

- (1) Kohn Pedersen Fox's 11 story building at 122 Greenwich Avenue in the Greenwich Village Historic District (approved);
- (2) Platt Byard Dovell White's 10 story building at 8 West 70th Street for the Congregation Shearith Israel Synagogue in the Upper West Side/Central Park West Historic District (approved);

- (3) the demolition of a former 19th Century stable at 18 West 18th Street in the Ladies Mile Historic District and its proposed replacement by Morris Adjmi's all-glass design (disapproved);
- (4) Sherida Paulsen's proposed nine-story building (newly down-sized to four stories) sited on the Sculpture Garden at 20 Henry Street in the Brooklyn Heights Historic District (decision pending); and
- (5) the two-level commercial garage for 160 cars proposed to fill the historic courtyard of A. T. White's Riverside Houses on Joralemon Street in the Brooklyn Heights Historic District (hearing laid over).

Other controversial examples in recent years have included the Platt firm's 10-story apartment building replacing a two-story bank at East 91st Street and Madison Avenue, and the row-end brownstone to be displaced by Renzo Piano's new building for the Whitney.

While the loss of open space, historic fabric and human scale obviously and cumulatively impairs the appearance and lifestyle of historic districts, of equal significance is its economic impact. As word spreads that high-rises will be deemed "appropriate" in low-rise areas, those attracted by lower density, light and air may depart but the potential for greater density must inevitably lift values of open or low-rise sites above levels justified by their present use to levels sustainable only as development sites. This leads to enhanced pressure to replace low-rise with high-rise and, as the process feeds on itself, to erosion and ultimate loss of the character that prompted designation of the historic district in the first place.

It is to arrest this destructive process that I urge your adoption of the following policy presumptions, subject always of course to the possibility of exception in truly exceptional circumstances.

(1) Open Space Affected With the Public Interest Should Be Presumed Inviolable

Gaps in the street walls of historic districts often seem like missing teeth, crying out to be filled. Many, probably most, of these gaps eventually should be infilled with sensitive development, as further discussed in connection with new construction below.

But clearly not all open space, a relatively scarce resource in historic districts, is appropriate for development. Publicly-owned parks and playgrounds are, of course, inviolable. And there are at least several circumstances in which the Commission should view privately-owned open space as off-limits also. The determination should turn on a careful assessment of, among other things, historical use, public benefit and enjoyment, and contribution to collective lifestyle.

Perhaps the prime examples of privately-owned open space that should never be developed are the Grace Court gardens in Brooklyn Heights. The large front gardens prevalent in Carroll Gardens, as that historic district expands, present another example. And certainly similar instances abound throughout our 80-plus historic districts.

A broad category that makes an essential contribution to the collective lifestyle of both our "brownstone" and free-standing house districts consists of the rear gardens that, taken together, often provide not only private recreational space but light, air and seasonal vistas for the immediate neighborhood. Accordingly, the rigorous regulation of rear yard extensions should be the subject of greatly enhanced Commission concern and attention.

An egregious case akin to the full rear yard extensions generally disfavored by the Commission is the proposal to destroy and build upon the publicly visible Sculpture Garden adjacent to the Peaks Candy Factory in Brooklyn Heights that was constructed pursuant to a 1974 LPC Certificate of Appropriateness. While the number of privately-owned plazas and gardens that are similarly affected with the public interest is unknown, their preservation should be a priority and the Candy Factory garden well exemplifies the inappropriate open space development sites in historic districts that the Commission should be watchful to protect.

Unfortunately, that the apparent frenzy to commercialize even the most improbable of these open spaces continues unabated is illustrated by the strange, recent proposal for A. T. White's Riverside Houses on Joralemon Street. There the owner proposes to fill the large, historic courtyard with a two-level commercial garage for 160 cars, thereby trashing a remarkable amenity for 147 households in that particularly charming 19th Century corner of the Heights. Despite the incursion of the Brooklyn Queens Expressway, which long ago displaced the westerly half of the Riverside Houses, most of the original courtyard with twelve huge old trees remains intact, so that in addition to its impact on open space this proposal would also violate the fundamental principle of preserving historic fabric that I examine next.

(2) Historic Fabric Should Be Presumed Inviolable

The Commission's recent decision to disapprove demolition of a former 19th Century stable at 18 West 18th Street in the Ladies Mile Historic District to make way for a handsome all-glass building designed by Morris Adjmi vindicates the most fundamental of preservation precepts applicable to historic districts, that demolition of historic fabric is unequivocally out-of-bounds. Were this not the case, and we were free based on the shifting sands of subjective taste to substitute new buildings for old, we would enter upon a slippery slope that could not but jeopardize the integrity and character on which at bottom all district designations are based. The Commission's recent acquiescence in the demolition of the Purchase Building and the townhouse sacrificed for the Whitney

Museum expansion must be viewed, not as precedent allowing other such losses wherever "something better" is served up, but as strictly isolated exceptions that prove the rule.

The historic fabric of any Historic District, at a minimum, includes all of the buildings of styles or periods that account for the overall character that led to designation. It is not important that any particular building be individually significant. Few, if any, will possess anything approaching landmark quality. Nor is it important that a building may have experienced change. Few, indeed, will have escaped the marks of time and use, which in fact often serve to enrich a district's patina. A skinned brownstone, for example, will contribute in many ways, materials, age, window alignment, cornice or roof line, height, scale, etc. and, of course, in today's world there is always the real potential for reskinning.

But the history and development of historic districts, especially the older ones, does not cease with the styles or periods with which they may be principally associated or for which they may be most notable. Successive generations leave behind evidence of their own use and taste and the consequent layers of accumulated architecture remain there today alongside the earlier structures to educate and enliven our experience. The importance of this layering is what Harmon Goldstone was getting at when, in arguing for the proposition that new buildings in historic districts should represent the best of the day in which they are built, he observed:

"The really important point and one that is often missed by zealous antiquarians-- is that the buildings worthy of preservation represent the best that have come down to us from widely different periods and in widely differing styles." (History Preserved, p. 424)

Unfortunately, it is this "really important point" that the Commission missed in rationalizing that the 1936 Art-Deco Purchase Building could be sacrificed because it felt the Fulton Ferry Historic District was about 19th Century warehouses and factories, and that is now at stake on the pending application to destroy the Sculpture Garden which is an integral part of the Modernist ensemble created by Lee Harris Pomeroy in rehabilitating the Peaks Candy Factory in the Brooklyn Heights Historic District.

Clearly, quality design added to historic districts through the important process of architectural layering should be presumed integral to their historic fabric.

(3) Predominating Scale of New Construction's Historic Setting Should Be Presumed Inviolable

The Commission should rigorously reject, much less countenance, new structures in predominantly low-scale historic districts that do not conform in scale to the overall historic setting.

Out-of-scale new buildings in such areas, no matter how architecturally distinguished, are inherently inappropriate and should be sited elsewhere. They are inappropriate because by blocking sun, casting shadows, interrupting vistas of clouds and sky and denying human scale, they are incompatible with the fundamental appearance, character and lifestyle that comprise the "value-added" of such historic settings. In its 1969 Greenwich Village Historic District Designation Report, the Commission sought to capture this essence as follows: "From the totality of Greenwich Village emanates an appearance and even more a spirit and character of Old New York which no single block thereof and no individual landmark could possibly provide. It is this collective emanation which distinguishes an historic district* * *from a landmark and gives it a unique aesthetic and historical value." (Report, p. 10). That this "collective emanation" must inevitably suffer dilution from out-of-scale intervention seems too obvious for argument. And in "History Preserved," in the context of describing the approval process for the first new structure constructed in an historic district, Ulrich Franzen's Watchtower Society building scaled to its Brooklyn Heights surroundings, Harmon Goldstone made express the "Founding Fathers" expectation that such new buildings "must be compatible" with the predominating mass and scale of their historic neighbors. (pp. 424-25)

Why then, if out-of-scale interventions are so obviously inappropriate, do they so often draw applause? The simple answer is that in this day and age a stunning design by a talented architect is "architecturally correct." The understandable and frequently deserved enthusiasms of the architectural profession, critics, developers, cultural elite and the lay media combine to anoint the better architects, like chefs, the equivalent of rock stars.

Even preservationists find it difficult to characterize these architects' best work, undeniably beneficial elsewhere in the City, as "inappropriate" for reasons of scale when located in low-rise historic districts. Yet because such districts, "under built" from a zoning perspective,¹ increasingly offer tempting development opportunity, preservationists and the Commission together must find the gumption to call a halt before the insidiously erosive process gains further traction. Once it takes hold no convincing basis of differentiation will remain available to stop it.

The argument that the existence of large buildings within the boundaries of an otherwise predominantly low-scale district makes a proposed out-of-scale project appropriate just doesn't wash. As a matter of common sense appropriateness must be

¹ Inappropriate zoning is, of course, a major source of the problem. Zoning within an historic district should reinforce rather than compete with or undercut the City's preservation policy. While obviously beyond the Commission's purview, in a rational world designation of an historic district would automatically trigger a correlative zoning review by City Planning to assure policy consistency.

judged by reference to the architecture that provided the rationale for designation in the first place, not by reference to those anomalous buildings despite which the designation occurred. The relevant inquiry is what was the character of the district that designation was undertaken to preserve, and what was the predominating scale of the buildings seen as contributing to that character. New buildings that respect such scale may be appropriate if they exhibit the requisite quality, whereas others can never be, regardless of quality. Its just that simple and arguments to the contrary deserve the highest level of skepticism.

Consistent with protecting our low-rise historic districts from large-scale incursions, the Commission should unstintingly support existing height restrictions applicable in such districts including, specifically, the LH-1 50 foot Limited Height Districts, and should reject inconsistent proposed waivers under Section 74-711.

The LH-1 concept, devised in 1966 just months after the designation of Brooklyn Heights, emerged from a collaborative effort of the Brooklyn Heights Association and the Commission represented by Commissioner Bancel La Farge, to respond to the Watchtower Society's proposal to build an eleven story building along the length of Columbia Heights between Clark and Pineapple Streets. The Planning Commission reports, both on the amendment of the Zoning Resolution and on the designation of the Heights as the first LH-1 District, made abundantly clear that these actions enjoyed Commission support, as indeed they did. It was this height limitation initiative that produced Ulrich Franzen's Watchtower building, the first new construction in an historic district, of which, as Goldstone's book History Preserved shows, the Commission was justifiably proud.

(4) Highest Quality Architecture Should Be Indispensable For New Construction In Historic Districts

That the highest quality of design should characterize the architecture of any new construction in historic districts is a common point of agreement among preservationists. Where they somewhat divide, however, is on the extent to which such design should be "contemporary" or "contextual."

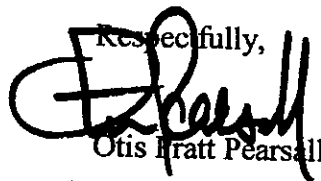
Harmon Goldstone in History Preserved stated the case for contemporary solutions:

"When a new building, for one reason or another, is to be built in an Historic District it should be the best possible representation of our own day; it should speak our own idiom. But in mass, color (texture and materials) and scale it must be compatible with its surroundings. A good contemporary building that observes these good neighbor policies is a more appropriate addition to an Historic District than a poor copy of something, which, at best, can be nothing more than a stage set." (pp. 424-25)

Others, on the other hand, state a persuasive case for contextual solutions. Most, however, agree that, just so long as the requisite quality exists, the outcome is peculiarly well suited to the exercise of Commission discretion, case by case, in the context of its determination of "appropriateness."

Conclusion

As leader of the Brooklyn Heights effort commencing in 1958 that helped achieve, in 1965, both the Landmarks Law and designation of the Heights as the City's first historic district and, in 1967, its designation as the first LH-1 50 foot Limited Height District, my sole interest here is to help support the Commission's vital mission to safeguard the City's historic architecture, and especially its historic districts. Having observed and participated in all manner of preservation issues for more than forty years, I feel perhaps uniquely obligated to share these perspectives in the sincere hope that they may provide anchors-to-windward in helping guide your deliberations and decision-making.

Respectfully,

Otis Pratt Pearsall

Cc: Hon. Christine Quinn, Speaker
Hon. Melinda Katz, Chair, Land Use Committee
Hon. Jessica Lappin, Chair, Landmarks Subcommittee
Hon. Maria del Carmen Arroyo, Landmarks Subcommittee
Hon. Charles Barron, Landmarks Subcommittee
Hon. Leroy G. Comrie, Jr., Landmarks Subcommittee
Hon. John C. Liu, Landmarks Subcommittee
Hon. Miguel Martinez, Landmarks Subcommittee
Hon. Rosie Mendez, Landmarks Subcommittee
Hon. James Oddo, Landmarks Subcommittee and Minority Leader
Hon. Annabel Palma, Landmarks Subcommittee
Hon. Tony Avella, Chair, Zoning Subcommittee
Mary Pat Thornton, Brooklyn Heights Association
Jack Taylor, Drive to Protect the Ladies Mile District
Philip Kellogg, Fort Greene Association
Seri Worden, Friends of the Upper East Side Historic Districts
Andrew Berman, Greenwich Village Society for Historic Preservation
Simeon Bankoff, Historic Districts Council
Kate Wood, Landmarks West!
Kent Barwick, Frank Sanchis, Municipal Art Society of New York
Peg Breen, New York Landmarks Conservancy
Christabel Gough, The Society for the Architecture of the City



Sovereign Bank®

TESTIMONY OF TERENCE J. MITCHELL, PRESIDENT
METRO NY-NJ DIVISION, SOVEREIGN BANK
New York City City Council, Land Use Committee Hearing
Tuesday, October 23, 2007, City Hall, Manhattan

We have been bankers on Atlantic Avenue since 1850, originally as South Brooklyn Savings, renamed Independence Community Bank in 1998, and now as Sovereign Bank, which acquired Independence in 2006. I am here to speak on behalf of the Two Trees Management Company project before you that has been approved by the New York City Landmark Preservation Commission and the City Planning Commission.

The subject of today's hearing includes an architecturally important building that was built for our bank and was our home for over 80 years. This is the second building designed and built by our predecessor bank that still stands on this block of Atlantic Avenue. Over the years, time made each of these buildings functionally obsolete, but we are proud that our architectural legacy continues to enrich the community at both Atlantic and Clinton Street and Atlantic and Court Street.

The bank's corporate headquarters moved from the building at 130 Court Street in 1998, but that location was already inadequate as our headquarters --- or even as the office for a local branch bank. We had explored a new future for the facility for many years --- looking at how we could put the parking lot and unused space in the 130 Court St. building to more productive use.

As a public company that must answer to shareholders, it was important for us to act to meet competitive challenges in the marketplace and maximize the value for our shareholders. As we approached the question of what to do with the property, we reached out to potential developers, looking at these three factors: 1. We had an historic building in a landmark district that had been our home since the 1920's; 2. The building was obsolete for use as a bank; and 3. Atlantic Avenue was in a state of great transition and would clearly benefit from more retail space and street traffic.

Even though we had considered a number of serious development proposals over the years, we didn't see a viable new owner for the property until the emergence of Two Trees, which already had significant interests in the local neighborhood and has a proven reputation for delivering on its promises. Working with the outstanding architectural firm Beyer Blinder Belle, Two Trees has created a project we can all be proud of.

In addition to these public hearings on the project today, Two Trees and top bank officials also met privately with neighbors and community organizations in 2005 and 2006 to review the evolving design proposal, and listening to incorporate their concerns into the proposal that was ultimately approved by Landmarks and City Planning Commission. Given the various constraints of the site and the building, this proposal will be a credit to both the community and the developer. It replaces a parking lot with retail spaces; it will enhance street life with new stores; and it ensures preservation of an iconic building and an architectural asset for the community. With the realization of these positive goals, the bank concluded sale of the property to Two Trees a few months ago.

And for us, Sovereign Bank will continue to do business at the intersection of Atlantic and Court Street, and we will continue to take great pride in our singular contribution to the architectural legacy that makes this portion of Atlantic Avenue such a special place. I respectfully ask that the City Council support the City Planning Commission approvals for this project. Thank you.

---000---

For Media Information, Call Michael A. Armstrong, Sovereign Bank Metro Division, 347-563-9251

September 4, 2007

To Mayor Michael Bloomberg,
City Council Speaker Christine Quinn,
Council Representative Bill de Blasio
Land Use Committee Chairperson Melinda R. Katz

As I send you a copy of my recent letter to Ms. Amanda Burden, Chairperson of the City Planning Commission regarding the rezoning of the block of Summit Street in Red Hook, Brooklyn, which is the home of the Gowanus Nursery, I would like to stress my great concern that the nursery will be obliged to close down should the rezoning be approved.

It may be hard for others to appreciate just how important an establishment such as this is to life in Brooklyn.

In the past, gardeners such as myself had to travel considerable distances to find perennial plants of interest. Stores such as Home Depot and Lowes only offer the most basic choice of bedding plants.

When the Gowanus Nursery opened on Third Street a few years ago, before moving to Summit Street last year, a new world opened up for aspiring gardeners. Here on their doorstep, in a beautiful and tasteful garden setting, they could be introduced to and purchase the most interesting selection of perennial plants and small trees that one could wish for. Advice is and was readily available from experienced personnel at the Nursery. Birds, bees, butterflies and hummingbird moths abound.

I have lived in Cobble Hill for thirty years and have seen an enormous difference in the plants growing in gardens and window boxes in the neighborhood. Most of them have come from the Gowanus Nursery. For my contribution to the greening of the neighborhood, I have made my own garden visible to passers-by, because I know how much they appreciate a colorful garden. The most splendid plants in my garden were purchased at the Nursery.

Life in Brooklyn is difficult enough as it is and as development encroaches on what little space remains, I am greatly concerned that no allowance is being made for businesses such as the Gowanus Nursery. If they are forced out, it becomes harder and harder for them to find an affordable new location. Unfortunately, perhaps, such businesses cannot operate without

land and I ask you to consider this as you plan for the future of New York City and as you consider the rezoning of Summit Street. Please allow the Gowanus Nursery to remain where it is and where it may continue to serve the community which has come to depend on it.

Respectfully submitted,

Christopher Adlington
274 Degraw Street,
Brooklyn, NY 11231

232 11th Street
Brooklyn, NY 11215
September 4, 2007

Re: In Support of Small Business and
Keeping Brooklyn Green --
Rezoning Proposal for
45 Summit Street, Brooklyn,
Site of Gowanus Nursery

Dear:

I am writing to ask your assistance to prevent approval of the current plans to rezone 45 Summit Street, Brooklyn, from commercial use to residential development (see attached Proposed Zoning Change dated May 7, 2007). In essence, these plans would force out active and flourishing small businesses and replace them with private residential development. This is an unconscionable and aggressive use of the ULURP procedures and would result in the destruction of unique small businesses in Brooklyn.

Gowanus Nursery, a small business located at 45 Summit Street, Brooklyn, is a unique resource in Brooklyn. Plants that once were impossible to find or acquire are now available not only to Brooklyn residents, but all residents of New York City. As an example: a noted garden expert and editor of many garden publications recently recommended to me a plant called Epimedium. Although I have gardened for many years, I had never heard of this plant. I went to Gowanus Nursery and asked Andrea Paladino, Gowanus Nursery owner, about it. Not only did she know of it, but she had the plants in the nursery! Gowanus Nursery has broadened the gardening knowledge of all Brooklyn gardeners and has enriched our borough. In addition, this small business directly contributes to keeping Brooklyn – and our city -- “Green.”

We need small business to not only remain in Brooklyn, but to be supported and encouraged. Garden nurseries in our city are particularly at risk of being displaced. A recent article in the *New York Times* – “New York Nurseries Try a Transplant,” by Diane Cardwell, May 24, 2007 – expressed concern at how these small businesses are being pushed out of our city:

“Lately, though, as gentrification has made it increasingly difficult for those [garden/nursery] centers to hold onto the square footage they need, many gardeners have started to worry about losing their most valuable resources. The open lots dotted with carts of annuals and stacks of whiskey barrels are disappearing, often to be replaced by luxury housing.”.

Where will these small businesses go if they are constantly displaced by developers? We cannot have a borough comprised only of condos. We need to maintain the diversity which has made our borough great.

As a lifelong resident of Brooklyn as well as a dedicated and enthusiastic gardener, I am writing against this zoning change and in support of maintaining the current zoning which would allow one of these businesses, Gowanus Nursery, to remain in its present site at 45 Summit Street, Brooklyn, I hope you will work to prevent this zoning change from being approved.

Should you wish to contact me, I can be reached at 718 965 6654 or jmjaniak@ix.netcom.com.

Yours truly,

Jane M. Janiak

Dear Mr. de Blasio,

I am writing this letter in strong protest to the proposed action by the City Council and Brooklyn Borough President Marty Markowitz to order Gowanus Nursery at 45 Summit St, Brooklyn to vacate their current space of business. As a magazine garden editor and producer I have come to rely on Gowanus Nursery not only for plant material but also advice and inspiration when developing content for our magazine, Martha Stewart Living. We currently have over 1 million readers annually who turn to us for authoritative and reliable information. In my quest to meet the needs of our readers I have traveled countless miles by plane, train and automobile to dozens of cities in some 20 different states and through Europe. I have met and collaborated with some of the most esteemed figures in the horticultural world. Rarely does one see such a deep and profound love of plants and gardening coupled with a willingness to share that knowledge as freely as Ms. Paladino and her staff do right here, down the block from my home in Brooklyn. Now I hear that Gowanus may be forced to move to make way for still more real estate speculation. Must everything and every open lot be paved over with 'luxury' condos? What happens to the texture and complexity of a neighborhood and city once it looks like any other block?

Greenspace, whether it is public or commercial is a necessary component to any sound long term development. It makes a place habitable and gives respite to those of us who are not lucky enough to spend more time out of doors. Commercial diversity is the hallmark and life's blood of this city. It is what makes New York New York and certainly Brooklyn Brooklyn. Aping the trend to convert open space to real estate will, at this point, add very little to our community fabric and will dampen the hopes and dreams of those like Ms. Paladino who dare to take a chance at their own business and, I might add, make a terrific go of it in the process. She didn't take the easy route. She took a brave step and committed herself to this community and the city. It's now your turn to 'think outside the box' and prove you are a person who supports entrepreneurs like Ms. Paladino, a woman who can proudly add her name to a vast and illustrious list of other New Yorkers that made a difference with their hearts and minds. I trust that she will inspire you to do the same.

Sincerely,

Tony Bielaczyc

Papadopoulos, a Greek Cypriot living in London and showing at the International Contemporary Furniture Fair last Saturday, and worried aloud, "I think these defy the broken-window doctrine of policing," he said, "You'd be tempted to run amok in your own house. Who knows where that would lead?"

Mr. Miller, a professor of culture, media and communication at New York University, was one of four guests the House & Home section invited to run amok at the show, the design world's annual American hoo-ha, now in its 19th year. More than 600 ex-

PERSONAL SHOPPER

At the furniture fair, products for children grow up a bit. Page 8

accounted for more than half of the exhibitors. Mr. Miller, 57, was joined by Leah Lewy, who is 13 and a ninth-grader in Hunterdon County, N.J.; Frances Hayward, 62, a philanthropist and the founder of Bekind, an animal welfare foundation; and Tony Shellman, a 40-year-old hip-hop fashion entrepreneur whose latest company, Parish, is six months old.

Born in different decades, and with different backgrounds, tastes and points of view, the four, none of whom had met before, formed a collective to road test some of the ideas being served up. Their mission was to review whatever they liked (and take to task what they disliked), to imagine what might fit into their own homes and to pull a story out of the fair as a whole. What did it mean to them, all these colors and shapes together? Did furniture make a cultural narrative? And if it did, did they care?

Mr. Shellman was outspoken from the start, a natural host who chatted up his fellow reviewers and interviewed exhibitors tirelessly. "Hey, good luck!" he would say after quizzing a designer on methods, materials or price. Mr. Miller was the skeptic (a role he is comfortable with; his latest book, "Fooled Again: The Real Case for Election Reform," out next month in paperback from Basic Books, argues that the 2004 Presidential elections were manipulated by the ultra-right). He offered a steady stream of one-liners under his breath. By the 20th or 30th booth, Mr. Shellman hugged him and said, "You, my friend, are coming to all my parties."

Miss Lewy, who had put off seeing "Spider-Man 3" to come to the show, was sober and analytical.

Ms. Hayward, who never seen so mu place," she said la

They fell on show's organizer, the news media, their necks and to Mr. Miller st black and white I that looked like Brewer, an English called Surface R

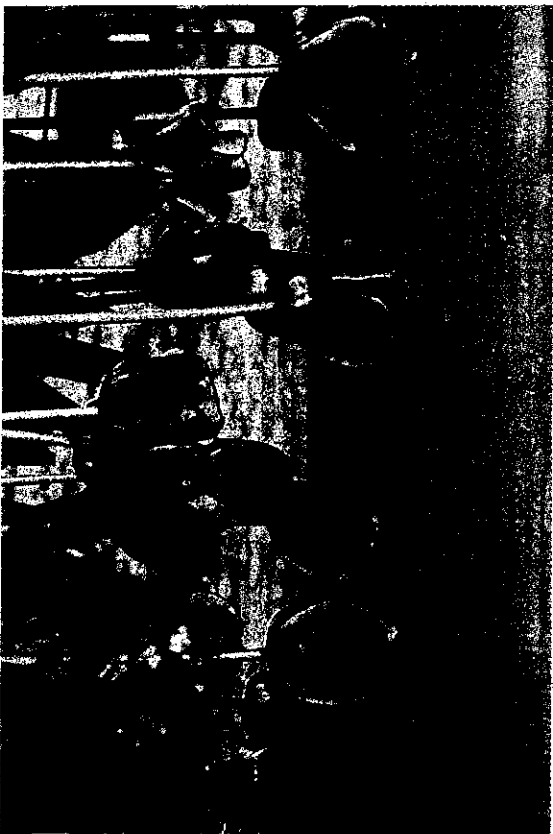
New York's Nurseries Try a Transplant

By DIANE CARDWELL

GARDENING in New York City can require the determination of a weed pushing through a sidewalk. There are hardships of space, light, microclimate and wind, not to mention the pain of hauling supplies across town and, frequently, up several flights of stairs. Add to that the shortage of serious garden centers — the kind with space for 50-pound bags of manure, for instance, or heirloom vegetable seedlings — and the challenges of tending a patch of green in a city known more for its grit than its earth can seem overwhelming.

But New Yorkers have found a way, piecing together a patchwork of suppliers that include Web sites, farmers' markets and particularly the few large-scale garden centers that have managed, like trumpet vines, to cling to their businesses in such an expensive real estate market.

Lately, though, as gentrification has made it increasingly difficult for those



Tyler Hicks/The New York Times

GARDEN DISTRICT Several new nurseries, including Liberty Sunset, above, are turning Red Hook, Brooklyn, into a gardening destination.

centers to hold onto the square footage they need, many gardeners have started to worry about losing their most valuable resources. The open lots dotted with carts of animals and stacks of whiskey barrels are disappearing, often to be replaced by luxury housing.

So a new group of large nurseries that have suddenly sprung up in Red Hook, Brooklyn — since March, three have opened within blocks of each other — is a welcome surprise for many of the city's gardeners.

"There's really a need for this," said Marianne Tarrulli, who was admiring the plants outside the new branch of the Chelsea Garden Center on Van Brunt Street one recent weekend morning. "People really want to garden." She added that although she can buy plants at many places on Staten Island, where she lives, few have the unusual perennials she wants.

At Gowanus Nursery on Summit Street, another of the new centers, Continued on Page 8

Turni to Japanese

MAY 24

New York's Nurseries Try a Transplant

Continued From Page 1, This Section

Catherine Tait made a similar observation after shopping for her garden in Boerum Hill, Brooklyn. "This one raised the bar in terms of quality and diversity and interest," she said. "It's like, 'Oooh, look at that exotic purple leaf.' It's not like just pansies and peonies at Home Depot."

Although the area, about a mile southwest of Brooklyn Heights, is not served by the subway, its new nurseries are linked to the rest of the city by the B61 bus line, a kind of hipster local connecting Long Island City, Queens, with the Jay Street-Borough Hall station in downtown Brooklyn and Van Brunt Street, Red Hook's main drag.

At the north end of the neighborhood is Gowanus Nursery (45 Summit Street, 718-852-3116, gowanusnursery.com), which gained something of a cult following for the cool, unusual plants selected by its owner, Michele Paladino, in its four years in Carroll Gardens near the Gowanus Canal, and which opened in its new location — with 6,000 square feet, as against the previous 2,400 — on March 31.

Farther south, on a huge pier at the end of Van Dyke Street, is Liberty Sunset (204-207 Van Dyke Street, on Pier 41, 718-858-3400, libertysunset.com), the sprawling brain-child of Sandor Gubis, a Hungarian-born woodworker who has cultivated many of the plants himself, raising them organically; it has 10,000 square feet of indoor retail space and about twice as much outdoors.

A few blocks inland, on Van Brunt Street and in an annex lot around the corner, is the Chelsea Garden Center's first Brooklyn branch (444 Van Brunt, 212-727-7100, chelseagardencenters.com), which opened on April 23 with nearly 14,000 square feet of retail space. Chelsea is a Manhattan institution that has moved so often over the past 23

years that its owner, David Protell, says it should be called the Gypsy Garden Center.

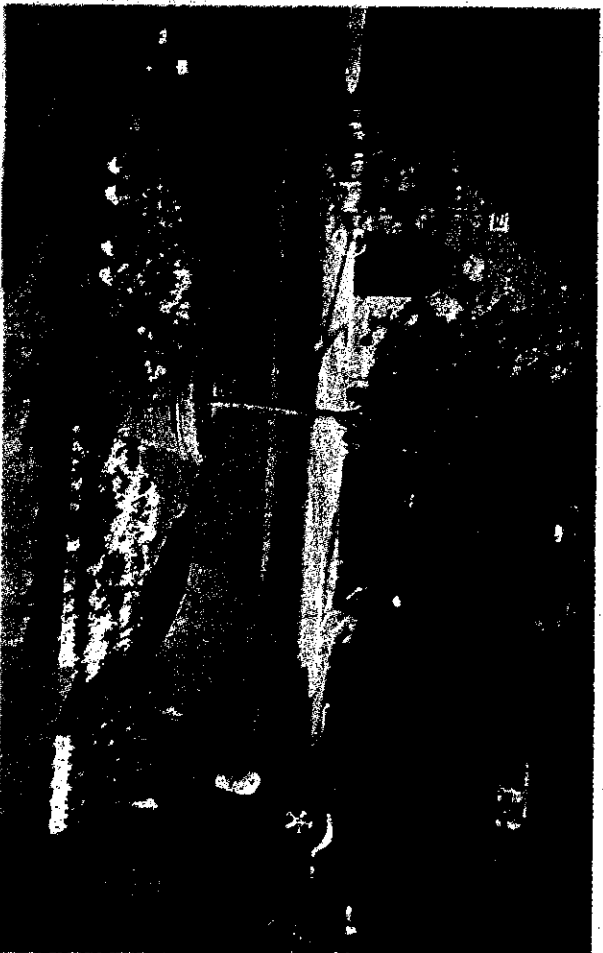
The developments in Brooklyn are occurring at a time of flux for other outlets as well. Mr. Protell recently moved his main branch in Manhattan from 38th Street and 10th Avenue to 11th Avenue near 44th Street, downsizing by 25 percent, to 7,500 square feet. And Dimitri's, which began in 1959 as a florist on the Upper East Side, moved from East Harlem to a 12,000-square-foot shop in the Port Morris-Mott Haven section of the Bronx (2413 Third Avenue, 718-292-3338, dimitrissgardencenters.com).

In Manhattan, at least, "the buildable-square-foot prices are going through the roof, and developers are just looking at us like we're fresh meat because of what we do: we occupy land," said Dimitri Gatanas, who is making the new Bronx Dimitri's both a full-service garden center and a gathering spot with jazz and free barbecue on weekends. "We're a dying breed."

Mr. Protell, whose nursery has been chased by gentrification from Chelsea to the Bowery, back to Chelsea and then to the far West Side, said he almost gave up on the New York market but decided to stay and hold onto his longtime employees and customers. Those considerations, along with the promise of the many new gardens, courtyards, patios and balconies the Brooklyn housing boom is creating, spurred him to move into the borough.

In addition to plants — including trees, shrubs, annuals, perennials, grasses, vegetables and herbs — all three of the Red Hook centers offer a full range of garden design and installation services, as well as containers and planting materials. Chelsea offers perhaps the broadest selection: things like snapdragons, river birches and acclimated indoor trees, as well as custom-designed teak planter boxes and cast statuary.

Liberty Sunset, which sits on the water's edge with sweeping views of the Statue of



Photographs by Tyler Hicks/The New York Times

ROOM TO GROW Chelsea Garden Center, a Manhattan institution, recently opened a Brooklyn branch in Red Hook, above, with nearly 14,000 square feet of retail space.

Liberty, Upper New York Bay and the New Jersey coastline, emphasizes an organic approach, propagating many of its offerings from Mr. Gubis's own collection, which includes flowers, vegetables, herbs and tropical plants. The center, which opened earlier this month, also plans to sell ready- and custom-made planters from Mr. Gubis's shop and to offer seminars on gardening and cooking.

Gowanus, the smallest of the three, takes more of a boutique approach, selling plants from specialty growers including Monrovia and Beds and Borders, imported containers, mosses and succulents artfully arranged in concrete troughs, spiky grasses and showy foliage plants like fancy-leaf geranium and brunnera.

And each of the nurseries is catering to the specific needs of the urban gardener. "People in the burbs have the luxury of space," Mr. Protell said. "Here it's vertical, it's wind issues. You're on a balcony or terrace, rooftop, fire escape. Shade gardening is significant, too, because sun is at a premium." And then there are the simple me-

chanics, he said, adding: "You're not walking across the driveway and the front lawn here. You're schlepping things up stairs." So the centers offer dwarf varieties, shade plants and lightweight containers, along with portable sizes of most planting materials.

At the same time, the centers all place a strong emphasis on quality and aesthetics for customers who, the owners say, come with a high degree of design sophistication and an interest in experimenting.

"These areas are very unnatural," Ms. Paladino said. "I mean, it's a backyard, but it's not really connected to the landscape in any larger sense of the word, so you can have lots of different styles. Every little thing is its own little enclave. You could have a Japanese garden or whatever, because there's no large meadow to connect to."

In an odd sort of paradox, the very gentrification that has made it difficult for these businesses to find space also seems to be creating a growing demand for their services, especially in a rapidly changing neigh-

's Nurseries ransplant

years that its owner, David Protell, says it should be called the Gypsy Garden Center.

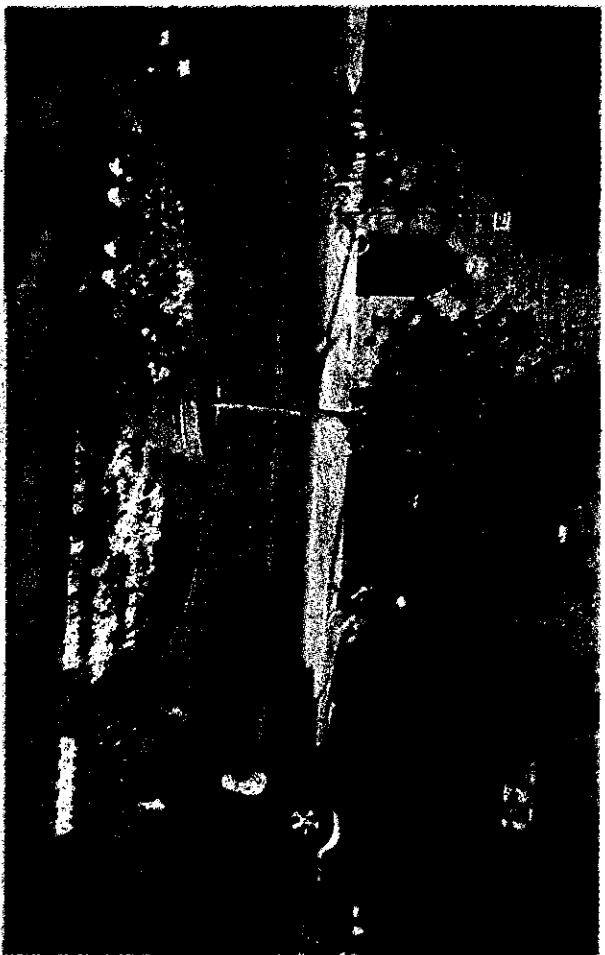
The developments in Brooklyn are occurring at a time of flux for other outlets as well. Mr. Protell recently moved his main branch in Manhattan from 38th Street and 10th Avenue to 11th Avenue near 44th Street, downsizing by 25 percent, to 7,500 square feet. And Dimitri's, which began in 1959 as a florist on the Upper East Side, moved from East Harlem to a 12,000-square-foot shop in the Port Morris-Mott Haven section of the Bronx (2413 Third Avenue, 718-292-3338, dimitrsgardencentre.com).

In Manhattan, at least, "the buildable-square-foot prices are going through the roof, and developers are just looking at us like we're fresh meat because of what we do: we occupy land," said Dimitri Gatanas, who is making the new Bronx Dimitri's both a full-service garden center and a gathering spot with jazz and free barbecue on weekends. "We're a dying breed."

Mr. Protell, whose nursery has been chased by gentrification from Chelsea to the Bowery, back to Chelsea and then to the far West Side, said he almost gave up on the New York market but decided to stay and hold onto his longtime employees and customers. Those considerations, along with the promise of the many new gardens, courtyards, patios and balconies the Brooklyn housing boom is creating, spurred him to move into the borough.

In addition to plants — including trees, shrubs, annuals, perennials, grasses, vegetables and herbs — all three of the Red Hook centers offer a full range of garden design and installation services, as well as containers and planting materials. Chelsea offers perhaps the broadest selection: things like snags, river birches and acclimated indoor trees, as well as custom-designed leak planter boxes and cast statuary.

Liberty Sunset, which sits on the water's edge with sweeping views of the Statue of



ROOM TO GROW Chelsea Garden Center, a Manhattan institution, recently opened a Brooklyn branch in Red Hook, above, with nearly 14,000 square feet of retail space.

Photographs by Tyler Hicks/The New York Times

Liberty, Upper New York Bay and the New Jersey coastline, emphasizes an organic approach, propagating many of its offerings from Mr. Gubis's own collection, which includes flowers, vegetables, herbs and tropical plants. The center, which opened earlier this month, also plans to sell ready-made custom-made planters from Mr. Gubis's shop and to offer seminars on gardening and cooking.

Gowanus, the smallest of the three, takes more of a boutique approach, selling plants from specialty growers including Monrovia and Beds and Borders, imported containers, mosses and succulents artfully arranged in concrete troughs, spiky grasses and showy foliage plants like fancy-leaf geranium and brunera.

And each of the nurseries is catering to the specific needs of the urban gardener. "People in the burbs have the luxury of space," Mr. Protell said. "Here it's vertical; it's wind issues. You're on a balcony or terrace, rooftop, fire escape. Shade gardening is significant, too, because sun is at a premium." And then there are the simple me-

chanics, he said, adding: "You're not walking across the driveway and the front lawn here. You're schlepping things up stairs." So the centers offer dwarf varieties, shade plants and lightweight containers, along with portable sizes of most planting materials.

At the same time, the centers all place a strong emphasis on quality and aesthetics for customers who, the owners say, come with a high degree of design sophistication and an interest in experimenting.

"These areas are very unnatural," Ms. Palladino said. "I mean, it's a backyard, but it's not really connected to the landscape in any larger sense of the word, so you can have lots of different styles. Every little thing is its own little enclave. You could have a Japanese garden or whatever, because there's no large meadow to connect to."

In an odd sort of paradox, the very gentrification that has made it difficult for these businesses to find space also seems to be creating a growing demand for their services, especially in a rapidly changing neigh-

hood like Red Hook.

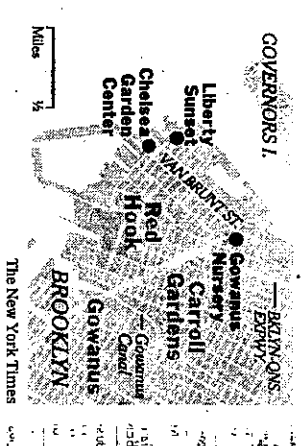
The interest in gardening, Mr. Protell said, "continues to grow." He added: "With all the building that's been going on, there's additional gardens, there's additional terraces. There's balconies, there's rooftops, there's backyards, there's courtyards, streetside plantings and apartments that need plants."

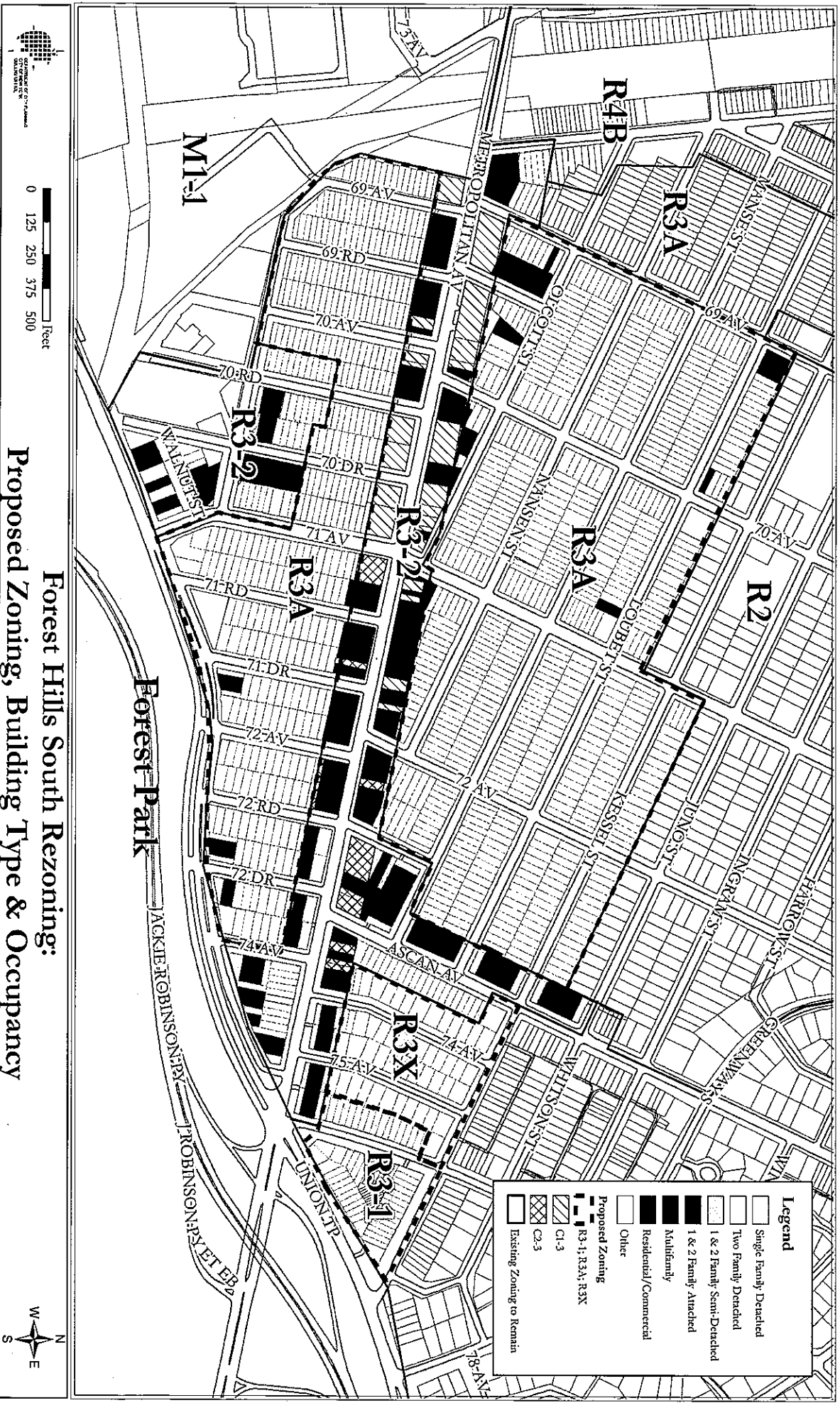
And customers like Gordon Hawkins willing to make the effort to find them. Mr. Hawkins designs and installs gardens, in addition to tending what looks like a small rain forest under the skylights in his apartment in Carroll Gardens — and on what he calls his Zone 4-to-14 rooftop, a reference to growing zones ranging between the hot black skin of the roof and the containers perched high above it.

Mr. Hawkins, whose aerie includes plummerias, roses, cosmos, cannas and a swath of grass, has gardened in apartments for decades, sinking potted trees into the floor, replacing windowsills with built-in planter boxes and running lines to a building opposite a SoHo loft to support his vines.

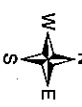
He said he still misses the old Farm and Garden Nursery, a family business that served the likes of Marilyn Monroe and Katharine Hepburn. Buffered by the tides of development, it opened nearly 70 years ago on a site that would become the World Trade Center and closed in 1997 after many years at the south end of the Avenue of the Americas near White Street, where the Tribeca Grand Hotel now stands.

"I've been driven further and further afield trying to find good nurseries," said Mr. Hawkins, who is welcoming the boomlet in Red Hook for as long as it lasts. "They move around a lot. The areas improve, and they get pushed along."





Forest Hills South Rezoning:
 Proposed Zoning, Building Type & Occupancy



Legend	
[White box]	Single Family Detached
[White box with diagonal lines]	Two Family Detached
[White box with horizontal lines]	1 & 2 Family Semi-Detached
[White box with vertical lines]	1 & 2 Family Attached
[White box with cross-hatch]	Multifamily
[White box with diagonal lines]	Residential/Commercial
[White box]	Other
[White box]	Proposed Zoning
[White box]	R3-1; R3A; R3X
[White box]	C1-3
[White box]	C2-3
[White box]	Existing Zoning to Remain

Pleasant Grove Full Gospel Tabernacle
1927 Fulton Street
Brooklyn, New York 11233
Albert L. Jamison, Sr.
Pastor and Bishop

Deacon Julio Lewis
Deacon Ministry Chairperson

Deaconess Sylvia M. Hailey-Dozier
Trustee Ministry Chairperson

Statement From Bishop Albert L. Jamison, Sr.

Let me take this opportunity to thank the New York City Council Land Use Committee and the Housing and Buildings Committee for allowing Sharonnie Perry a member of my Executive Council to read this statement on my behalf, due to the fact that I am out of town.

A special thank you to Councilwoman Darlene Mealy and her staff for taking the time to meet with me and members of my Executive Council about our concerns of the proposed zoning change for Bedford Stuyvesant South and the dilemma we are facing on the north side of Fulton Street and Howard Avenue to a R6B. I wish to thank Community Board 3 for their modification and recommendation which they voted on June 25, 2007, that Fulton Howard to Saratoga be increased from the proposed R6B to a R7D which will allow for increased building size under the Inclusionary Housing Program.

Recently the New York City Planning Commission voted on the Bedford Stuyvesant South re-zoning proposal. This re-zoning will include Atlantic to Quincy from Franklin to Saratoga; As a result, the Fulton Street corridor will be re-zoned to a R7D in certain areas on both the north and south side, which would allow you to build up to 8 floors with 2 set backs with a total 10 floors including community space.

Based on the new zoning my church developed a partnership with Enterprise Foundation, The Faith Center and Central Brooklyn Community Service Center to build affordable housing on Fulton Street and Howard Avenue over the church, which is greatly needed in the eastern section of Bedford Stuyvesant.

After attending a public hearing, the earlier part of this year the church began soliciting support from the community and community leaders. Members of my congregation did a community survey and solicited letters from the surrounding area of the church in support of our proposed project. We have secured close to 500 letters along with a comprehensive survey.

Church Office # 718-77-8049

Church Fax # 718-774-5213

Affiliated with Full Gospel Baptist Churches

I am asking on behalf of the constituents of the Eastern Section Of Bedford Stuyvesant that the New York City Land Use Committee and the Housing and Building Committee, study the proposed re-zoning and take the needed corrective measures to increase the proposed re-zoning of Fulton, Howard & Saratoga from a R6B to a R7D.

The alternative would be as followed:

- 1) That the church is allowed to file an expedited re-zoning application at no cost to the church, since a request has been submitted by the church along with modifications and recommendations.

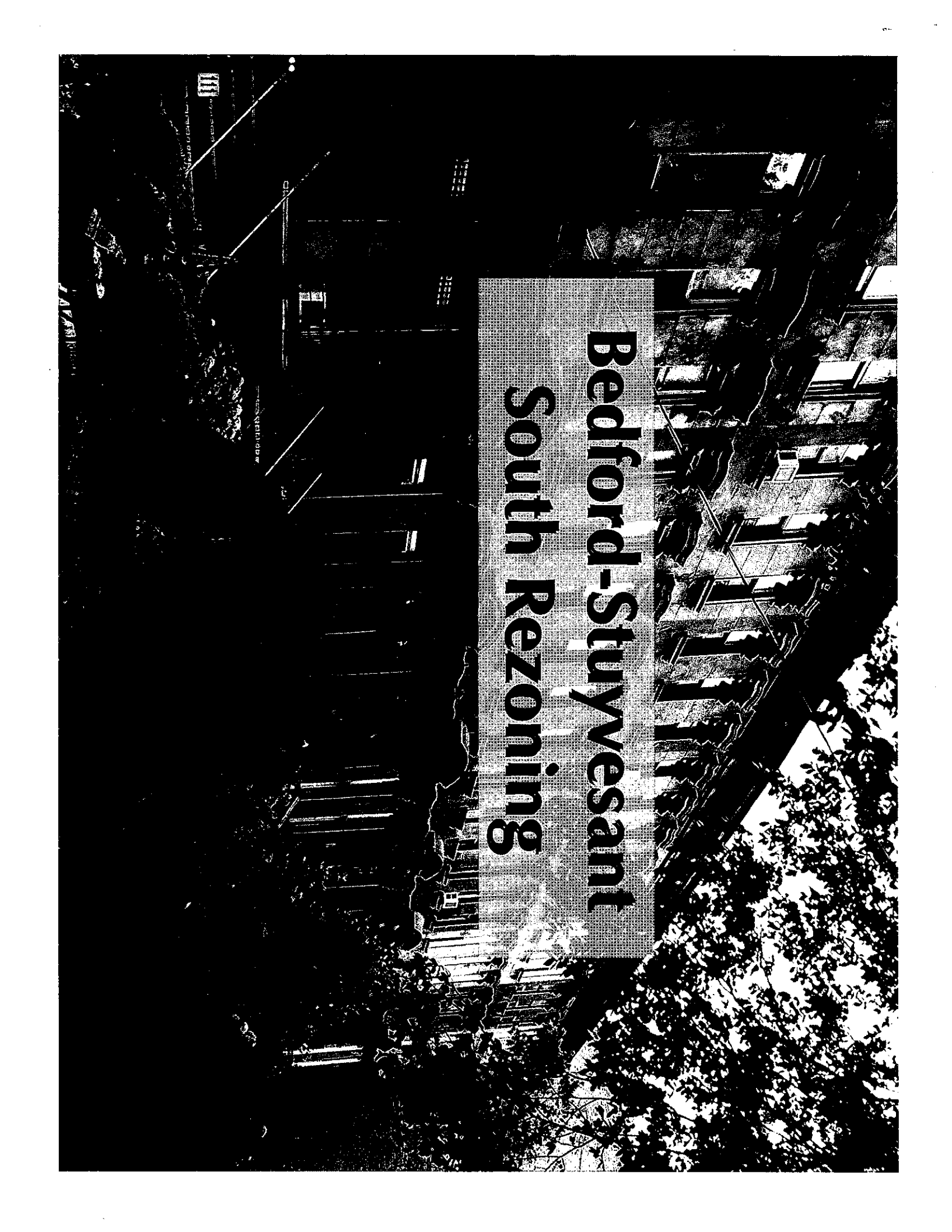
- 2) That the north side of Fulton Howard and Saratoga be expunged from the present proposed re-zoning application for further discussion and study.

Again, on behalf of myself, the Faith Community of Pleasant Grove Full Gospel Tabernacle and the community at large I wish to thank you for your time and consideration and I look forward to your response to this request.

Yours In Community Building

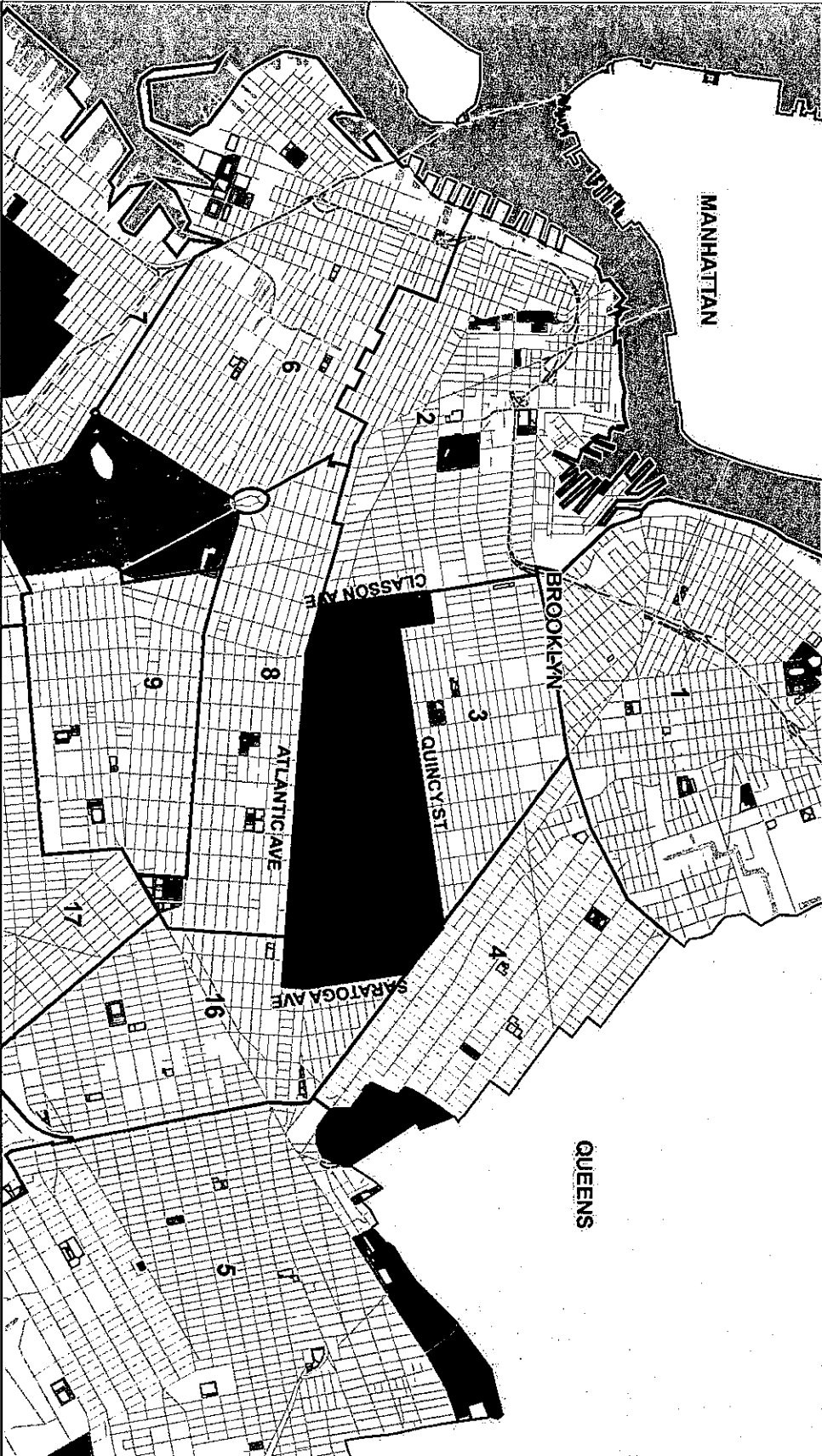


Bishop Albert L. Jamison, Sr., Pastor
Pleasant Grove Full Gospel Tabernacle



**Bedford-Stuyvesant
South Rezoning**

Rezoning Area



Existing Context



NYCHA-Brevort Houses



116 MacDonough Street

Mix of Housing Types

- 19th century brownstones and row houses
- High density apartments and complexes

Commercial Corridors

- Fulton Street retail corridor
- Additional stores on North/South avenues

Excellent Public Transportation

- A, C, G, J, M, Z subway lines
- Bus Routes
- Long Island Rail Road

Strong political & community support for neighborhood revitalization

Experiencing reinvestment



Fulton Street at Albany Avenue

Critical Issues

Out of context
development



Herkimer Street between
Albany and Kingston Avenues

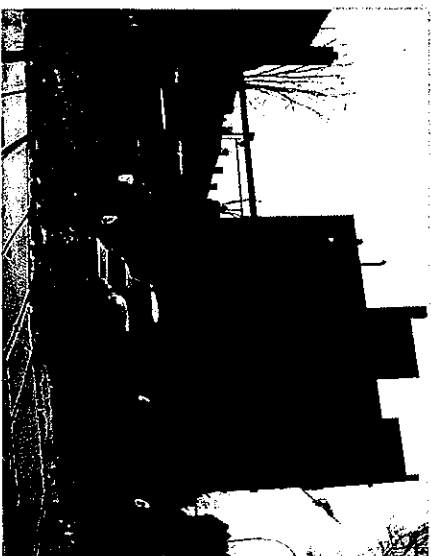


Bainbridge Street

Vacant Lots and
Underutilized Sites

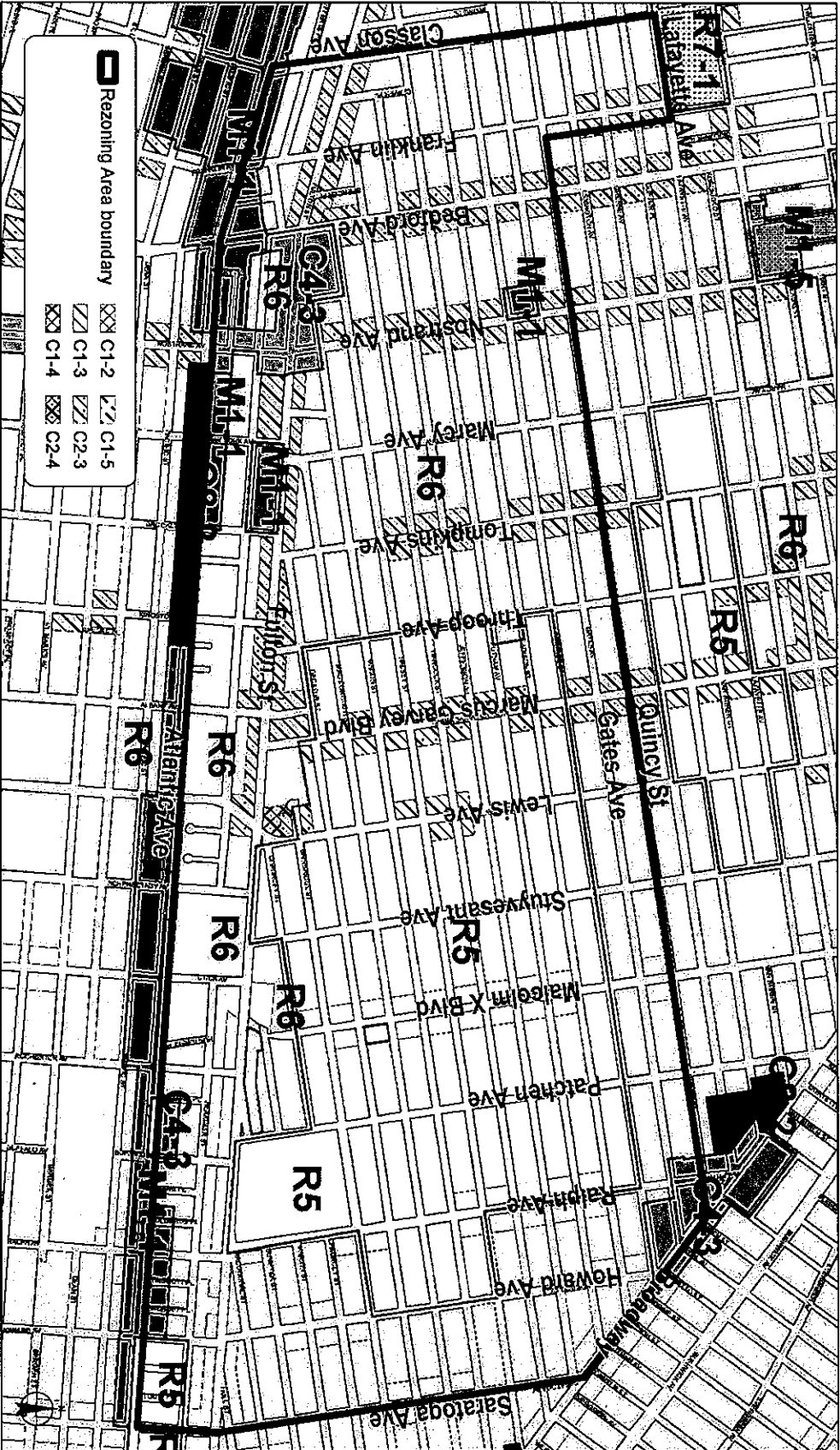


Herkimer Street between
Albany and Kingston Avenues



210 Monroe Street

Zoning Analysis: Existing Zoning



Zoning Proposal



Zoning Analysis

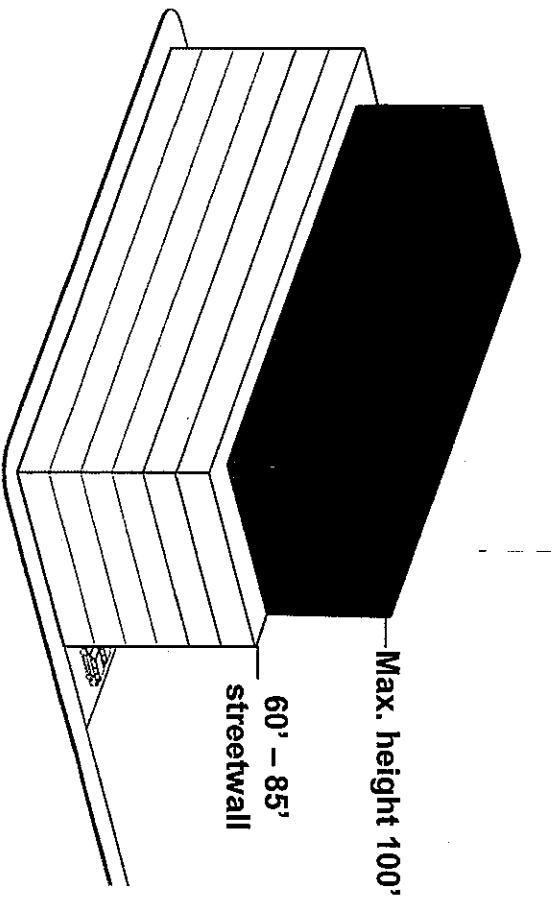
INCLUSIONARY HOUSING BONUS

In exchange for 33% Floor Area bonus,

- 20% of the floor area must be set aside as affordable units to those earning up to 80% of the Area Median Income
- Units are permanently affordable
- The units can be provided on-site or off-site within the community district

R7D DISTRICTS

base FAR:	4.2
max FAR:	5.6



Zoning Proposal: Fulton Street Corridor



Illustration of a Building under Proposed Zoning-
17 Albany Avenue at Fulton Street

Testimony of Carolyn Konheim, 175 Pacific Street, Brooklyn before the City Council committee on Zoning and Franchises, October 23, 2007

Re: *130 COURT STREET*

CD 6 C 070156 ZSK Application submitted by Two Trees Management Co. LLC

I am the most affected property as my building, 175 Pacific Street, is a residential building directly behind the proposed site. We have greenhouse windows on the 2nd and 3rd floors apartments that are facing the proposed building on Atlantic Avenue. These windows had to be approved by the Landmark Preservation Commission.

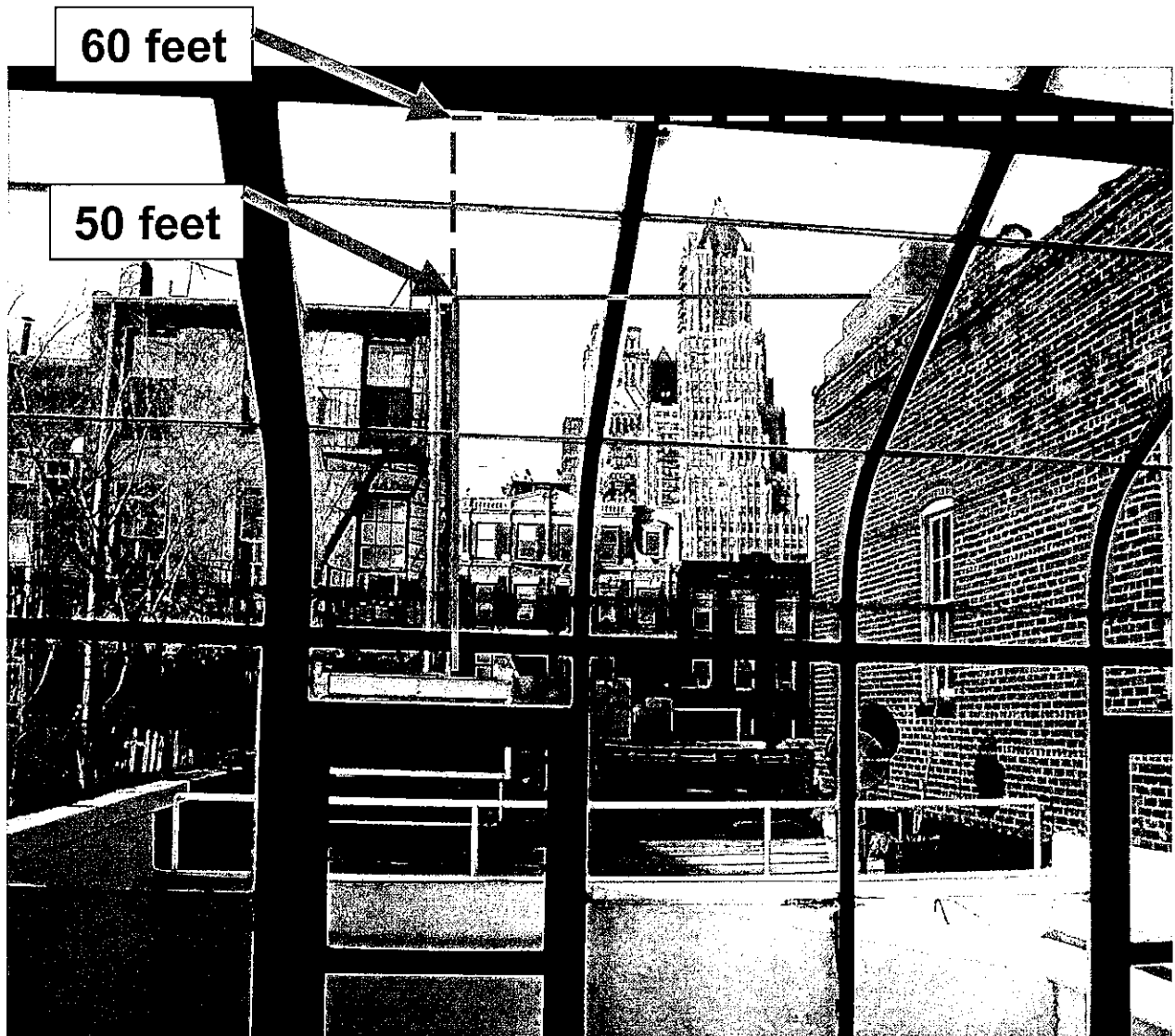
The severe impact of the requested 60' height variance is illustrated in the attached architecturally accurate graphics. It shows that a 50' building which complies with the Zoning Resolution would still leave a patch of sky, whereas, the proposed 60' building would obliterate ~~it~~ any view of the sky altogether. These variances are not a case of economic hardship. Granting the extra floor is an \$~~8~~million giveaway to a favored developer at my expense. It will whet the greed for equal largess for developers of three contiguous lots on Pacific Street at the expense of the entire community.

Recently, the NY Times Real Estate Section validated my point. It recommends securing a view (in my case of sky) by locating in or at the boundary of a landmark district where one can be assured that the mandatory 50' height limit is protected in perpetuity. I moved here 23 years ago from a canyon in Manhattan because I believed that in this landmark neighborhood, I had an assurance not only of architectural character, but of scale, light, and a view of the sky.

The City Council has a moral and legal obligation to enforce the covenant of the Zoning Resolution. To maintain the scale of our neighborhoods, the Zoning Resolution is entirely unambiguous about height limits.

The zoning code says any height above the maximum (50') must be set back 30' AND be governed by the height regulations of the underlying districts [which is the Limited Height District of 50 feet]. **Thus, there should be no height option considered for this site. We look to the City Council to override the Planning Commission's dereliction of its duty and deny these precedent-setting variances.**

LOSS OF VIEW AND SKY FROM WINDOWS OF 175 PACIFIC STREET FROM A 50 AND 60-FOOT BUILDING ON ATLANTIC AVENUE



Building heights taken from Sanborn Map