

I. Major Changes and Proposed Changes in Laws, Regulations or Public Policies Affecting NYC Land Use and Housing

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These brief summaries of changes and proposed changes to laws and regulations affecting New York City land use and housing were compiled by searching legal databases, the websites of the City Council, the Department of City Planning, and other City and State agency websites, and the websites of various NGOs involved in land use and housing.¹ This section covers laws enacted or regulations that became effective, as well as those proposed, between September 30, 2003 (the closing date of the 2003 State of the City's Housing and Neighborhoods report) and December 31, 2004. While every effort has been made to be comprehensive, please bring anything we may have missed, or anything that should be included in next year's retrospective, to our attention at furmancenter@nyu.edu.

Affordable Housing

Conversion of Mitchell-Lama affordable units to market rate units:

February 4, 2004: The City Council introduced a proposal (Int. 0005-2004) to amend the administrative code which would require owners of Mitchell-Lama projects to provide tenants 18-month notice prior to converting the building to market rate rents. The proposed law would also require the project owner to mitigate the impacts of the conversion. The proposal has been referred to the Housing and Buildings committee.

The proposed legislation is in response to the exodus of buildings from the Mitchell-Lama program. Building owners can voluntarily leave the program after 20 years. The City lost about 17,000 of its 140,000 Mitchell-Lama apartments by year-end 2003 after 43 buildings left the program; 11 more buildings, with a total of 3,000 units, are considering joining the exodus as their contracts expire, allowing owners to rent the apartments at market rates.

Extension of tax exemptions to buildings preserving affordable housing units rather than converting to market rate units:

June 6, 2004: City Council members introduced, and referred to committee, a resolution (Res. 0388-2004) to provide a 50 year extension of real property tax exemptions for properties developed under the Private Housing Finance Law (i.e. Mitchell-Lama buildings) or the Public Housing Law. The extension would be available to owners of properties whose current tax exemption has expired, but who chose to continue renting the apartments under the prior affordability restrictions. The Committee on Housing and Buildings discussed the item at the Committee meeting of October 28, 2004.

Tax Abatements to Mitchell-Lama Buildings that Continue Affordability Restrictions:

June 28, 2004: Mayor Bloomberg announced a proposal to maintain rent protection in 80 Mitchell-Lama buildings, offering to refinance existing mortgages and to provide low-cost loans for maintenance in exchange for remaining in the Mitchell-Lama program for an additional 15 years.

¹ Links to more information regarding each summary are available in the online version of this report.

The program could cost the City up to \$75.5 million over 15 years, depending on how many of the buildings opted in to the program instead of converting to market rate apartments.

J-51 Tax Abatement Extension:

December 14, 2004: Mayor Bloomberg signed Local Law 45 of 2004 (Int. 0318-2004) to authorize J-51 tax exemption benefits for alterations, improvements or conversions for an expansion of cubic content to an existing building or structure. This benefit would be available only if at least 50 percent of the “floor area” of the completed building consists of the original structure. Manhattan from Chambers Street to 110th Street is excluded from this benefit, unless the building is receiving other government aid.

Right of First Refusal to Tenants of Affordable Housing Being Converted to Market Rate:

October 28, 2004: The City Council committee on Housing and Buildings discussed a bill (Int. 0186-2004) to give tenants in buildings built with affordable housing subsidies greater rights to purchase the buildings when the buildings convert from affordable housing to market rate. The bill “would give tenants in certain developments a right of first refusal and an opportunity to purchase the property where they reside in order to preserve the property as low- or moderate-income housing while simultaneously providing such a right of first refusal and an opportunity to purchase to the City via the Department of Housing and Preservation. These developments include Mitchell-Lama developments, project-based Section 8 developments, as well as certain other developments receiving government subsidies and assistance or developments where there is an existing agreement to maintain rent restrictions after the program’s original expiration date.” Additionally, the bill would “require that a notice [to the tenants of the housing development, to the tenant association and to the Department of Housing Preservation and Development] shall be provided at least 18 months prior to any action by an owner that will result in the conversion of assisted rental housing,” among other notices.

The bill is opposed by Mayor Bloomberg and the Department of Housing Preservation on the grounds that the proposed law might violate state law and that the proposed law does not give tenants enough protection. Landlord and housing developer groups expressed reservations about the proposed law, stating it is unfair to landlords and would lead to more delays and higher housing costs. The bill was proposed due to concerns about lack of affordable housing options and protection from rent increases resulting from the expiration of rent-increase restrictions on buildings developed under New York State Mitchell-Lama and federal Section 8 housing production subsidies; 44,000 apartments have returned to market rate in the past six years and proponents of the law claim that another 55,000 to 110,000 might move to market rate over the next few years.

Health/Safety/Environment Codes

Brownfields:

October 9, 2003: Governor Pataki signed the Superfund/Brownfield Reform & Refinance Act (N.Y. Envtl. Conserv. Law 27-1403). The bill received the support of NYPIRG, the New York League of Conservation Voters and Environmental Advocates of New York, but was opposed by the Business Council of the State of New York, who opined that the stringent clean-up requirements and the bureaucratic procedures would not encourage brownfield redevelopment.

The law reduces liability for post-contamination purchasers that are otherwise not potentially responsible parties (“volunteers” as opposed to “participants,” who are responsible for the contamination) who successfully remediate the site to the levels mandated in the new law. Eligible sites include inactive hazardous waste sites that have consequential amounts of hazardous waste. The cleanup standards under a Brownfields Cleanup Plan (BCP) vary with the intended uses of the property after remediation is complete. As long as a volunteer exercises “appropriate care” and follows the administrative and technical requirements of the Department of Environmental Conservation, the volunteer-developer will be released from liability under New York State law by all New York State agencies. The prior program, the Voluntary Cleanup Plans (VCP), released the developer from liability to the Department of Environmental Conservation but not to the Department of Health or to the Attorney General. Neither the new BCP nor the old VCP provides for liability protection from federal actions.

The new law also provides financial incentives for redevelopment in urban areas with large areas of contiguous brownfields. Municipalities can receive state aid for assisting in designating areas as “Brownfield Opportunities Areas”, a designation that brings with it priority for the municipalities in receiving State Assistance Grants for remediation. For developers, the law provides for two tax incentives: the Brownfield Redevelopment Tax Credit, similar to the Investment Tax Credit, to reduce taxes based on expenses incurred in the cleanup process; and the Brownfield Remediation Tax Credit for Real Property Taxes, which provides a tax credit based on the number of employees working on the remediated site.

Initial implementation of the program has raised concerns that developers are using the tax incentives to develop sites that are not significantly environmentally impaired, and would have been developed anyway, and that no funds will remain for development of the intended “hard to develop” sites.

Lead Paint Hazards:

February 4, 2004: Over the veto of Mayor Bloomberg, the City Council approved a lead-paint law (Local Law 1 of 2004) that regulates the removal of lead-paint hazards, including dust, from apartments built before 1960. It also requires annual identification of all children younger than 7 living in those apartments. Housing officials estimate the law may cost \$30 million.

The law, which came into effect August 2, 2004, requires apartment building owners to remediate any lead-paint hazard in any apartment where a child under age 7 resides. The investigation of lead-paint hazards and inquiries as to whether children under 7 reside in apartments must be done annually. Common areas must also be investigated and remediated. The law applies to all pre-1960 buildings and to any building built between 1960 and 1978 where the owner knows lead paint is present.

Both landlord and tenant advocacy groups filed suit in April challenging the law, claiming the City Council did not adequately address the potential environmental impacts of the law. The suit was dismissed on August 27 for lack of standing, with Justice York of the New York Supreme Court holding that “economic harm is not enough to create standing under SEQRA. And, the environmental injury petitioners assert here is based upon several levels of speculation” and that “[the City statute’s] rebuttable presumption regarding presence of lead paint in certain buildings did not violate landlords’ due process rights.” One of the housing group plaintiffs has already announced it will appeal the decision.

Green Buildings:

September 27, 2004: The Housing and Building Committee of the City Council considered an amendment (Int. 324-A of 2004) to the Administrative Code which would require development or significant alternation of city-owned and city-funded (at least 30% from City funds) to comply with Green Building codes. Apartments and one- and two-family residences would be exempted.

Building Code:

October 6, 2004: Department of Buildings Commissioner Lancaster announced that she will submit to the City Council revisions to the City building code based on the International Building Code (IBC). The revisions, which will adopt the IBC with modifications, are the culmination of a feasibility study begun in May, 2003. The proposals will be presented in three stages, in October 2004, March 2005 and sometime later in 2005, with the changes becoming effective, if approved by the City Council, in 2006.

Zoning and Redevelopment: City-Wide

Reforms in Board of Standards and Appeals:

August 10, 2004: Mayor Bloomberg joined the chorus of those critical of actions of the Board of Standards and Appeals (BSA). Mayor Bloomberg, responding to complaints that the Board has acted in a manner inconsistent with zoning goals, agreed that the Board “has been somewhat arbitrary.” Complaints allege that the BSA has created new zones by granting a large number of variances in certain areas. Councilman Avella has proposed legislation (Int. 0171-2004) to curb the authority of the BSA by making its decisions subject to the review of the City Council, but this would require a change in the City Charter, a difficult political task. Earlier in the year, the Municipal Art Society released a study critical of the BSA and in August it recommended a study to recommend long-term changes to the BSA and proposed some immediate changes.

Restrictions on Community Facilities in Residential Neighborhoods:

September 9, 2004: The City Council approved a zoning amendment (Res. 0586-2004) impacting development of new churches and medical facilities in residential areas. The new amendment requires more off-street parking and parking lot screening while increasing FAR in some zones; FAR for medical facilities was reduced in some areas.

Zoning and Redevelopment: The Bronx

Down Zoning Proposed for Many Areas:

October 22, 2003: Department of City Planning (DCP) announced the approval of Bronx Community District 8’s “197-a Plan”. The plan, approved unanimously at the City Planning Commission (CPC), incorporates the community board’s recommendations for preserving the district’s low-density residential neighborhoods. DCP’s zoning changes for these areas will lower allowable density or provide contextual controls at existing densities to guide new development so that it is appropriate to the character of each neighborhood.

City Council Okays Down Zoning & LDGM for Throgs Neck:

September 28, 2004: The City Council approved (Res. 0611-2004) down zoning (“contextual zoning”) in the Throgs Neck area of The Bronx. This zoning change, originally announced Nov. 25, 2003, will require more off-street parking and will restrict height, side-yard and FAR of new developments to generally match the existing structures. It also aims to minimize obstruction of water views caused by shoreline development. The new designations attempt to closely match new developments to the existing conditions. In some of the areas, new townhouse development would be prohibited. The City Council action also made Throgs Neck the second area in the City subject to the Lower Density Growth Management (LDGM) area rules, following Staten Island, aimed at preserving one- and two-family home neighborhoods.

Down Zoning Approved for Three Bronx neighborhoods:

September 28, 2004: The City Council approved down zoning in Central Riverdale, Spuyten Duyvil and Van Cortlandt Village under the 197-a plan of The Bronx Community Board (Res. 0609-2004 to 0614-2004). This zoning change will restrict height and FAR of new developments to generally match the existing structures (“contextual zoning”).

Redevelopment Zoning in Port Morris:

October 4, 2004: The DCP certified the ULURP review process to begin public review of the proposal to expand the City’s mixed-use district in Port Morris. The Bronx Borough President and Community Board 1 approved the application and the City Planning Commission held a meeting on the proposal on January 5th, 2005. The rezoning proposal would extend the mixed-use zone by 11 blocks to allow for residential development in addition to retail and light manufacturing in this area of Port Morris and Bruckner Boulevard.

Down Zoning Proposal Approved for North Riverdale:

December 7, 2004: On December 7th, the City Council approved the rezoning for North Riverdale north of Mosholu Avenue to the city line (Community Board 8). The “contextual” zoning reduces the density of new developments to detached and semi-detached homes with a FAR of 0.6 and a maximum building height of 35 feet.

Zoning and Redevelopment: Brooklyn

Redevelopment and Professional Basketball for Downtown:

June 28, 2004: The City Council approved zoning changes (Res. 0449-2004) for Downtown Brooklyn. The DCP estimates that the zoning changes, through increases in FAR, allow for the creation of 4.5 million square feet of new commercial office space, 800,000 square feet of retail, 1,000 units of housing, new open space and retail amenities, as well as streetscape improvements.

On the geographical edge of the Downtown Brooklyn plan is a \$2.5 billion residential and commercial development hosting a basketball arena for the New Jersey Nets, owned by the developer Bruce Ratner. The proposed development, announced Dec. 10, 2003, would be built over the Atlantic Yards, an MTA-owned rail-yard, with state and City subsidies. Both Ratner’s arena and a recently announced new Brooklyn Academy of Music building would be designed by Frank Gehry, whose Bilbao Guggenheim museum has attracted worldwide praise.

Both the entire redevelopment plan and the Atlantic Rail-yards plan have drawn fierce opposition from local residents facing the prospect of eminent domain and substantial change to the

character of the neighborhood. Supporters of the Atlantic Yards plan, including Brooklyn Borough President Marty Markowitz, and opponents, including state Sen. Velmanette Montgomery and Councilwoman Letitia James, have sharply different views about numbers of lost residences (150 or 1,000) and new residences (possibly 4,500 new apartments, with possibly half slated for the elderly or low-income families), cost to the City (\$500 million in tax money to pay for bonds or \$812 million positive net effect on City coffers) and jobs. Opponents and supporters of the larger redevelopment and rezoning plan argue about the future character of Brooklyn. Plan supporters want high-rise business development in the outer boroughs to counter the supposed job-taking impact of development on the New Jersey side of the Hudson River. Plan opponents paint a future of Brooklyn based on small-scale artisan shops, boutiques, small businesses and walk-up brownstone residences.

Redevelopment on the Greenpoint and Williamsburg Waterfront:

October 4, 2004: The DCP certified the ULURP application and opened for public comment the rezoning plan for the Greenpoint-Williamsburg waterfront neighborhood. "The proposed actions include zoning map and zoning text changes to facilitate new housing and local commercial development, and, in conjunction with the Department of Parks and Recreation, City Map changes to establish a new, 27.8-acre waterfront park." The neighborhood, historically home to working-class communities and manufacturing, has an increasing number of luxury loft buildings. The proposed rezoning provides opportunities for the development of housing and neighborhood retail stores, for the creation of public parks and waterfront open space, and for reconnecting the waterfront to the adjacent inland communities. The draft EIS foresees between 7,400 and 8,300 new apartments and one-quarter to one-third of a million new square feet of commercial and retail space. The DCP hopes that FAR bonuses and financial incentives will result in 10% of the new housing being affordable housing. Planners are conducting an environmental impact study. The entire rezoning process is expected to be completed in late 2004 or early 2005.

The DCP zoning proposal offers a voluntary incentive program to developers that would give a floor-to-area ratio bonus to construct larger buildings in return for including affordable housing units. The percentage of affordable units would correspond with the FAR bonus, so if 10% of the building were affordable, it would translate into a 10% FAR bonus. For a developer who is allowed to build 100 market-rate units under the rezoning, the incentive would allow building 99 market-rate units and 11 affordable housing units. On December 20th, 2004, the DCP changed the rezoning proposal to allow 18% to 20% FAR bonuses for developers who provide 15% to 25% of the units as affordable housing.

The Real Estate Board of New York, a real estate industry lobby group, favors the proposal, but would like to see developers be able to put the affordable units off-site but within the boundaries of the same community board, or within one-half mile of the market-rate units. This alternative proposal would allow a developer who can build 100 market-rate units as-of-right under the rezoning to build 110 market-rate units, with an additional 11 affordable housing units built off-site.

Councilman David Yassky has offered an alternative proposal which mandates that a percentage of affordable-housing units be included in any new development in areas the city is rezoning. The amount of affordable units would be determined on a sliding scale from 10% to 40%, depending on how large a subsidy the units receive. Councilman Yassky is concerned about the estimated 2,500 people that will be displaced by the development and believes that the developers, in exchange for receiving vast increases in property value due to the City's zoning change, should provide some af-

fordable housing without a FAR bonus.

While the City Council debates rezoning this neighborhood in Greenpoint and Williamsburg, other parts of these communities are already undergoing development through variances that some opponents claim amount to ad hoc rezoning. The Municipal Arts Society and South Brooklyn Legal Services have documented extensive applications for, and granting of, zoning variances for development of residential projects in manufacturing zones in Brooklyn. One developer has begun construction of 210 market rate units and 140 affordable housing units (targeted to those at 60% of median income) on the site of the defunct Schaeffer Brewing plant. The Community Preservation Corporation and a private developer have jointly submitted a plan to the NYC Housing Development Corporation seeking \$650 million in tax exempt bonds to construct 2,000 units of affordable housing at the recently closed Domino Sugar refinery; rezoning from manufacturing to residential is also required for the project to move forward.

Ikea coming to Red Hook; Cruise Boat Terminal Possible:

October 13, 2004: The City Council approved (Res. 0641-2004 to 0645-2004) a special permit for the development of a 346,000 square foot Ikea furniture store in Red Hook, Brooklyn. The Red Hook neighborhood, which experienced growth in light manufacturing and artisan businesses in the last two decades, has also begun to see the development of luxury apartment buildings, a trend which has garnered the opposition of local businesses who fear being priced out of the neighborhood.

The Port Authority, which owns the piers and subsidizes the barge traffic to the area, is also involved in the redevelopment plans. It renewed the lease on the last active port in Brooklyn for American Stevedoring for three more years while it considers alternative uses for the piers. The NYC Economic Development Corporation is involved along with the Port Authority and has proposed developing cruise boat terminals in the area, an idea rejected in 2003 by the City Council when the proposal was for building a berth for the Queen Mary 2.

Down Zoning in Bay Ridge:

October 18, 2004: DCP certified the ULURP application of and started public review for a rezoning proposal for 249 blocks in Bay Ridge, Brooklyn. The zoning aims to prevent development that does not match the existing type of building in each part of the neighborhood, predominantly limestone townhouse blocks in some areas and apartment buildings and retail in others. The director of DCP stated that “on blocks characterized by single family detached homes, the new zoning will no longer permit their demolition and replacement with multi-family buildings.”

The area to be rezoned is in southwestern Brooklyn’s Community District 10 and covers the area between 65th Street on the north, Shore Road and the Narrows waterway to the south and west, and Seventh Avenue and the Gowanus Expressway to the east. The proposed zoning will, among other restrictions, reduce the permitted density on over half of the neighborhood blocks and maintain existing height and bulk protections on the remainder and impose new height restrictions throughout the district. The proposed regulations lower density and create contextual districts which govern building type, FAR, lot width, lot area, height, density, side yards, curb cuts and parking, restricting development to match the current building stock.

Zoning and Redevelopment: Manhattan

Frederick Douglas Blvd. Rezoned for More Residences:

November 6, 2003: The City Council adopted (Res. 1145-2003) new zoning for Frederick Douglas Boulevard which will allow greater density for residential development but will enact some height restrictions where currently none exist. The goal is to encourage new residential development consistent with the existing building forms. The rezoned area stretches from Central Park North to West 124th Street, and from Morningside Avenue almost to Adam Clayton Powell Jr. Boulevard in Manhattan's Community Districts 9 and 10.

125th Street Rezoning Under Study:

December 2003: Deputy Mayor Doctoroff and the DCP initiated a study of the 125th Street corridor in Harlem. The 15-month study, led by an Interagency Working Group with many city agency and local leaders participants, will study streetscape, zoning, development, transportation, culture, tourism and the waterfront in order to a development framework for the area.

World Trade Center Design Unveiled:

December 19, 2003: Governor Pataki and Mayor Bloomberg unveiled the design for the Freedom Tower, the 1,776 foot tall building to be built at the World Trade Center site.

CPC Comments on World Trade Center Plans:

March 8, 2004: The CPC sent comments to the Lower Manhattan Development Corporation (LMDC) on the World Trade Center redevelopment plan. CPC called for the preservation of light and air throughout the complex and its surroundings. CPC advocated for "skylobbies" in the office towers so that the ground floors can house retail and restaurants open to the street. The goal of the CPC is to promote a revitalized "24/7" community and to ensure an active street life. These goals dovetail with recent conversion of office space to residences throughout the downtown area (prior to 1980, only 791 people lived (legally) in lower Manhattan). Two million square feet have been converted from commercial to luxury residential use since September 11, 2001.

City Okays More Sidewalk Cafés in Manhattan:

May 5, 2004: The City Council adopted new regulations (Res. 0351-2004) proposed by DCP which will allow small unenclosed sidewalk cafes in Manhattan of no more than 4.5 feet in width, as long as 8 feet of sidewalk width remain unobstructed.

Lower East Side Waterfront Redevelopment Planning Begun:

May 11, 2004: The DCP has selected a lead design team and has begun holding public meetings on the redevelopment of the East River Waterfront from Battery Park through the Lower East Side.

Massive Development Proposed for West Side's Hudson Yards:

June 21, 2004: The DCP certified its plan for the rezoning of the far West Side and the Hudson Yards Redevelopment and opened the plan to public comment. The 60-block area will be rezoned to allow for mixed use development. The City envisions development to include an extension of the number 7 subway line (estimated cost: \$2 billion), a football stadium with a retractable roof built over the 150-year old Hudson Yards, and an expansion of the Jacob K. Javits Convention Center. The DCP plan envisions 28 million square feet of commercial space and 12 million square feet of residential development for 12,800 apartments, including 2,000 units of affordable housing due to FAR

bonuses for developers, to be constructed over the next 40 years. The DCP's proposal is bounded by 28th Street on the south, 43rd Street on the north, and from Eighth Avenue on the east to the Hudson River.

The state legislature on December 7th, 2004, approved the \$1.4 billion expansion of the Javits Convention Center. The expansion of exhibit space by 340,000 square feet to 1.1 million square feet and meeting space by 265,000 square feet to 295,000 square feet will also include a ballroom and a 1,500 room hotel. The approval, which includes \$350 million in state money, was severed from other aspects of the West Side development plan.

The proposed development and rezoning have drawn opposition from local community groups who oppose changes in the character of the neighborhood and displacement of existing residents and businesses; opponents of the existing plan also want more affordable housing added to it and are worried about environmental impacts from the changes. The City's draft environmental review estimates that at least 139 residents in 10 buildings and 4,269 employees working at 225 businesses would be directly displaced. Members of Community Board 4 objected to the stadium, the low quantity of affordable housing, and the height of the office buildings (70 to 80 stories).

The City maintains the development is needed to attract 110,000 workers over the next 30 years, preventing those jobs from being relocated to New Jersey. Some economists question the need for the additional office space on the West Side of Manhattan at the same time as 10 million square feet of office space are slated to be built in lower Manhattan, 4.5 million square feet of commercial office space may be developed in the newly rezoned Downtown Brooklyn, and 12 million square feet of office space were constructed in the last decade on the New Jersey shore of the Hudson River. The Regional Plan Association and the Citizens Union government group have opposed the stadium aspect of the plan and some of the financial aspects of the plan (specifically calling for greater public accountability for the Hudson Yards Infrastructure Corporation) while endorsing the need for development of the area. City Comptroller Thompson has raised questions about the viability of the funding for the City's \$2 billion to \$3 billion share of the development costs for the entire project. The City's Independent Budget Office questioned the risk to the City's budget if revenues fall short of projections.

The \$1.4 billion estimated cost for the sports stadium will be paid for by the New York Jets football team (\$800 million), the City of New York (\$300 million) and the State of New York (\$300 million). City and State officials have responded to accusations of subsidizing a private enterprise with multimillion dollar salaries with statements that the platform over the rail-yards would have to be built regardless of the stadium and that the retractable dome on the stadium will help draw non-football events to the stadium. Mayor Bloomberg has linked prompt approval for the stadium with the City's chances for being selected as the site for the 2012 summer Olympics. In addition to the construction costs, the cash-strapped M.T.A., owners of the Hudson Rail Yards, and the Jets are in negotiations for the air-rights above the rail-yards. Opponents of the stadium funded a valuation of the rail yards which opined that the fair market value of the property is greater than \$1 billion due to an estimated \$114 per square buildable foot valuation and a 12 FAR, if the City pays for the \$300 million platform over the rail yards, and accused the M.T.A. of giving away valuable city property. Spokeswoman for Deputy Mayor Doctoroff dismissed the study as a product of "lying monopolists."

The sports stadium has drawn opposition from local neighborhood groups and from Cablevision and its chair, Jim Dolan, the owner of the nearby Madison Square Garden sports arena. The NY Jets are actively supporting the stadium component of the redevelopment and both sides are trading

harsh barbs at public speaking forums and in television commercials.

The CPC adopted the application for the proposals on November 22, 2004 and the City Council must now review and vote on the applications. The CPC-approved applications envision 13,600 residential units and 26 million square feet of commercial development.

Down Zoning in Clinton:

July 26, 2004: The DCP began public review of a proposal to limit building height to 85 feet along Ninth and Tenth Avenues in the Clinton section of Manhattan's west side. The Preservation Area of the Special Clinton District area is "bounded by on the north by 56th Street and 43rd Street to the south, roughly between Eighth and Tenth Avenues."

The Future of Governor's Island:

July 29, 2004: The Governors Island Preservation and Education Corporation held its first open meeting to discuss the future development of the island, recently returned to the City and State by the U.S. Coast Guard. Development on the 172 acres is restricted by the deed, which requires at least forty acres for parks, at least 20 acres for educational uses, and 30 acres for public benefit uses. The National Park Service controls a 22-acre National Monument park on the island.

Historic Ladies' Mile to get more residences:

August 12, 2004: The City Council approved (Res. 0544-2004 to 0546-2004) a zoning change for the Ladies' Mile Historic District in the Flat Iron District. The new zoning allows for residential development and conversions, halts new manufacturing, caps height at 185 feet, provides a 2 FAR inclusionary housing bonus and requires street walls for new developments.

Aquatic Park Concession Granted on Randall's Island:

September 8, 2004: The CPC approved a concession to a private developer for a 27-acre indoor/outdoor aquatic park on Randall's Island. The existing baseball fields on the site will be relocated and expanded. The CPC hopes the project will provide job opportunities for residents of Harlem and South Bronx.

High Line to Become a Public Space as Chelsea Rezoned:

October 6, 2004: Mayor Bloomberg and City Council Speaker Miller announced \$43.25 million in capital funding to design and build a public open space on the High Line, the unused elevated 1.4 mile rail structure located between 10th and 11th Avenues from Gansevoort Street to W. 34th Street. An additional \$5 million is included in the proposed federal transportation bill still pending before both houses of Congress. The Mayor and Speaker along with Friends of the High Line (FHL) also announced the selection of a design team to create the master plan for the High Line. The State joined the City in a legal filing seeking permission to transform the High Line into public space through the federal rail-banking program.

The High Line project is part of a rezoning proposed in September 2003 for the Chelsea area of Manhattan. The proposed zoning would rezone some areas from manufacturing and commercial to residential while restricting development of some areas to preserve existing art galleries. Owners of restricted properties would be able to transfer or sell their air rights. DCP certified the rezoning and

High Line proposals on December 20, 2004, which initiated the public review process leading to Community Board 4, Borough President, CPC and then City Council review and approval.

United Nations Expansion Blocked:

December 1, 2004: The New York State assembly blocked passage of legislation authorizing \$600 million in bonds to back expansion of the United Nations' facilities. The United Nations wants to build a 35 story building on Robert Moses Park next to its current headquarters and then renovate its current building. The UN had previously rejected Mayor Bloomberg's offer to integrate the UN into the redevelopment of the World Trade Center site.

Zoning and Redevelopment: Queens

Down Zoning in City Island:

September 30, 2003: The City Council approved (Res. 1072-2003 to 1073-2003) rezoning in City Island, Queens. The new zoning will require new development to match the existing built context; the plan would rezone most of the existing R3-2 area on City Island to R3A, permitting only one- and two-family detached houses.

Redevelopment Zoning for Downtown Flushing and Waterfront:

November 18, 2003: The DCP and Deputy Mayor Doctoroff announced a "Framework for Development" for downtown Flushing, the Flushing River waterfront and Willets Point. The proposed plan provides for mixed-use development, transportation and transit connections with adjacent regional destinations, and enhancement of public spaces and waterfront access. It recommends studying changing traffic patterns and street design to improve pedestrian access and transit. For the waterfront, the Framework calls on City, State and Federal authorities to clean up the river and restore the tidal wetlands. A waterfront walkway, to be built in conjunction with private development and underlying zoning requirements, will help the public access the waterfront. On the Willets Point Peninsula, the Framework envisions large-scale development.

Bloomberg Proposes Down Zoning in a Dozen Neighborhoods:

June 15, 2004: Mayor Bloomberg announced that over a dozen neighborhoods in Queens have been or are being down zoned to curb development. The new zoning will require new development to match existing structures, usually one and two family houses, and will reduce multi-family residential development. The areas already rezoned are: Forest Hills/Rego Park, Holliswood and North Corona. Areas being considered for similar rezoning include: Bellerose, Brookville, Jamaica Hill, Royal Ranch, Bayside, College Point, East Flushing, portions of Jamaica, Kew Gardens, Whitestone and Richmond Hill, and portions of Woodside, Maspeth and Springfield Gardens. There is political pressure to curb development as the average annual number of new housing permits in Queens was 150% higher for 2000-2003 compared to 1995-1999.

Down Zoning in Bellerose:

July 21, 2004: The City Council approved (Res. 0494-2004) a rezoning proposal designed to restrict development in the Bellerose, Queens community. The rezoning, changing current zoning from R3-2 to R3A and R2, requires any new construction to match the mostly detached, one- and two-family houses in the area. This is the third down zoning ("contextual zoning") in Bellerose in 15 years.

Mixed-Use Zoning for Long Island City:

August 12, 2004: The City Council approved zoning changes to the Hunters Point neighborhood of Long Island City (Res. 0527-2004 to 0528-2004). The changes will allow higher residential development densities in some areas and remove restrictions to residential conversions; it also allows commercial development while continuing to allow light manufacturing and maintaining the current height restrictions.

Down Zoning in Brookville:

September 28, 2004: The City Council approved a rezoning proposal designed to preserve the neighborhood character of more than 80 blocks of Brookville (Res. 0603-2004). The zoning changes, from R3-2 to R3-1 and R4B, will halt multi-family residential construction and limit new development to one and two family detached and semi-detached houses.

Down Zoning in Jamaica Hill:

October 13, 2004: The City Council approved down zoning (“contextual zoning”) in Jamaica Hill, Queens under the 197-c plan (Res. 0630-2004). New development under the new zoning would be restricted to one- and two-family detached homes with minimum lot widths of 30 and 35 feet.

Down Zoning proposal certified for Bayside:

November 1, 2004: The DCP certified for the ULURP application for down-zoning (“contextual zoning”) in Bayside, Queens (community district 11). Impetus for the new restrictions stemmed from community opposition to “McMansions” and the DCP has proposed new zoning to require future developments to match the context of the existing housing stock.

New Zoning proposal certified for Kew Gardens and Richmond Hill:

November 1, 2004: The DCP certified the ULURP application for down-zoning (“contextual zoning”) and mixed-used zoning for 140-blocks of Kew Gardens and Richmond Hill, Queens (community district 9). “The proposal encourages new mixed-use development along Jamaica Avenue, promotes housing production on wide streets near the express subway station, and protects interior residential blocks by adjusting zoning district boundaries and designating new zoning districts that match the existing character.”

Down Zoning Proposal Certified for Kissena Park:

December 6, 2004: The DCP certified the ULURP application for down-zoning (“contextual zoning”) in Kissena Park, Queens (community district 7). New developments would be restricted to one and two family detached houses, replacing zoning which allowed multi-family attached and detached housing.

Down Zoning Proposal Certified for Springfield:

December 6, 2004: The DCP certified the ULURP application for down-zoning (“contextual zoning”) in Springfield, Queens (community district 12). New developments would be restricted to one and two family detached and semi-detached houses, replacing zoning which allowed multi-family attached and detached housing.

Zoning and Redevelopment: Staten Island

Planning Begun to Turn Fresh Kills Into a Park:

March 23, 2004: The DCP began public meetings for discussion of the development of the closed Fresh Kills landfill. “It is projected that some areas of Fresh Kills could begin redevelopment for public use upon completion of environmental reviews in 2007; some interim or smaller facilities may even be feasible before that date. Eventually, through construction in stages, the site will be re-born as a vast, continuous parkland made up of recreational facilities, event spaces, restaurants, unusual settings for activities, natural habitat areas, and a September 11 memorial, all served by networks of bikeways, boatways, trails, and park drives.” Five public meetings discussing the development of the 2,200 acres as potential parkland (2.5 times as large as Central Park) have been held through October.

Down Zoning via Lower Density Growth Management:

August 12, 2004: The City Council adopted the Lower Density Growth Management (“LDGM”) Text Amendments, initially applicable to all of Staten Island (Res. 0552-2004). The zoning changes require new developments to provide additional on-site parking and greater yard and open space areas. The changes will apply to developments on both private and public roads.

Contextual Zoning for Great Kills:

September 8, 2004: The City Council approved a “contextual zoning” change for the Great Kills area of Staten Island (Res. 0580-2004 to 0581-2004).

Down Zoning for Natural Areas:

September 20, 2004: The DCP announced plans to restrict development in Special Natural Area Districts (SNADs) by creating new performance standards for developments, removing “grandfather” exceptions granted with the original 1975 SNAD zoning and increasing restrictions on steep slopes and vegetated areas. The new proposed SNAD rules will impact parts of Staten Island, the Bronx and Queens. The goal of the SNAD rules “is to guide development to preserve unique natural features by requiring City Planning Commission review of new developments and site alteration on primarily vacant land.” The community boards and borough presidents in the Bronx and Staten Island approved the proposals and the CPC is expected to vote on the proposals on January 5, 2005.