

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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May 22, 2012
Start: 10:00 a.m.
Recess: 10:50 a.m.

HELD AT: Council Chambers
City Hall

B E F O R E:
MARK S. WEPRIN
Chairperson

COUNCIL MEMBERS:

Council Member Leroy G. Comrie, Jr.
Council Member Daniel R. Gardodnick
Council Member Vincent R. Ignizio
Council Member Robert Jackson
Council Member Diana Reyna
Council Member Larry B. Seabrook
Council Member Albert Vann

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

Frank Ruchala
Associate Urban Planner and Designer
Department of City Planning

Michael Semwelly
Vice President, Investments (possibly)
The Related Companies

Peter Mullan
Vice President for Planning and Design
Friends of the Highline

Marcie Kesner
Urban Planner/Land Use counsel to Taconic Investment
Partners
Kramer, Levin, Naftalis & Frankel

Victor Santos
General Manager/Co-Owner
Mamajuana Café

1
2 CHAIRPERSON WEPRIN: Great. Good
3 morning, everyone. My name is Mark Weprin, I am
4 the Chair of the Subcommittee on Zoning and
5 Franchises of the Land Use Committee. And I'd
6 like to welcome you all here today. I am joined
7 by the following members of the Committee:
8 Vincent Ignizio, Diana Reyna, Dan Garodnick, Al
9 Vann--who was here first, I might add--Robert
10 Jackson, and Leroy Comrie.

11 COUNCIL MEMBER COMRIE: [off mic] I
12 was here last.

13 CHAIRPERSON WEPRIN: Larry
14 Seabrook. Actually, Garodnick was here after you.

15 COUNCIL MEMBER COMRIE: Oh, okay.

16 CHAIRPERSON WEPRIN: Larry Seabrook
17 is here and in the building and here he comes into
18 the room. So, he is here as well. We're going to
19 start, we're going to skip the café, until later
20 in the agenda, and go right to the Land Use No.
21 604 and 605, which are related items. The Eastern
22 Rail Yards text amendment and the Highline text
23 amendment. And I'd like to have that panel come
24 up to the front of the room. And they're all
25 going to come together on both items here, I

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2 believe. So that would be Michael Samuelin
3 [phonetic], right?, Frank Racalla [phonetic] and
4 Peter Mullan. I got all three, look at that,
5 okay. Gentlemen, if you could please make sure to
6 state your name for the record, I know you're
7 going to take 'em in reverse order, that's fine.
8 Just describe the application and we'll open it up
9 to questions afterwards. Thank you.

10 FRANK RUCHALA: Hello, Council
11 Members. My name is Frank Ruchala, I'm from the
12 Department of City Planning. Today you'll be
13 hearing two--testimony on text amendments for the
14 Eastern Rail Yard, which is part of the special
15 Hudson Yards District. The Hudson Yards District
16 was approved in 2005 by the City Council, and the
17 Eastern Rail Yard is one--[background comments]
18 Really? Oh, okay, let me move it closer.

19 CHAIRPERSON WEPRIN: And shhh, just
20 keep the, keep the whisperings to a minimum,
21 please.

22 FRANK RUCHALA: The Eastern Rail
23 Yard was the centerpiece of the Hudson Yards
24 proposal, with more than six million square feet
25 of mixed use development proposed for the site, in

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2 addition to seven acres of public open space.
3 Since 2005, when Hudson Yards was approved,
4 thinking for the site plan of the Eastern Rail
5 Yards has changed significantly for the City.
6 This has included thoughts of how the Highline
7 would be integrated into the site plan, and for
8 related a series of additional other open space
9 ideas for the site. The two text amendments that
10 you hear today will deal with those, and look to
11 facilitate development on the site and improve the
12 site plan for the Eastern Rail Yard. So, I'm
13 going to speak about the Highline text amendment,
14 and then Michael will speak about the related text
15 amendment. So, just a little background on the
16 Highline. And you can see from the map. The
17 Highline today is developed as a public park from
18 Gansevoort Street all the way up to West 30th
19 Street, while the portion of the Highline north of
20 30th remains undeveloped today. And it's
21 currently owned by the CSX Rail Corporation. The
22 City intends to acquire this section of the
23 Highline, and turn it into a public park,
24 continuing the Highline all the way from
25 Gansevoort up to 34th Street. When provisions for

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2 Hudson yards were placed in 2005, the future of
3 the Highline in this section was actually
4 uncertain. And so, tech--the zoning for the
5 Eastern Rail Yards doesn't have any requirements
6 for the Highline. So, this text amendment would
7 correct this and facilitate the implementation of
8 the Highline on this site. So, I'll just kind of
9 go through how that would work. Zoning for the
10 Eastern Rail Yard contains a series of
11 requirements for public access areas on the site.
12 These include a series of actual listed spaces,
13 things like an outdoor plaza, the indoor
14 connections, things like that. But it also
15 contains a series of percentages of required space
16 on the rail yard. 55 percent of the site is
17 required to be publicly accessible area. The
18 proposed text would maintain those requirements,
19 but also require that the Highline on the Eastern
20 Rail Yard, shown on the first map, the ERY
21 Highline, be one of those required spaces.
22 Additionally, the 10th Avenue Spur, which is a
23 City owned portion of the Highline, would be
24 permitted to count for those requirements. To
25 meet the requirements for the site, the amended

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2 text would include requirements for payment for
3 rehabilitation work, landscape improvements, as
4 well as funding for annual maintenance. The
5 amended text would also include timing obligations
6 to ensure that the Highline be provided as part of
7 the initial phase of development on the Eastern
8 Rail Yard. Total payment for the rehabilitation
9 and landscape improvement for the ERY Highlight is
10 \$27.8 million. Additionally, the amendment would
11 modify the heightened setback controls for the
12 Eastern Rail Yard to accommodate the Highline. As
13 said before, originally the text didn't have any,
14 there wasn't, the Highline wasn't existing on the
15 site, in the future, so this would modify that to
16 accommodate it. The amendment would require that
17 any portion of the Highline west of the curve be
18 open to the sky, and no building be more than,
19 closer than five feet to the Highline. And then
20 for the portion east of the curve, the--a building
21 could overhang the Highline subject to design
22 controls including a minimum 60 feet height above,
23 before the building could actually begin. The
24 amendment was approved, subject to conditions by
25 the community board, and then unanimously approved

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2 by the Commission with some modifications based on
3 the community board's concerns in April. So
4 that's the Highline text amendment, and I don't
5 know if you want to do question on that or switch?

6 CHAIRPERSON WEPRIN: Could e do,
7 wait till the end and do questions? You think
8 they're--would cause you problems? No. Okay,
9 let's--

10 FRANK RUCHALA: No, that's fine.

11 CHAIRPERSON WEPRIN: --let's do 'em
12 both, we can do questions together then. I think
13 it's better that way.

14 MICHAEL SEMWELLY: Great, thank
15 you. Good morning, Council Members, my name is
16 Michael Semwelly [phonetic] and I'm with The
17 Related Companies. I'm here to talk about an
18 associated application for text amendments with
19 regard to the Eastern Rail Yard and in particular
20 the site planning of the yards. If you saw the
21 post this morning, it was a great article
22 describing the fact that we are about to start
23 construction on the first new office building in
24 Hudson Yards since the 2005 rezoning. We're very
25 thrilled to have that announcement, it's a huge,

1 billion dollar investment in New York, and we're
2 proud to be a part of that; the anchor tenant of
3 that being Coach, who's a longtime New York City
4 company, and we're very pleased to have them as
5 our first tenant on the yards. The 14 text
6 amendments that are associated with the Eastern
7 Rail Yards may seem complex but we've tried to
8 bundle them into four key issues to focus on: one
9 interior open space, as Frank alluded to, there's
10 a requirement for 55 percent of the eastern yards
11 to be public open space, of which up to 15 percent
12 of that can be interior. We've had some changes
13 through discussions with tenants and retail
14 tenants, in particular to reconfigure that. But I
15 want to just clarify that we're not looking to
16 reduce any of the open space requirements, we're
17 just looking to reconfigure them. Another area
18 has to do with an outdoor pavilion for retail in
19 the plaza, and I'll go into a little bit more
20 detail about that. But a kind of café space in
21 the required public outdoor open space.

22 Similarly, we're looking for changes to the
23 signage text, along 10th Avenue, to increase the
24 amount of signage there. Currently, the
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1 regulations do not really acknowledge the fact
2 that this is a three block long kind of mega-
3 block, rather than one kind of typical Manhattan,
4 200 foot wide block. And then finally, there's a
5 plaza on 30th and 10th, which is required in the
6 2005 zoning for the eastern yards, but it also
7 happens to be the location of a major DEP
8 easements for access to the third water tunnel.
9 So there are some requirements that we can't
10 actually fulfill. There's a packet in front of
11 you, a purple packet, with Eastern Rail Yard text
12 amendments, and if you just want to flip through
13 with me, I'll try to walk you through some of
14 these changes. So, there--the first page is a
15 site plan that shows you the two yards, the
16 eastern yard is to your right, the western yard is
17 to your left. We've been working hard over the
18 past four years since we were the designated
19 developer back in 2008. We rezoned the Western
20 Yard in 2009, to accommodate mixed use
21 development. And this is actually the second
22 round of text amendments we've had on the Eastern
23 Yard, since we were designated. I'm going to
24 focus predominately on the Eastern Yard. The next
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2 page, the one with the purp--the orange on it,
3 shows you the ground, the ground floor. Most of
4 these text amendments have to do with the ground
5 plan and the public spaces that are either outside
6 or inside, but you can see the configuration of
7 the interior retail open spaces around the word
8 "Department Store," there. If you turn the page
9 to Interior Open Space, you'll see the original
10 diagram right here, of--this was the required open
11 spaces in the 2005 rezoning that occurred, that
12 shows you the difference between the open public
13 space and green and then interior space in blue.
14 We've had lots of conversations with retailers and
15 in particular, we're planning a substantial amount
16 of retail space here. I mean, unlike a lot of
17 other developers, who proposed redevelopment on
18 the yards, we're proposing nearly a million square
19 feet of retail, destination retail space, which we
20 think will certainly serve the community on the
21 west side, in general. So, as a part of that,
22 we're looking to reconfigure the space in order to
23 accommodate a large anchor department store. If
24 you turn the page, the floor plan here shows you
25 that reconfigured space, so basically east/west

1 galleries, that would be lined with retail, so
2 we're just looking to change some of the
3 requirements. There are minimum height and width
4 requirements, we're looking to narrow the corridor
5 slightly but raise the height of them. So, again,
6 no net change in the type of space, but we think
7 it's a more high quality space, which actually
8 would permit more typical ground floor retail.
9 And all of that is triggered by the creation of a
10 large atrium on the plaza. So, this, these
11 renderings here show you that new atrium, which
12 would be required, a minimum size of 4,500 square
13 feet, minimum height of 60 feet, and fronting the
14 major plaza facing west. So we think this is an
15 improvement to the plan, in both the community and
16 the City Planning Commission agreed to that. The
17 next page just shows you a view from the plaza
18 itself of what the atrium looks like, that's the
19 pink area highlighted there. And that brings us
20 to the 11th Avenue Pavilion. If you will recall
21 when the Eastern Rail Yard was rezoned in '05,
22 right across the street was a large stadium. As I
23 mentioned before, we've rezoned that to
24 accommodate mixed use development on the Western
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2 Yard. And having done that, we've also inherited
3 the configuration of this open space. We're
4 actually looking to create a relatively small
5 retail pavilion on the western side of the public
6 space that would be kind of like a café with a
7 restaurant and maybe a beer garden or something
8 upstairs. But something that would be kind of an
9 everyday uses, so something you would walk on your
10 way to the subway, you could pick up a newspaper
11 or flowers or a cup of coffee on the way. But we
12 think it helps enliven that public space, which is
13 very, very large, and would be kind of desolate,
14 we think, if--particularly before the western
15 yards are built out. We've had a lot of back and
16 forth, both of the community and the Commission on
17 this. And we've agreed to certain, I would say
18 significant constraints on it. So, we went into
19 the original application in January with a minimum
20 floor plate size of 6,000 square feet, and that
21 was reduced to 3,600 square feet through
22 discussions with the community and the commission.
23 So, in aggregate, the pavilion will be only about
24 11,000 square feet. But we still think it's
25 important in order to enliven that plaza and open

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2 space. There was also an original height 30 feet
3 which through discussions with the community was
4 reduced to 24 feet, maximum height. So I think
5 we've been pretty responsive to the community and
6 the commission in general in terms of their
7 requests. Go forward about three more pages,
8 there are just some pictures in there of other
9 cafés but the idea, as I said, is a relatively
10 small pavilion. If you turn to the page that says
11 "30th Street Plaza," that'll take you to the third
12 issue that we're confronting here. On the corner
13 of 30th and 10th, and the original zoning, there
14 is a requirement for a plaza. So if you turn to
15 this page here, you'll just see a general
16 configuration of where that is. So, it was a
17 required plaza that was 200 feet long and 60 feet
18 wide, and it was required to conform with POPS
19 standards. This is, I think, largely a
20 clarification of the original zoning, because you
21 can't actually comply with POP standards because
22 half of it is a DEP easement, wherein you can't
23 have anything permanent on it. So, we've agreed
24 to movable furniture and movable artwork, but
25 nothing permanent on that portion of the easement.

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2 So, while we've reduced the amount of amenities
3 there, it acknowledges the fact that there's this
4 DEP easement, and there are continuing
5 conversations both with DEP and the community.
6 A:nd what you'll see, also, are some renderings of
7 what that will look like. I should also mention,
8 this is a major entrance into the south office
9 building, that Coach will occupy also a major
10 entrance into the retail center. It'll also be a
11 major entrance into the Highline. So we think
12 there are plenty of activities there that will
13 make sure that it's an enlivened space and not a
14 bleak plaza. But I think we've gotten good
15 feedback from the community in terms of the types
16 of amenities that would be here. So we would try
17 to have it as green as possible, but we think
18 these, these new requirements reflect the reality
19 of the third water tunnel. The last issue is 10th
20 Avenue signage. So if you turn just two more
21 pages, you'll get a view, an elevation of what we
22 call the super block along 10th Avenue. So,
23 current requirements, or current requirements on
24 the site, are no more than 1,500 square feet of
25 signs on 10th Avenue. Now, that's a typical

1 requirements in the Hudson Yards District, and
2 that's generally fined for a 200 foot long block.
3 But we have a 720 foot long block. Furthermore,
4 we have prohibition or a severe control on signage
5 facing the plaza. And we've agreed to controls
6 facing the Highline. So we basically have no
7 signage on the plaza, we have no signage on the
8 Highline, so 10th Avenue is the only place we
9 could actually have signs. So, we've worked very,
10 very closely with the community, back and forth in
11 terms of having increased signage there, so we're
12 looking to have about 4,400 square feet of signs
13 along 10th Avenue. We originally went into the
14 application with the ability to have it all
15 flashing, the community pushed back on that, and
16 we've agreed not to have flashing signs above 40
17 feet. What this also does permit is one large
18 sign for hopefully a great department store, which
19 we're going to attract, to come here. But again,
20 we believe certainly with the size of the block,
21 certainly the diversity of uses on the Eastern
22 Rail Yards, that this amount of signage is
23 appropriate, particularly given the scale of the
24 development we're talking about. I know it's a
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lot of absorb, I'm happy to answer any questions.

CHAIRPERSON WEPRIN: Thank you very much. I know a number of the members of the Committee have some questions. I'd like to start with Council Member Dan Garodnick.

COUNCIL MEMBER GARODNICK: Thank you very much, Mr. Chairman. And my questions are just a piecemeal on various things that you said, so forgive me. First relates to the Highline and the 55 percent publicly accessible requirements. So, as I understand it, right now there's a, the requirement is that on the whole eastern site, that 55 percent of it be publicly accessible, be open, privately owned public space. This application, relative to the Highline, would allow the Highline to be included as part of that, is that right?

FRANK RUCHALA: That's correct.

COUNCIL MEMBER GARODNICK: Now, what does that do to the rest of the public space? What is the implication of that for the rest of the site?

FRANK RUCHALA: I'll take it, or do you want to?

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2 MICHAEL SEMWELLY: I got it. The
3 short of it is that it reduces the amount of
4 interior open space. Because what we would have
5 had--given the constraints on the Eastern Rail
6 Yard and how it was, how the open space was
7 originally designed, described, you kind of get to
8 the 40 percent by default. You kind of have to,
9 given the plaza size and shape and the
10 requirements. So we would have had to have 15
11 percent of that interior, of the open space be
12 interior. By capping the Highline, there's a net
13 reduction in the amount of interior open space
14 while keeping the aggregate the same. So you end
15 up with more outdoor space, which we think is
16 better, it's, you know, more useful and it's
17 actually open to the air and the sun and the
18 elements.

19 COUNCIL MEMBER GARODNICK: You end
20 up with more, did you say? More--

21 MICHAEL SEMWELLY: More exterior
22 space.

23 COUNCIL MEMBER GARODNICK: Oh, more
24 exterior space, okay. And just for the mechanics
25 of the Highline, it progresses northbound up to

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30th Street, at this point, correct?

MICHAEL SEMWELLY: Yes.

COUNCIL MEMBER GARODNICK: And then, you described that the, the goal is for it to ultimately go all the way up to 34th Street.

FRANK RUCHALA: That's correct.

COUNCIL MEMBER GARODNICK: The, when we have this diagram that you all handed out, which has the red line and then the yellow 10th Avenue spur, that is already a structure that is in, that is in place today, correct?

FRANK RUCHALA: that's correct, right.

COUNCIL MEMBER GARODNICK: And where will it progress relative to this site, to get up to 34th Street? Where does it go?

FRANK RUCHALA: Well, it will follow, actually I'm just going to use, I'll jump to this one, just 'cause it has the two yards. So, this is the Highline today, finished to 30th Street. And the Highline will remain in place but will be developed into the public park all the way to its termination at 34th Street.

COUNCIL MEMBER GARODNICK: I see,

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so it goes around the western side of the site.

FRANK RUCHALA: That's correct.

COUNCIL MEMBER GARODNICK: And that's how, that's where it is today.

FRANK RUCHALA: That's exactly it.

COUNCIL MEMBER GARODNICK: It'll just be finished, essentially--

FRANK RUCHALA: Right, correctly, just like the Highline south of 30th Street, which is, you know, was in place, and was turned into a public park.

COUNCIL MEMBER GARODNICK: Got it, okay, and then the 10th Avenue Spur, what is the, the meaning of the 10th Avenue Spur and why are we interested in that?

FRANK RUCHALA: So the 10th Avenue Spur is a little different than the rest of the highline in north of 30th Street. It is currently owned by the City, where the rest of the Highline north of 30th is owned by the Rail, CSX Rail Corporation, which the City intends to acquire from. We, the text allows the developer of the site related to count the 10th Avenue Spur as part of their open space requirements, subject to the

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2 similar payments that would need to be made for
3 the portion of the ERY Highline, which is the
4 portion on their site. It basically gives an
5 option, again, really to make the 55 percent open
6 space requirement for the site.

7 COUNCIL MEMBER GARODNICK: Is ...
8 so, is that space the equivalent of the rest of
9 the Highline, would people experience it much like
10 they experienced the rest of the Highline?

11 FRANK RUCHALA: The--yeah, I mean--
12 [background comment]

13 PETER MULLAN: I think it's--just
14 introduce myself, my name is Peter Mullan, and I'm
15 the Vice President for Planning and Design at
16 Friends of the Highline. I think it's important
17 to separate out that the goal I think of all the
18 stakeholders now is that all portions of the
19 Highline are continuous and considered part of a
20 single public open space that is owned by the City
21 of New York. I think the distinction between the
22 ERY section and the 10th Avenue Spur is really
23 just one of funding. Okay? In that the zoning
24 now that 's being proposed requires the developer
25 to provide funding for the section that's on the

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2 ERY, and it gives them the option to provide
3 funding for the 10th Avenue Spur portion, if they
4 choose to count it towards their open space
5 requirement. If they don't count it, they don't
6 have to pay for it, we have to fundraise for it
7 separately.

8 COUNCIL MEMBER GARODNICK: So other
9 than the fundraising piece--

10 PETER MULLAN: Right.

11 COUNCIL MEMBER GARODNICK: --which
12 obviously is a, you would rather have them opt to
13 use that as part of the requirement, I would
14 imagine--

15 PETER MULLAN: Of course. Always.

16 [laughter]

17 COUNCIL MEMBER GARODNICK: Is
18 there, is there any--it seems, it's unclear to me
19 from looking at this picture, how a member of the
20 public might enjoy that particular spur as opposed
21 to the rest of the Highline, which is sort of a
22 straight shot up and down, this is sort of a, I
23 don't know, it looks like an appendix.

24 MICHAEL SEMWELLY: I think that's a
25 very sensitive because it is unusual in that, I

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2 mean, as Peter will tell you, it's one of the
3 largest, most contiguous pieces, so it's actually
4 made, it's probably, you know, best used for
5 events, it's kind of a dead end, it doesn't lead
6 anywhere. So, it would be some kind of
7 destination rather than kind of the pathway, I
8 think.

9 COUNCIL MEMBER GARODNICK: It's big
10 enough for what kind of an event?

11 FRANK RUCHALA: I think, you know,
12 some of the ideas that we're considering is you
13 can use it for, you know, public events, or
14 private galas or theatrical performances. One of
15 the design concepts is to create an outdoor
16 theater in that location. So, we haven't resolved
17 that yet, but I think, you know, one of our, for
18 those of who that have been on the Highline, one
19 of our challenges is that we're, it's relatively
20 narrow. And so when we do have an area that is
21 physically larger, it gives us an opportunity to
22 do something that's a little more programmatically
23 intense, I think.

24 COUNCIL MEMBER GARODNICK: Is there
25 any public access up to the Highline from that

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spur? Or is that truly a dead end from another access point?

FRANK RUCHALA: I think that there's, in the plan there's an intention to have a stair that comes up from the 30th Street, the 10th Avenue Plaza, up to basically the sort of the western side of the 10th Avenue Spur.

COUNCIL MEMBER GARODNICK: Didn't you have picture of that at one point? Yeah, okay.

FRANK RUCHALA: Okay.

MICHAEL SEMWELLY: Yeah, and there's a rendering in your packet, a rendering. So if you look at this view over here, with the two yellow trees, so that's a view of the plaza at 30th and 10th, showing where the stair is.

COUNCIL MEMBER GARODNICK: Hold on, let me, let's just get there for a sec.

MICHAEL SEMWELLY: Sure.

[background comment]

COUNCIL MEMBER GARODNICK: Right, numbered pages, by the way, that would've been a good idea, huh? Hold on. [background comments] That's not =the one, I saw, I saw yellow trees.

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Here we go. All right, that's--Right.

MICHAEL SEMWELLY: So that shows you a view, you're basically standing on 10th Avenue.

COUNCIL MEMBER GARODNICK: On the west side of 10th Avenue.

MICHAEL SEMWELLY: On the, this is on the east, the west side of 10th Avenue, on 10th and 30th.

COUNCIL MEMBER GARODNICK: So that stairs going up to that spur.

MICHAEL SEMWELLY: Yeah, it heads due west.

PETER MULLAN: Yeah, it's starting to send you back.

COUNCIL MEMBER GARODNICK: The stair heads due west?

MICHAEL SEMWELLY: Yeah.

COUNCIL MEMBER GARODNICK: The stair heads up in a western direction. Okay, I got you, where we're on that.

FRANK RUCHALA: Sort of send you back, but to this, to this plan, there's essentially a stair that lands you right here.

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[background comment] Mm-hmm.

COUNCIL MEMBER GARODNICK: Sorry.

Sorry, I can't see where you're pointing to. But--
-there is a stair already in the plan--

FRANK RUCHALA: No, no, in the plan
there's a stair that would come up from this
location and land you in this--

COUNCIL MEMBER GARODNICK: This
location being 10th Avenue-

FRANK RUCHALA: Correct.

COUNCIL MEMBER GARODNICK: --into
the 10th Avenue Spur of the Highline.

FRANK RUCHALA: Correct.

COUNCIL MEMBER GARODNICK: Right?
Okay.

FRANK RUCHALA: Correct. And it's
possible, and probably will be required, that we
have another access point on the east side of the
street--

COUNCIL MEMBER GARODNICK: Of 10th
Avenue.

FRANK RUCHALA: --of 10th Avenue,
purely for egress purposes.

COUNCIL MEMBER GARODNICK: Now that

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2 is also, that's the, that's where cars northbound
3 on 10th Avenue hand a right to the Lincoln Tunnel
4 to?

5 FRANK RUCHALA: Yeah, correct.

6 COUNCIL MEMBER GARODNICK: See,
7 that's a, that's a tough, I mean, that's obviously
8 a tough corner. But it - -

9 FRANK RUCHALA: [interposing] There
10 are a couple of opportunities. There's actually a
11 median strip, there's also, there's a, there's a
12 discussion about maybe connect, having a bridge
13 across the street to land on the, on the north
14 side of that Lincoln Tunnel entrance, with a stair
15 there. So, there are a couple of options.

16 COUNCIL MEMBER GARODNICK: Okay,
17 couple more questions, Mr. Chairman, if that's
18 okay. I did not understand the explanation about
19 the pavilion and where we're talking about
20 possibly being desolate and where we might want
21 out be buying coffee and flowers to - -

22 PETER MULLAN: Right, we're-o--

23 COUNCIL MEMBER GARODNICK: Okay,
24 so--

25 PETER MULLAN: On the main, on the

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main site plan--

COUNCIL MEMBER GARODNICK: Okay.

Hold on, hold on. Is that page two, or the second page. Aha, right, go ahead.

PETER MULLAN: So here this shows you the ground floor of the eastern yards, as it's described. This kind of L shape area that I'm outlining is one of the required outdoor plazas. So the, the western side of that, around, near 11th Avenue, the whole, this whole plaza was basically planned for having this big destination where my hand is, having the big stadium on the western yard.

COUNCIL MEMBER GARODNICK: Right, right.

PETER MULLAN: So, as we're looking with the landscape architects and potential tenants, we keep seeing that this western yard basically has no reason to be there, the western side of this. So we're creating this very small destination, which is kind of a day-to-day destination, and you should, you know, recall, especially in the future, there'll be about 4,000 apartments here, particularly in the western yard.

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2 So, on the way to the subway, which is just to the
3 north where my finger is, we want to create a
4 place which draws people both from the plaza,
5 westward, towards 11th Avenue, but also create
6 kind of a destination on your way within the plaza
7 that's kind of a day-to-day retail use. It's
8 required to be retail, it can't be anything other
9 than that. It's going to be two to three stories,
10 it has a maximum height of 24 feet. And the
11 program we're anticipating, as I mentioned, is
12 some kind of food service, like a café, a
13 restaurant on the roof, you know, some kind of
14 flower shop, newsstand, that kind of activity.
15 Because again, as I like to--and I think the
16 community grew to embrace this as well. You know,
17 we're creating a million feet of retail here. I
18 don't really need 11,000 square feet of retail
19 here. I mean, I don't need to compete with
20 myself. But I think it's important for an urban
21 design standpoint to have an activity there,
22 because you know, unlike a kiosk, which would
23 close, we want to create something which is more
24 365. So, this isn't like a, you know, a
25 witchcraft in Bryant Park, this is something a

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2 little bit more akin to like Shake Shack or
3 something that is a much more active use, that
4 doesn't really close in wintertime.

5 COUNCIL MEMBER GARODNICK: Okay,
6 got it, and west of 11th Avenue over there, that's
7 your, that's the residential portion--

8 PETER MULLAN: Yeah, predominately
9 residential.

10 COUNCIL MEMBER GARODNICK: Okay.
11 And the parallelogram, right there, just to the
12 west of 11th Avenue, that is a residential--

13 PETER MULLAN: That's a goofy
14 [phonetic] building, yeah.

15 COUNCIL MEMBER GARODNICK: Goofy
16 Residential building, okay, got it. And the last
17 question is about the timeframe. So, if you got
18 your, your change in zoning to allow for the
19 variety of different changes, what is the
20 timeframe here? You have one, you have one big
21 name tenant so far.

22 PETER MULLAN: Yeah.

23 COUNCIL MEMBER GARODNICK: Where do
24 things stand, what do we expect of the - -

25 PETER MULLAN: [interposing] So,

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2 look, we're actively marketing, we have, we're
3 having conversations with every major tenant there
4 is out there. We're very, we're thrilled to have
5 Coach anchor the first building. They have--

6 COUNCIL MEMBER GARODNICK: And
7 that's, and sorry, that is Tower C, where is that?

8 PETER MULLAN: Correct, yeah,
9 that's Tower C. So, it's the south office tower.
10 That building needs to be delivered to Coach by
11 mid-'15, because they have some lease expirations
12 that we need to deal with. So that, the southern
13 portion of the, the eastern rail yard will be
14 completed by mid-to late '15. We're marketing
15 the, the north tower, it could be completed as
16 early as mid-'17. Again, that's pending getting a
17 significant anchor tenant for it. And the retail
18 would follow along with the north office tower.

19 COUNCIL MEMBER GARODNICK: Okay,
20 so--

21 PETER MULLAN: But we can build
22 them separately. The south tower does not require
23 us to build a platform, the south tower does not
24 require us to build a retail, the south tower does
25 not require us to build anything other than

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itself, and its associated public space.

COUNCIL MEMBER GARODNICK: Right.

And Council Member Ignizio and I both agreed that our wives will be most appreciative of the, of Coach and whatever else goes in there. Mine, however, works on the block, so I should be really careful. [laughter] Thank you very much.

CHAIRPERSON WEPRIN: Thank you, Council Member Garodnick. Council Member Reyna.

COUNCIL MEMBER REYNA: I feel sorry for your wallet. [laughter] I wanted to just take a moment to just appreciate, you know, all the work that has gone into this massive undertaking. I wanted to just take a second to understand what type of traffic mitigation assessment has taken place with this particular ... next step in relationship to this text amend-- text amendment regarding the Highline, you know, and the development of commercial and future residential?

MICHAEL SEMWELLY: Sure, I'll try to--I'm not an environmental lawyer, but I'll try to do my best. So there was a full EIS, completed--

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2 COUNCIL MEMBER REYNA: Right, no
3 I'm familiar with that part.

4 MICHAEL SEMWELLY: Okay.

5 COUNCIL MEMBER REYNA: Right?
6 We're dating back to 2005.

7 MICHAEL SEMWELLY: Sure.

8 COUNCIL MEMBER REYNA: But moving
9 forward, because the spur was not part of the
10 original, was it part of the original--

11 MICHAEL SEMWELLY: No.

12 COUNCIL MEMBER REYNA: --scoping?

13 MICHAEL SEMWELLY: No, but I don't
14 think environmentally--you should probably answer
15 this--I don't think, because there's no change in
16 the amount of open space, I don't think that there
17 is an impact.

18 FRANK RUCHALA: Right, so, the text
19 amendment, like any text amendment, was studied
20 for environmental purposes, and because the amount
21 of open space wasn't changing, wasn't decreasing
22 or anything, there is no change from the 2005
23 analysis.

24 COUNCIL MEMBER REYNA: And there
25 was no shift of open space?

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FRANK RUCHALA: Well, the--the types are shifting and the locations--

COUNCIL MEMBER REYNA: Right.

FRANK RUCHALA: But I think overall that that's--

COUNCIL MEMBER REYNA: Right.

FRANK RUCHALA: --that that, you know, there is enough flexibility already in the zoning for those types of cha--for changes. So this was additional--

COUNCIL MEMBER REYNA: So there was no necessary amendment to the EIS for further supporting documentation.

FRANK RUCHALA: That's correct.

COUNCIL MEMBER REYNA: Okay. And I wanted to take a moment to understand, as far as this project is concerned, what is the MWBE utilization rate and dollar value amount? For this project.

PETER MULLAN: I'll answer the second question first. I think it was reported in the paper today that we're looking at about a billion dollar project for the first phase, which includes both the podium of Tower C and the Tower

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2 C project, which is about a \$2 million square foot
3 building, roughly about \$1.7 million square feet.
4 I can't really talk about the M or WBE
5 requirements, I don't believe we have a
6 requirement for the Eastern Rail Yard off the top
7 of my head, but I'm happy to look into it and get
8 back to you.

9 COUNCIL MEMBER REYNA: And I--
10 regardless of the fact that there's no
11 requirement, I'm not looking to require, I'm
12 looking for goodwill. I just want to understand--

13 PETER MULLAN: Sure.

14 COUNCIL MEMBER REYNA: --what is
15 the project overall being considered to include
16 what would be provisions of and MWBE
17 participation. And you know, as far as this
18 particular project, and the opportunities that it
19 can afford--

20 PETER MULLAN: Sure.

21 COUNCIL MEMBER REYNA: --to New
22 Yorkers and small businesses.

23 PETER MULLAN: Yeah, yeah. We do
24 have a number of MWBE consultants working on the
25 project today. I can get you a list of who's

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2 working on it right now, and we can talk about a
3 list going forward of contractors or other
4 vendors.

5 COUNCIL MEMBER REYNA: I would
6 appreciate that, and just to understand exactly
7 the performance level, as far as this project is
8 concerned moving forward, is very important to me,
9 as Small Business Chair, to the Committee. So,
10 thank you.

11 CHAIRPERSON WEPRIN: Thank you,
12 Council Member Reyna. Council Member Comrie.

13 COUNCIL MEMBER COMRIE: Just to
14 follow up on Council Member Reyna's question, if
15 you can get that to us before, to the full
16 Committee, before the full committee votes--

17 PETER MULLAN: Sure.

18 COUNCIL MEMBER COMRIE: --on
19 Thursday, the information on the people that are
20 working on MWBE and the contractors, that would be
21 helpful. I wanted to ask you, the--you've had,
22 you vetted this before the community board, did
23 you discuss what your feedback was from both the
24 community board and the borough president's
25 office, in your presentation?

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2 FRANK RUCHALA: Yeah, I can go
3 through what some of the changes that we've made,
4 based on each of the different components. There
5 were, there were essentially no comments on the
6 interior open space aside from changes to the
7 operating hours, so the current operating hours
8 would, are proposed to be 8:00 a.m. to 10:00 p.m.
9 In the case that a bridge is built over 10th
10 Avenue, which is required when the adjacent
11 building provides interior public open space,
12 those hours would be extended. That's a direct
13 requires from the community board, so those hours,
14 the interior hours would get elongated to be 6:00
15 a.m. to 1:00 a.m., acknowledging the fact that
16 people would be using the interior space to get to
17 Penn Station, and other areas. And the community
18 board has, I think they've embraced that and
19 agreed to extending the hours. Similarly, there
20 was a request for the exterior hours, which are
21 currently planned to be 6:00 a.m. to 1:00 a.m. for
22 the outdoor space. That any driveways that we
23 have remain active and open 24/7, and we've agreed
24 to that. So any--

25 COUNCIL MEMBER COMRIE: Which are

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including the interior roadways?

FRANK RUCHALA: No, yes, so all the interior roads that you see here--

COUNCIL MEMBER COMRIE: Right.

FRANK RUCHALA: --if there are roads provided, that they be accessible 24 hours.

COUNCIL MEMBER COMRIE: Okay.

FRANK RUCHALA: And we've agreed to that.

COUNCIL MEMBER COMRIE: Okay. And this space between the cultural pavilion and Tower C, what is that space, it's a--

FRANK RUCHALA: That's a required, it's called connection, the connection to the Highline, that's a space that's required to be 80 feet long, is that, 80 feet wide, Frank? And it's a required public space that permits the Highline to connect to the outdoor plaza. It has minimum width and height requirements, minimum 80 feet wide, and I think it has a minimum height of 60 feet. But we're planning it to be open to the sky.

COUNCIL MEMBER COMRIE: Is that, so that, but you're not doing any plantings or--

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FRANK RUCHALA: Oh, there will be, this is a very conceptual plan, there will certainly be some trees--

COUNCIL MEMBER COMRIE: Okay.

FRANK RUCHALA: --there. And I should make a note, if I didn't make it clear in my presentation, our platform level is about the same height as the Highline. We're about two feet different. So, unlike almost anywhere else, you'll be able to go straight from the Highline onto our plaza.

COUNCIL MEMBER COMRIE: Okay. And this is above the rail yards, correct?

FRANK RUCHALA: Correct. Two-thirds of the site are built over the MTA rail yards.

COUNCIL MEMBER COMRIE: But you're going to have to put the platform down and create the platform?

FRANK RUCHALA: Yes, but not as part of Phase One, so Phase One, we could build this entire southern third--

COUNCIL MEMBER COMRIE: Right.

FRANK RUCHALA: --without touching

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the trains.

COUNCIL MEMBER COMRIE: Okay.

FRANK RUCHALA: The minute we get a large tenant for this building here, we're going to have to start the platform.

COUNCIL MEMBER COMRIE: But your million feet of square space in Tower A is required to be on the platform.

FRANK RUCHALA: Yeah.

COUNCIL MEMBER COMRIE: Mm-hmm.

FRANK RUCHALA: Yeah. It's kind of ironic, but our tallest building is on top of the rail yard; the shorter building is on the real land.

COUNCIL MEMBER COMRIE: Right. And what's your timeframe for the, the department store in Tower A?

FRANK RUCHALA: That would all be, we hope to be 2017. It's all pending, we need a very large tenant to kick off that building. So, if you know of any million square foot tenants, we'd be happy to talk to them.

COUNCIL MEMBER COMRIE: Mm. Well, yeah, Facebook - - [laughter] That's what Robert

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2 Jackson said. And just, the question, so, to do
3 the platform, you'd have to, you had to speak to,
4 the, to who at the rail yards? Is that--

5 FRANK RUCHALA: The Long Island
6 Railroad.

7 COUNCIL MEMBER COMRIE: Oh, it's
8 the Long Island Railroad.

9 FRANK RUCHALA: Yeah.

10 COUNCIL MEMBER COMRIE: And you had
11 to meet the federal standards for that? And--

12 FRANK RUCHALA: Mm-hmm.

13 COUNCIL MEMBER COMRIE: And who's
14 going to monitor the, the development of the
15 platform for that, then, to make sure that the
16 concrete is not concrete from, from a negative
17 source, or--because we've been hearing about
18 porous concrete and concrete problems. And who's
19 going to, who's going to check that and develop
20 those checks and balances?

21 FRANK RUCHALA: The, the railroad
22 actually will own the platform, so we're going to
23 build it so it's, the, you'll be, you should be
24 certain that the railroad, and we are working
25 very, very closely together, to ensure the highest

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2 quality for the platform. Because while we build
3 it, they're going to own it. So we own everything
4 from, you know, call it like, you know, from
5 platform up we own it, including the buildings,
6 the dirt, trees, the flower, everything from
7 platform down, the columns, the foundations, the
8 structure, the Long Island Railroad will own and
9 control.

10 COUNCIL MEMBER COMRIE: And so this
11 roadway between the department store and the
12 fountain and the café, that'll be all on platform?

13 FRANK RUCHALA: Yes. And they're
14 all private streets

15 COUNCIL MEMBER COMRIE: And they're
16 all private streets, but they'll stay open 24/7.

17 FRANK RUCHALA: correct.

18 COUNCIL MEMBER COMRIE: But the
19 maintenance will be up to the developer.

20 FRANK RUCHALA: Yes.

21 COUNCIL MEMBER COMRIE: Okay. And
22 I appreciate everything. It's, so it'll look
23 pretty much like the area around Grand Central, at
24 the end of the day.

25 FRANK RUCHALA: We hope so, even

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better.

COUNCIL MEMBER COMRIE: All right, great, just, I just wanted to ask one more thing, Mr. Chair. Did the opportunities for, the smaller restaurant/café and creating opportunities for ownership, who is going to, or restaurant, how are you going to advertise that, the same way you're looking for the million square foot partner, you're looking for a Shake Shack to come in there, or--

MICHAEL SEMWELLY: It's hard to say. I mean, I think that the café wants to be something a little more authentic. I mean, we have this real struggle--I mean, we want this to be a part of the neighborhood, we don't just want to have it feel like it landed from Mars. So we've been working very, very closely with the community, and we're thrilled about the Highline and the Highline text amendment, and all the great stuff that's, great restaurants and cafés, etc., that have grown around it. So, we would work hard to work to find, you know, a local, locally attractive user for it. But it's a very different thing, the platform, the pavilion's very different

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than the anchor, you know, retailer that would be in the shopping mall.

COUNCIL MEMBER COMRIE: Mm, and there's no nightlife scheduled for in this.

MICHAEL SEMWELLY: No, there are restaurants and--upstairs, but--[background comment, laughs]

COUNCIL MEMBER COMRIE: But I'm talking about [crosstalk] put a restaurant/café--

MICHAEL SEMWELLY: No, no, no, no, this is a, yeah, this is not a club or--

COUNCIL MEMBER COMRIE: Right, okay, all right, thank you.

CHAIRPERSON WEPRIN: Thank you. Any other questions for the panel, I want to tell--let the panel know that the local Council Member is in support of this, she's unfortunately on her honeymoon this week, and not here to discuss it. Well, fortunately, but, otherwise she would [laughter] fortunately for her, but unfortunately for us, because we don't get to have her sage advice on this, but she has expressed her support on this measure. Any other questions? Seeing none, I'm going to thank you gentlemen for coming.

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FRANK RUCHALA: Thank you.

CHAIRPERSON WEPRIN: Move to close this hearing.

PETER MULLAN: Can I just have one moment, just because--

CHAIRPERSON WEPRIN: Sure, have a moment.

PETER MULLAN: --I, I do have quick statement, I just want to put, because I'm not officially the applicant.

CHAIRPERSON WEPRIN: Okay, all right, we'll let, official statement, state your name again.

PETER MULLAN: My name is Peter Mullan, and I'm the Vice President for Planning and Design at Friends of the Highline. And I just want to say, first of all, thank you to the Committee, and the Subcommittee and the Council and the Council in general, for all of its support for the Highline over the years, and just recognize that this is really a major milestone in the history of the Highline. For a long time, as Frank mentioned, the Highline at this site has been uncertain, and there was a lot of thought

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2 that is should be or would need to be torn down in
3 order to facilitate the development. And I want
4 to thank The Related Companies for their work to
5 figure out how to incorporate the Highline into
6 the development on the site. And this text
7 amendment essentially will permanently guarantee
8 the preservation of the entire historic highline.
9 So, it's a big, it's a really, it's a major
10 victory, I think, for all supporters of the
11 Highline. I really want to thank the Council for-
12 -I mean, we've been through a lot of text
13 amendments to, on the Highline, and as you all
14 know, and, and hopefully this might even be the
15 last. But it's, it's a big day for us, and we
16 really want to thank you. And we fully support
17 this text amendment going forward.

18 CHAIRPERSON WEPRIN: Thank you, Mr.
19 Mullan, and we do love happy endings here, so we
20 hope there will be one here. Thank you all very
21 much. We're going to close this hearing now,
22 going to move on to the next item on our agenda,
23 Land Use Item, which is the special TriBeCa text
24 amendment. And I'd like to call up Marcie Kesner
25 and Chris Balestra, or so. Did I mess that up?

1 [background comment] Close enough. Not really,
2 but--[pause] I want to, all right, Marcie's doing
3 a--picture boarding. But once you're done, take
4 your time, please state your name for the record
5 and whoever wants to go first can start.
6

7 MARCIE KESNER: My name's Marcie
8 Kesner, I'm an Urban Planner with the firm of
9 Kramer, Levin, Naftalis & Frankel, Land Use
10 counsel to Taconic Investment Partners, which is
11 the applicant for this text amendment before you.
12 Taconic is under contract to purchase both 412 and
13 415 Greenwich Street and the adjacent existing
14 building at 401 Washington Street. With me is
15 Chris Balestra representing Taconic, who can
16 answer questions you may have about, more detail
17 about the building and construction. This, this
18 is a text amendment to the special TriBeCa mixed
19 use district, which was approved by the City
20 Council in October of 2010. The text, as it was
21 approved two year ago, two-and-a-half years ago,
22 included a grandfathering provision to allow for
23 the completion, the construction of a new
24 building, on a site in, at the corner of Lake
25 Street and Greenwich Street, in TriBeCa, which had

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2 already been approved by both Board of Standards
3 and Appeals, pursuant to a variance, and by the
4 Landmarks Preservation Commission, pursuant to a,
5 which had issued a certificate of appropriateness,
6 to build a new building, which would be very
7 carefully designed to match the building, existing
8 historic building, adjacent to it at 401
9 Washington Street, 401 Greenwich Street. The
10 grandfathering provision that was approved in
11 2010, basically stated that the special permit had
12 to be--or, I'm sorry, the permit for the new
13 building had to be granted before the expiration--
14 before, for a two year period, within a two year
15 period, which expired on January 12, 2012. The
16 former owner, who had been the applicant of this
17 project, which was the sep--which was actually the
18 current owner, 71 Lake Street, LLC, was unable to
19 obtain its building permit prior to January 12,
20 2012, they were unable to proceed because of the
21 economic conditions over the past couple of years.
22 The, they are now in contract with Taconic
23 Investment Partners to, who intends to close on
24 the property and build the buildings that were
25 approved pursuant to the variance and landmarks

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2 approvals. The text amendment that's before you
3 now, which extend the grandfathering provision for
4 an additional four years. It would--it's
5 specifically limited to a building that was
6 granted a particular variance. It would not apply
7 to any other building. And without this, the
8 building could not proceed, because there are
9 still waivers that would be required pursuant to
10 the, the current TriBeCa zoning. Our architect is
11 unfortunately ill today, so he's not able to be
12 here to discuss the building. Mr. Balestra and I
13 could answer questions if anyone has specific
14 questions about the proposed building or the, the
15 renovation of the historic building adjacent to
16 it, which is also going to be purchased by
17 Taconic.

18 CHAIRPERSON WEPRIN: Super. I know
19 Council Member Reyna had some questions she wanted
20 to ask.

21 COUNCIL MEMBER REYNA: I just
22 needed clarity on the expiration date. What is
23 expiring, exactly?

24 MARCIE KESNER: There was, in the
25 existing, in the zoning text, there's language

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2 that states that, however a building,
3 notwithstanding any other provisions in the
4 special TriBeCa district, a development of a
5 building pursuant to a variance, granted by the
6 Board of Standards and Appeals, number 23109BZ,
7 would, the build--could be continued provided that
8 a building permit was issued within two years of
9 the grant of the variance. What we are doing is
10 putting, is proposing new text which would say,
11 within six years of the granting of the variance.
12 So it would allow for an additional, and
13 additional four years in which to complete the
14 building.

15 COUNCIL MEMBER REYNA: And if the
16 text was not renewed, what would happen?

17 MARCIE KESNER: The building would
18 have to be redesigned, because the current plan,
19 the building was, which was approved by the
20 Landmarks and the board, by the Board of Standards
21 and Appeals, was specifically designed to match
22 the adjacent building. And--

23 COUNCIL MEMBER REYNA: But the BSA
24 variance was issued based on hardship because of,
25 this was an M zone?

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MARCIE KESNER: Yes.

COUNCIL MEMBER REYNA: At one point.

MARCIE KESNER: Yes.

COUNCIL MEMBER REYNA: And turned residential.

MARCIE KESNER: Yes. So, the residential use was legalized, actually, by the, by the new text that was approved in 2010. So that really is, it's now permitted as of right. The problem now is that the new zoning which was, which was, which was approved for this area, has specific height limitations and site coverage limitations. Which are, which vary slightly from what was approved by the Board of Standards and Appeals. And those were, those particular dimensions were designed to mirror the building, the existing building, adjacent to the property, so that the new building and the old building would match. And without the variance, without the ability to build under the approved plans, you can't build a building that would match the old building.

COUNCIL MEMBER REYNA: And how long

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ago was the new zoning text?

MARCIE KESNER: The new zoning was approved in October of 2010, so the Board of Standards and Appeals approval was in 2010, the Landmarks Preservation Commission was the end of the 2009. While they were in the process of getting their final approvals, and public process, the text amendment came through.

COUNCIL MEMBER REYNA: And the landmarking was of the variance building?

MARCIE KESNER: The his--this is in the historic district--

COUNCIL MEMBER REYNA: Okay, so it's a historic--

MARCIE KESNER: --historic district, the historic building which is adjacent to our site, is a seven story, I think, seven story warehouse building. The site that is covered by this text amendment, is a site that's improved with a one story parking garage, which was determined in the landmark, in the report by the Landmarks Preservation Commission on the historic district, to be a noncontributing building.

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2 COUNCIL MEMBER REYNA: Okay. Thank
3 you very much.

4 MARCIE KESNER: Oh, thank you.

5 CHAIRPERSON WEPRIN: Thank you.
6 Anybody else on the panel with a question or
7 comment? Seeing none, we thank you both very
8 much.

9 MARCIE KESNER: Thank you very
10 much.

11 CHAIRPERSON WEPRIN: Good. And
12 we're going to close this hearing. And I am now
13 going to go back to our café, which is Land Use
14 No. 603, Mamajuana Café, and do we have--
15 [background comments] Mamajuana, okay. Did he
16 fill out a slip? Okay, we didn't--great. I don't
17 have your name, sir. Please come on up and have a
18 seat. And you can just push the mic and state
19 your name for the record. That's okay. Santos,
20 yes. But--[background comment]

21 VICTOR SANTOS: My name is Victor
22 Santos, I'm the General Manager/Co-Owner of the
23 café. We are applying to renew--we are applying
24 to renew the sidewalk café at the location.
25 Certain changes were made to the, to the plans,

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2 showing there was a concern about the, the fire
3 ladder coming down, which we moved the planter in
4 and we moved two tables and five chairs. So, this
5 way, you have more than three feet of clearance,
6 when that comes down. We also, and the original
7 plans, we were going to have the planters, so we
8 amended these plans, so to show the planners.

9 CHAIRPERSON WEPRIN: Okay, great.

10 I know the Council Member, Robert "Action" Jackson
11 was on the scene last night, and he has a
12 statement he wants to make.

13 COUNCIL MEMBER JACKSON: Well,
14 thank you, Mr. Chair. In fact, I visited the
15 premises last night, to review everything with
16 respects to the specs, that's submitted. Let me
17 just say that actually in the briefing document,
18 it says, "63 tables and 128 chairs for a two year
19 term." That is not what was approved by this City
20 Council two years ago or even four years ago.
21 It's incorrect. It's incorrect based on the
22 submissions to us, by DCA. I've already talked to
23 the representative from the Mayor's Office that
24 I'm not pleased with the way that DCA has
25 basically given us wrong information. And in

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2 fact, in speaking to the owner last night, we
3 communicated that where the fire escape which
4 falls directly outside of the end of the property,
5 there needs to be three foot clearance, with
6 respects of fire codes, and he fully understands
7 that and plans to comply with it immediately. And
8 as far as the planters, he indicated, and the
9 planters are now in the tentative plans that
10 they're submitting. Based on that, along with the
11 agreement of all of the outdoor cafés in that
12 particular area, there's an agreement from I think
13 Sunday through Thursday, they close at 10:00 p.m.

14 VICTOR SANTOS: Yes.

15 COUNCIL MEMBER JACKSON: And from
16 Friday, Friday and Saturday, they close the
17 outdoor café at 12:00 a.m., so that residents that
18 live in the immediate area and above, will be able
19 to enjoy the comfort of their home. Based on
20 that, I--based on that, I'm concurring that, that
21 this be approved, not what's listed here: 63
22 tables and 128 chairs. But based on 44 tables and
23 89 chairs, which was what was amended in this
24 tentative amendment, by the owner, that the formal
25 plans will be submitted by his either attorney or

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2 architect at DCA, ASAP, before whatever deadline
3 that is necessary. So, based on that, the owner's
4 going to submit another letter, immediately before
5 Thursday, indicating about the, the--okay, may I
6 read this into the record?

7 CHAIRPERSON WEPRIN: Yes, you may.

8 COUNCIL MEMBER JACKSON: Okay.

9 This is to myself, regarding Mamajuana Café
10 sidewalk renewal. "Dear Mr. Jackson: I write
11 this letter to you as the President of Vita Café,
12 Inc., dba Mamajuana Café. I would like to inform
13 you that I agree to the same stipulations placed
14 by your office. When we first applied to renew
15 our sidewalk café, which include Sunday through
16 Thursday, sidewalk café, will be closed at `10:00
17 p.m., and Friday and Saturday, sidewalk café will
18 be closed by 12:00 a.m. midnight. I would also
19 like to inform you that I will have my architect
20 submit new drawings showing the removal of the two
21 tables and five chairs on the east end, it should
22 be the west end--

23 VICTOR SANTOS: West end, yeah.

24 COUNCIL MEMBER JACKSON: --the west
25 end of the sidewalk café, as well as the planters

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2 being moved in at that location, to allow the
3 three foot clearance for the fire escape ladder.
4 These new drawings will be submitted to your
5 office by Thursday, May 24, 2012. If you have any
6 questions or concerns, please feel to contact me."
7 This is signed by Victor Osorio [phonetic],
8 President. So with that, the one little thing was
9 at east end, it should be west end.

10 VICTOR SANTOS: West end.

11 COUNCIL MEMBER JACKSON: I'm in
12 total agreement with going forward.

13 CHAIRPERSON WEPRIN: You're ready
14 to go forward today and Mr. Santos, the table
15 issue, you agree with what Mr. Jackson said.

16 VICTOR SANTOS: Yes, sir.

17 CHAIRPERSON WEPRIN: Okay. Okay.
18 Well, that's good. Any other, anybody else have
19 any questions for this gentleman? No, thank you
20 very much for coming down. So, with that in mind,
21 that closed this hearing, and that is the last
22 item on our agenda, so I'd like to move to a vote
23 on these items: that would be Land Use No. 603,
24 Mamajuana Café; the related items, No. 604 and
25 605, that was the Eastern Rail Yards and the

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2 Highline text amendment; and finally, Land Use No.
3 606, special TriBeCa text amendment, which we just
4 heard about. Those items will all be coupled into
5 one vote, I'd like to call on Christian Hilton
6 now, to please call the roll.

7 COUNSEL: Chair Weprin.

8 CHAIRPERSON WEPRIN: Aye.

9 COUNSEL: Council Member Reyna.

10 COUNCIL MEMBER REYNA: Aye.

11 COUNSEL: Council Member Comrie.

12 COUNCIL MEMBER COMRIE: I just want
13 to note that we are going to be getting some
14 materials from the developers for the eastern rail
15 text amendment, so before the full meeting, to
16 satisfy Council Member Reyna's smart concerns.
17 And aye on all.

18 COUNSEL: Council Member Jackson.

19 COUNCIL MEMBER JACKSON: I vote aye
20 on all.

21 COUNSEL: Council Member Vann.

22 COUNCIL MEMBER VANN: Aye.

23 COUNSEL: Council Member Garodnick.

24 COUNCIL MEMBER GARODNICK: Aye.

25 COUNSEL: Council Member Ignizio.

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COUNCIL MEMBER IGNIZIO: Yes.

COUNSEL: By a vote of seven in the affirmative, none in the negative, and no abstentions, LU 604, 605, 606 and 603 are approved and referred to the full Land Use Committee.

CHAIRPERSON WEPRIN: Thank you, Mr. Hilton, and with that in mind, the meeting is now adjourned.

[gavel, background noise]

C E R T I F I C A T E

I, JOHN DAVID TONG 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.

A handwritten signature in cursive script that reads "John David Tong". The signature is written in dark ink on a light-colored background.

Signature

Date June 11, 2012