

Queens Civic Congress leaders quoted in this Queens Ledger article calling on the AIA to withdraw its harmful zoning measure.
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Councilman Demands, Architect Group Declines



By Shane Miller

The American Institute of Architects (AIA) ignored a city councilman's demand that it withdraw a controversial proposal to make several changes to the city's zoning text, deciding instead to slightly extend the public review period but still move ahead as planned.

Councilman Tony Avella of Queens held a press conference on the steps of Queens Borough Hall last Thursday morning flanked by representatives of community boards and civic associations from his home borough, as well as Brooklyn and Manhattan.

"I was shocked to learn that AIA is trying to rush changes to the zoning code through an expedited Uniform Land Use Review Procedure (ULURP) process without prior consultation and negotiation," said Avella.

On October 29, 2007, the Department of City Planning (DCP) certified the AIA's proposed zoning changes, beginning the ULURP process. The proposed changes would increase lot coverage on smaller lots, allow rear dormers and taller maximum base heights for some buildings in R6 through R10 zones, and waive side yard requirements in some residential districts via a special permit.

The fact that the AIA held private meetings with DCP prior to the department's certification of the proposed changes is just one of many issues Avella has with the application. He said that generally changes to the zoning text come about after extensive meetings and negotiations with community organizations prior to certification, not after dialogue with a private organization whose members Avella argues could benefit financially from the changes.

"In all of my years of being involved in civic groups, I've never seen anything like this," said Avella, who currently chairs the Zoning and Franchises Subcommittee of the Council's Land Use Committee. "I'm going to do everything in my power to kill this proposal."

Through a normal ULURP process, community boards are notified of proposed zoning text amendments and then given 60 days to review the changes. In this case, the AIA was only required to present their changes to community boards if the organization was contacted and asked to come to a meeting. As a result, many boards across the city were - and may still be - unaware of the proposal.

“I think it is a disgrace that the AIA didn’t reach out to any community groups,” said Avella. “I’m also disappointed that City Planning didn’t do more outreach. This whole process seems backwards.”

After Avella’s press conference, the Manhattan-based New York chapter of the AIA, from which the proposal originated, issued a statement saying that they would not voluntarily withdraw the application, but had agreed to an extension of the public review process for community boards and borough presidents.

“Council Member Avella had asked us to withdraw our application six weeks ago, but after careful review the AIA NY Chapter felt we should continue with the public review process,” read the statement.

As a result, the City Planning Commission (CPC) hearing has been pushed back to February 13, giving boards an extra month for review and comment. To date, AIA representatives have made presentations on the changes to approximately 18 community boards throughout the city.

One of those was before the Land Use Committee of Community Board 7 in Brooklyn. Upon their recommendation, the full board unanimously voted down the proposal and issued a resolution calling on the AIA to withdraw their application and, barring that, to have it killed by either CPC or the City Council.

Aaron Brashear is a community board member and co-founder of the Concerned Citizens of Greenwood Heights. He said the two AIA representatives, neither of which was an architect, were unprepared and condescending when pressed for information.

“They showed up with a simple paper presentation and were immediately on the defensive,” Brashear recalled.

He added that when pressed, the AIA representative, who was not a member of the AIA but a lobbyist working on their behalf, admitted that the zoning changes were primarily to avoid the high cost of applying for a variance from the Board of Standards and Appeals.

“They say the changes are designed to improve the art of architecture,” said Brashear, who referred to the proposals as a “Trojan Horse.” “Even if that were the case, they still did a poor job of due process.” The AIA contends that their proposals would primarily affect empty lots in a largely built-up city that cannot be developed because of size or irregular shape. The organization also claims the changes would promote excellence in design by allowing greater flexibility.

Alan Weinstein is a registered architect and president of the Queens Chapter of the AIA. He attended Avella’s press conference last week, and while he admitted that the changes were initiated by the New York Chapter based in Manhattan and had not extensively reviewed the proposal, he didn’t believe there were sinister motives behind the application.

“We are not trying to increase FAR (floor area ratio), we are not trying to get rid of trees, and we are not trying to push this through the process,” said Weinstein, who said the zoning changes would affect over 900 lots in Queens alone that are currently undevelopable. “We’re not against good development, we aren’t against good design, and we are against local communities.”

Brashear argues the AIA is right when they say they are not trying to increase FAR, but are disingenuous because they are trying to maximize it.

“They are trying to allow buildings hampered by contextual zonings,” he said.

Brashear explained that it would be nearly impossible to reach a 2.0 FAR on a 20-by-100 foot lot and still meet requirements like rear and front yard setbacks and exposure planes.

“But you could max out the 2.0 FAR if you were allowed to develop the entire lot or add rear dormers or match up with the building next to yours,” he said.

Avella agrees that the proposed changes would provide loopholes to many restrictions in new contextual zonings that were meant to protect neighborhoods across the city from overdevelopment.

“The AIA proposal would undermine a lot of the good we have seen happen,” added James Trent, a Queens preservationist.

Corey Bearak is president of the Queens Civic Congress, an umbrella organization that represents more than 100 civic, community, condo, and co-op groups across the borough. He called the AIA changes and the process to enact them “bizarre.”

“We are all for making our communities nicer, so why don’t they [AIA] use their wisdom and expertise and come work with us?” asked Bearak.

Bearak said that if the AIA continues forward with the application, the organization would suffer a major black eye as far as local communities were concerned.

“The AIA’s reputation is on the line,” said Bearak. “There is already the perception that architects are working with unscrupulous developers, this is an opportunity to show that is not the case.

“If they continue with this application, it will only reinforce what people already believe,” he added.

Brashear believes that DCP has a lot to lose as well. He thinks that the city agency should have been giving the presentation he witnessed, not some private entity.

“I feel that they have a shoe-in and that City Planning is in cahoots, which I find very disturbing,” he said.

A spokesperson for DCP discounted Brashear's concerns, explaining that a certification of a private application doesn't mean that the department is necessarily in support of it, only that all of the necessary work meets the agency's standards.

"All a certification means is that an application is ready to begin the public review process," she said.