

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 21, 2016
Start: 10:08 a.m.
Recess: 10:39 a.m.

HELD AT: 250 Broadway - Committee Rm, 16th Fl.

B E F O R E: Donovan J. Richards
Chairperson

COUNCIL MEMBERS:
Daniel Garodnick
Jumaane D. Williams
Antonio Reynoso
Ritchie J. Torres
Vincent J. Gentile
Ruben Wills

A P P E A R A N C E S (CONTINUED)

Carol Rosenthal

Fried, Frank, Harris, Shriver and Jacobson

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3 [sound check, pause]

4 [background comments, pause]

5 [gavel]

6 CHAIRPERSON RICHARDS: Good morning to
7 everyone. Happy Monday. I'm Donovan Richards, Chair
8 of the Subcommittee on Zoning and Franchises, and
9 today we are joined by Council Members Ruben Wills,
10 Antonio Reynoso, Council Member Dan Garodnick, and
11 Vincent Gentile.

12 We have two items for our consideration
13 today. We are going to start with a hearing on the
14 95 Horatio Street application. This application Land
15 Use No. 479 is for a modification to a restriction
16 declaration D-93 that was imposed in conjunction with
17 a prior rezoning of the site. The applicants are
18 seeking to remove the existing restrictions which
19 require that site be reserved for uses related to the
20 meat industry in order to allow uses permitted by the
21 underlying zoning with the exception of nightclub
22 uses. This site is in Council Member Corey Johnson's
23 district. I will now open the public hearing for
24 Land Use Item No. 479, and I will call the applicant
25 Carol Rosenthal, One New York Plaza, New York, TF
Cornerstone/95-97 Horatio LLC.

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3 Alright, and before you begin I'll just
4 ask you to state your name for the record and who
5 you're representing and then you may begin.

6 CAROL ROSENTHAL: Okay, good morning. I'm
7 Carol Rosenthal. I'm a member of Fried, Frank,
8 Harris, Shriver and Jacobson. We represent TF
9 Cornerstone which is the owner of 95-97 Horatio
10 Street. As you noted, Council Member Richards, the
11 application is to modify certain use restrictions
12 affecting a 4,700 square foot space within the
13 building at 95-97 Horatio Street. These were imposed
14 in connection with a 1984 rezoning. The space, and
15 you have your package in front of you, the space is
16 located in a building which is at the corner of
17 Gansevoort and the highway, so you'll see the little
18 red box around the dashed space. That's where it's
19 located. The building is directly south of the
20 Whitney Museum site and where the Highline begins
21 before it goes north. This area was rezoned in 1984.
22 It was changed from an M14 district to a C6 2A
23 district, and in connection with the EIS that was
24 prepared at that time there was a restriction on this
25 particular 4,700 square foot space to retain it as a
meatpacking space. It was at that point rented out

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2 to one of the meatpackers. It was done in connection
3 with potential environmental impacts to those
4 businesses. And the restrictive deck met its purpose
5 because since that time until 2012 White Shell Beef
6 occupied the space. They left in 2012 to go to join
7 the Meatpucker Co-Op which is to the north of the
8 Whitney Museum, and since 2012 that space has been
9 vacant. So all of the measures were successful in
10 keeping them there for almost 30 years. The area has
11 changed and now the applicant wishes to use the space
12 for uses that fit within the underlying zoning and
13 that we think is better planning for the area. So
14 this application is to remove those restrictions.
15 The community board issued a favorable recommendation
16 subject to some conditions, and the City Planning
17 Commission issued a unanimous approval. Those
18 conditions from the community board included a list
19 I'm going to give you in a moment, but I just wanted
20 to note that subsequent to that and working with
21 Councilman Corey's office we have agreed through a
22 combination of restrictive declarations and a letter
23 to the Council Member to do the following with
24 respect to the site to meet the community board's
25 concerns. There will be no nightclubs allowed on the

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2 site. Any restaurant in the site would be limited to
3 5,000 square feet and 220 tables. The service would
4 have to stop by midnight of each night. And so the
5 space will be able to be used for many uses that we
6 think will be appropriate for the area, appropriate
7 for the residential building in which it's located,
8 but those restrictions would be imposed. In addition
9 to that, the applicant which owns space nearby at 91
10 Horatio Street which is this space here. That's a
11 5,000 square foot space with 2,800 on the ground
12 floor and the rest of it below, and the applicant has
13 agreed to limit the occupants of that space to not-
14 for-profit art institutions or educational
15 institutions and so that it would be another resource
16 for the community. So with that, I believe we bring
17 you a proposal that both gives something back to the
18 community but also has a planning appropriate for
19 this location which is now very different than it was
20 back in 1984. So thank you. I'm here to answer any
21 questions and address any issues that you might have.

22 CHAIRPERSON RICHARDS: Okay. Do my
23 colleagues have any questions on this application?
24 We'll go to Council Member Reynoso.

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2 COUNCIL MEMBER REYNOSO: Can you just go
3 over the details as to outside of the outlying area
4 here on Lot 643? What exactly you are looking for
5 more clearly, I guess, to me. It says ten stories
6 and six stories, two separate buildings or are they..

7 CAROL ROSENTHAL: No, this is just an
8 application to remove a restriction in a declaration
9 that is imposed on just this space within the
10 building. So it's a 4,700 square foot space on the
11 ground floor at the corner of the building, and it's
12 to remove that so that we could have other kinds of
13 uses there that fit or that are appropriate or that
14 has a right under the underlying commercial zoning.

15 COUNCIL MEMBER REYNOSO: Okay. Can you
16 just explain one more time what it does now and what
17 you're changing it to?

18 CAROL ROSENTHAL: Okay, sure. Currently
19 the restriction limits the use of that ground floor
20 space to meatpacking, a meatpacker facility.

21 CHAIRPERSON RICHARDS: It can only pack
22 chicken and, you know, making me hungry right now. I
23 didn't have breakfast but only meat.

24 CAROL ROSENTHAL: Only meat. Or you could
25 have, if you... you could also have other industrial

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2 uses so you can have other heavy manufacturing uses
3 in similar use groups 11 through 18 in the space. So
4 that's all that's allowed there right now. And in
5 addition, if you go to market the space, you need to
6 market it to those uses. So we're asking that those
7 two restrictions be lifted so that we can market it
8 and try to use the vacant space for other uses that
9 are allowed in the commercial district.

10 CHAIRPERSON RICHARDS: And how long has
11 the location been vacant?

12 CAROL ROSENTHAL: Since 2012.

13 CHAIRPERSON RICHARDS: Since 2012, okay.
14 And can you just speak to what type of facility or
15 restaurant you're trying to bring into the
16 neighborhood or do you...

17 CAROL ROSENTHAL: I think that we're open
18 to what's out there. We want to allow the
19 possibility that we could have a restaurant, a
20 smaller restaurant, 220 seats or less, and sort of a
21 neighborhood type restaurant. The building also is a
22 rental building with residential uses above, the same
23 owner, so they're very mindful of having uses that do
24 not interfere with their tenants and that use of the
25 building.

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2 CHAIRPERSON RICHARDS: Okay. Any other
3 questions from my colleagues? Okay, this is a pretty
4 straightforward application. I want to thank you for
5 coming in this morning today to testify. Are there
6 any other members of the public who wish to testify
7 on this issue? Alright, seeing none I now close Land
8 Use No. 479 and thank you for coming in today.

9 CAROL ROSENTHAL: Thank you.

10 CHAIRPERSON RICHARDS: We're going to
11 recess for five minutes. We're just waiting for
12 Council Member Torres to come in and we'll begin
13 again. Thank you.

14 Alright [gavel]. We will now move onto a
15 vote on 95 Horatio Street's application, Land Use
16 Item No. 479. We will be voting to modify the
17 application to maintain use restrictions on the
18 restaurant uses. Any restaurant uses on the property
19 will be limited to less than 5,000 square feet and
20 less than 220 seats. Any restaurant use will also be
21 required to close by midnight. With these
22 modifications we will now vote on this particular
23 item and then come back to vote on the Land Use Items
24 Nos. 482 through 488 which is Lambert houses in

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2 Council Member Torres's district. So I'll ask the
3 Council to call the roll on Land Use Item No. 479.

4 SECRETARY: Chair Richards?

5 CHAIRPERSON RICHARDS: I vote Aye.

6 SECRETARY: Council Member Gentile?

7 COUNCIL MEMBER GENTILE: Aye.

8 SECRETARY: Council Member Garodnick?

9 COUNCIL MEMBER GARODNICK: Aye.

10 SECRETARY: Council Member Reynoso?

11 COUNCIL MEMBER REYNOSO: I vote Aye.

12 SECRETARY: By a vote of four in the
13 affirmative, zero in the negative, and zero
14 abstentions, Land Use Item 479 is approved with
15 modifications and referred to the full Land Use
16 Committee.

17 [gavel]

18 CHAIRPERSON RICHARDS: Alright, the man of
19 the hour is here, Council Member Ritchie Torres.
20 Welcome. So we'll resume now our hearing, so we will
21 move on to votes on both the 95 Horatio Street
22 application and the Lambert House's application that
23 was laid over from our last meeting. We are voting
24 to modify both applications so I will describe the...
25 well, I won't describe the modifications on Horatio

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2 because we did that already, but I will go into the
3 modifications on Lambert Houses, Land Use Item Nos.
4 42 through 48. Lambert Houses is a proposed
5 development in Council Member Torres's district,
6 which will include nearly 1700 units of affordable
7 housing, 61,000 square feet of retail, and a new
8 public elementary school. We will be voting to
9 modify the project to add the mandatory inclusionary
10 housing deep affordability option.

11 Before we move onto a vote on these
12 applications, I would like to congratulate Council
13 Member Torres on a great application and allow him to
14 make a statement. Great job, Colleague, on this.
15 Sorry to confuse you with William.

16 COUNCIL MEMBER TORRES: Thank you, Mr.
17 Chairman. I'm pleased with the outcome of the
18 process. Not only are we developing over 1,600 units
19 of affordable housing, half of which are deeply
20 affordable at 30 percent and lower, and the rest will
21 represent a mix of income so we are achieving the
22 twin goals of deep affordability and mixed income,
23 but we have been able to secure from the
24 Administration a writing probably hundreds of
25 millions of dollars' worth of new investments and the

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2 infrastructure, two new schools, one in the Lambert
3 side, one south, so I think each 500 seats about,
4 investments in safer streets, improvements in the
5 intersections, water mains, sewers. I'm proud of the
6 outcome and I think this fits into a broader vision
7 that I have for the revitalization of West Farms
8 which is one of the poorest neighborhoods in the
9 city, and if there ever were a community that
10 deserves affordable housing and investments in
11 infrastructure, it's the people of West Farms. I
12 want to thank the administration for suffering me. I
13 was a tough, at times hostile, negotiator but I'm not
14 here to make friends and I'm not here to be polite.
15 I was here to advocate for my district. I fought
16 hard and I'm pleased with the outcome. So with that
17 said, I recommend approval.

18 CHAIRPERSON RICHARDS: Thank you, Council
19 Member Torres. Alright, before we move on... am I
20 right, am I wrong? Okay, so before we move on I'm
21 just going to call the vote on Land Use Item No. 479
22 for Council Member Torres to vote on. Council Member
23 Torres, Horatio?

24 SECRETARY: Council Member Torres?

25 COUNCIL MEMBER TORRES: I vote Aye.

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2 CHAIRPERSON RICHARDS: Alright.

3 SECRETARY: Final vote on LU479 is five in
4 the affirmative, zero in the negative and zero
5 abstentions.

6 CHAIRPERSON RICHARDS: Alright, any
7 members have any questions on Lambert Houses,
8 statements, comments, concerns? Okay, seeing none I
9 will now call a vote to approve Land Use Items Nos.
10 482, 483, 484, 485, 486, 487 and 488 with the
11 modifications that I just described. Council, please
12 call the roll.

13 SECRETARY: Chair Richards?

14 CHAIRPERSON RICHARDS: Congratulations,
15 Council Member Torres, on a great project for your
16 district and whenever you get in the ring I always
17 know that victory is in sight and because you are a
18 relentless fighter for your community so
19 congratulations to your community and to the
20 Community Board and people and actually advocated for
21 some of these changes as well so congratulations. I
22 vote Aye.

23 SECRETARY: Council Member Gentile?

24 COUNCIL MEMBER GENTILE: With super kudos
25 to Councilman Torres, I vote Aye on all.

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2 SECRETARY: Council Member Reynoso?

3 COUNCIL MEMBER REYNOSO: I'd just like to
4 note that yet again we have another 100 percent
5 affordable housing project in the Bronx which tends
6 to be the norm here, 100 percent affordable housing
7 in poor neighborhoods and not so much in others, so
8 just want to speak to the disparity there, and I vote
9 Aye on all.

10 SECRETARY: Council Member Torres.

11 COUNCIL MEMBER TORRES: I appreciate that.
12 I owe a huge debt of gratitude to Council Member
13 Richards and Council Member Greenfield, both of whom
14 at the hearing really underscored the need with
15 infrastructure to be aligned with the new housing
16 development, and I thought that was enormously
17 helpful in the negotiations so with that said I
18 happily and proudly vote Aye.

19 SECRETARY: Land Use Item 482 through 488
20 are approved with modifications and referred to the
21 full Land Use Committee.

22 CHAIRPERSON RICHARDS: Thank you. This
23 hearing is now closed. Congratulations all.

24 [gavel]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date December 13, 2016