

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

SUBCOMMITTEE ON ZONING AND FRANCHISES

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November 17, 2008

Start: 10:10am

Recess: 10:20pm

HELD AT: Committee Room  
City Hall

B E F O R E: TONY AVELLA  
Chairperson

COUNCIL MEMBERS:  
Joel Rivera  
Simcha Felder  
Eric N. Gioia  
Melinda R. Katz  
Larry B. Seabrook  
Albert Vann  
Inez E. Dickens

## A P P E A R A N C E S

Edwin Marshall  
Department of City Planning

Jaime Ortiz  
Department of City Planning

CHAIRPERSON AVELLA: Good morning, everyone. I'd like to call this meeting of the Subcommittee on Zoning and Franchises to order. We only have one real item. Well, I shouldn't say that, but the main item on the agenda today is the 125th Street follow up text amendment. We also have a sidewalk café application, Banshee Pub; but that is being withdrawn. And we have a letter from the representative of the applicant stating to that effect. So we will be voting to accept the withdrawal letter. Also on the East Village Lower East Side rezoning, we will not be voting on that today. I will be recessing the meeting until 9:55 tomorrow morning, immediately before Land Use. And of course there always is the possibility it will be recessed again until before the Stated meeting. So we have City Planning with us to give the presentation on the 125th Street follow up text amendment. Joining me this morning are Committee Members, Council Member Al Vann, Eric Gioia, Larry Seabrook, Melinda Katz, Simcha Felder and we're also joined by Council Member Inez Dickens. Gentlemen? You're on.

EDWIN MARSHALL: Thank you. Thank

1  
2 you so much. Good morning, Chair Avella and the  
3 Members of the Committee. My name is Edwin  
4 Marshall and I work for the Department of City  
5 Planning. And today I'm joined by my colleague,  
6 Jaime Ortiz, also with the Department of City  
7 Planning. Thank you for giving us the opportunity  
8 to present the 125th Street Rezoning follow up  
9 text amendment with you today. The Department of  
10 City Planning seeks approval of a zoning text  
11 amendment to modify height and bulk regulations  
12 within a portion of the special 125th Street  
13 district core sub-district. The proposed text  
14 amendment is a follow up corrective action that  
15 fulfills the Department's post ULURP commitment to  
16 Council Member Dickens, the City Council and the  
17 greater Harlem community, to reduce building  
18 height within the C 4-7 zone portion of the core  
19 sub-district. The affected area is located on the  
20 north side of 125th Street between Frederick  
21 Douglass Boulevard and a point 545 feet east of  
22 Malcolm X Boulevard, also known as Lennox Avenue  
23 in Manhattan Community District 10. In sum, the  
24 proposed modification would do two things. One,  
25 it would reduce the maximum building height. The

1 maximum building height in the affected area,  
2 originally set at 290 feet would be reduced to a  
3 maximum height of 195 feet. And the graphic to my  
4 left shows the building height that was approved,  
5 that 290 and the proposed reduction to 195 feet.  
6 The proposed text amendment would also reduce the  
7 allowable residential, commercial and community  
8 facility density as well. The commercial density  
9 in the affected area, which was originally 10 FAR,  
10 bonusable to 12 through the Arts Bonus, would be  
11 reduce to 7.2 FAR bonusable to 8.65 with the Arts  
12 Bonus. The residential density in the affected  
13 area, which was 9 bonusable to 12, would be  
14 reduced to 5.4 bonusable to 7.2, bonusable through  
15 the Arts Bonus or the Inclusionary Housing Bonus.  
16 The maximum community facility FAR, which was 10  
17 FAR, would be reduced to 7.2. The proposed  
18 modification would reduce the maximum FAR for  
19 residential commercial and community facility uses  
20 and also reduce the allowable height on the north  
21 side of 125th Street in the core sub-district. It  
22 also gives a preference for commercial development  
23 over residential development. On July 21st, this  
24 application was referred to Community Board 10 and  
25

1 the Borough President for review and comment.

2 Both submitted resolutions supporting the proposed  
3 action. Again, thanks for having us here to talk  
4 to you about this proposal. Thanks for listening.  
5 We welcome your questions and comments.  
6

7 CHAIRPERSON AVELLA: Council Member  
8 Dickens, did you want to make a statement?

9 COUNCIL MEMBER DICKENS: A short  
10 one, Chair Avella. Thank you. This action is a  
11 specific result of the 125th Street rezoning and  
12 was part of the signed agreement made to the  
13 Harlem community by Deputy Mayor Robert Leiber on  
14 behalf of the administration. City Planning has  
15 explained the height reductions, so I won't go  
16 into that. And this is for the core on 125th  
17 Street between Frederick Douglass Boulevard and  
18 Malcolm X Boulevard, just east of Malcolm X, in  
19 order to reduce the heights, which I had been told  
20 could not be done at the time we voted on the  
21 rezoning back in April. So this is part of that  
22 commitment to reduce the heights, which is what  
23 the community asked for and the community board  
24 asked for. In addition, with the reduction in  
25 heights and the bonusable FARs that would come

1  
2 with it, by doing this, this will also make  
3 residential construction rather unfeasible, just  
4 in the core, which is another component that the  
5 community wanted. So I am thankful to City  
6 Planning for following through with this. This is  
7 a work in progress because this is just part of  
8 the 125th Street rezoning, and I intend to see to  
9 it that all components are fulfilled as we all  
10 agreed to. So I thank also Gail Benjamin and the  
11 Land Use staff for their hard work with me, the  
12 staff for Speaker Quinn and City Planning. Thank  
13 you, Chair, for this time. And I ask my  
14 colleagues to please vote yes for this.

15 CHAIRPERSON AVELLA: Any questions  
16 from Committee Members? Seeing none, thank you.  
17 I see no one signed up to speak on this item,  
18 correct? Given that's the case I will close the  
19 public hearing and I will ask Counsel to call the  
20 vote. Chair recommends approval of the 125th  
21 Street follow up text amendment and approval of  
22 the letter--

23 [Pause]

24 CHAIRPERSON AVELLA: And to vote on  
25 the motion to file on the letter of withdrawal.

1  
2 Thank you, Mr. Counsel. Chair recommends approval  
3 of both items.

4 COUNSEL: Chairman Avella?

5 CHAIRPERSON AVELLA: Aye.

6 COUNSEL: Council Member Rivera?

7 COUNCIL MEMBER RIVERA: I vote Aye.

8 COUNSEL: Council Member Felder?

9 COUNCIL MEMBER FELDER: Yes.

10 COUNSEL: Council Member Gioia?

11 COUNCIL MEMBER GIOIA: I vote yes.

12 COUNSEL: Council Member Katz?

13 COUNCIL MEMBER KATZ: Aye.

14 COUNSEL: Council Member Seabrook.

15 COUNCIL MEMBER SEABROOK: Aye.

16 COUNSEL: Council Member Vann?

17 COUNCIL MEMBER VANN: Yes.

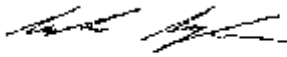
18 COUNSEL: By a vote of seven in the  
19 affirmative, none in the negative, no abstentions,  
20 all items are approved and referred to the full  
21 Land Use Committee.

22 CHAIRPERSON AVELLA: And this  
23 meeting of the Subcommittee on Zoning and  
24 Franchises is recessed to 9:55 Tuesday Morning.  
25



C E R T I F I C A T E

I, Erika Swyler, certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature  \_\_\_\_\_

Date December 4, 2008 \_\_\_\_\_