

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

SUBCOMMITTEE ON ZONING & FRANCHISES

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February 24, 2010  
Start: XX:XXam/pm  
Recess: XX:XXam/pm

HELD AT: Council Chambers  
City Hall

B E F O R E:  
MARK WEPRIN  
Chairperson

COUNCIL MEMBERS:  
Larry B. Seabrook  
Albert Vann  
Robert Jackson  
Daniel R. Garodnick  
James Vacca  
Leroy G. Comrie, Jr.

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

Mike Gibson  
Owner  
Ivy's Bistro

Kazusa Jibiki  
Lovely Day

Carol Clark  
Assistant Commissioner for Intergovernmental Affairs  
HPD

Shampa Chandra  
Assistant Commissioner for Planning  
HPD

Melissa Pianko  
Vice President and Project Manager  
Gotham Organization

Seth Berliner  
Senator Thomas K. Duane

Sarah Desmond  
Co-Chair, Land Use Committee  
Community Board 4

Joe Resstucia  
Co-Chair of the Housing Committee  
Community Board 4

Lucas Shapiro  
Community Organizer  
Housing Conservation Coordinators

Katherine Consuelo Johnson  
P.S. 51 PTA

Arcelia Vivar Espinoza  
P.S. 51 PTA

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2 CHAIRPERSON WEPRIN: Okay. I  
3 forgot who I am now, though, Nick. Okay. Good  
4 morning, my name's Mark Weprin, I am the Council  
5 Member from the 23rd Council district in Queens,  
6 and I welcome you to the Zoning And Franchises  
7 Subcommittee. I am joined today on my far right  
8 from the Bronx Larry Seabrook; Brooklyn, Al Vann;  
9 and Manhattan, Robert Jackson; Dan Garodnick from  
10 Manhattan; and Jimmy Vacca from the Bronx. That  
11 everybody? Yes.

12 And we are going to go a little out  
13 of order and just go with the sidewalk cafés.  
14 We're going to start with LU 34, which is Ivy's  
15 Bistro, and we're doing that because we have a  
16 childcare issue here, we have a quiet baby and we  
17 want to keep it such. So Manhattan Community  
18 Board 120105167 TCM, Ivy's Bistro is the applicant  
19 going to testify. Over here, yeah, just come sit  
20 at the bench. Gail Benjamin is a great  
21 babysitter. I see her making her approach so...

22 So this is--should I introduce him?

23 [Off mic]

24 CHAIRPERSON WEPRIN: Okay. If you  
25 could please state your name and the situation.

1 [Pause] There should be a button on that.

2  
3 MIKE GIBSON: Okay. My name is  
4 Mike Gibson, I am the owner of Ivy's Bistro. I'm  
5 submitting this letter to indicate that we  
6 recognize and accept all of the conditions set  
7 down in regards to our application for a license  
8 for a sidewalk café. Ivy's Bistro at 385  
9 Greenwich Street, New York City 10013.

10 The Community Board has provided  
11 for a conditional approval of the sidewalk café  
12 permit and I submit the following as conditions on  
13 my application.

14 That I will operate an unenclosed  
15 sidewalk café for 7 tables and 18 seats; that I  
16 will operate the sidewalk café no later than  
17 midnight on week days, 1 p.m. on weekends; and  
18 that I will maintain an eight feet of sidewalk  
19 clearance at all times.

20 CHAIRPERSON WEPRIN: Just one quick  
21 question, the--

22 MIKE GIBSON: Sure.

23 CHAIRPERSON WEPRIN: --outside of  
24 the restaurant, you have the extra winter guard  
25 here for wind, that comes down in the spring?

1  
2 MIKE GIBSON: Yes, that's only  
3 there three months, I actually just had this  
4 conversation with Peter on Friday. I had talked  
5 to the Community Board and Michael Levine and they  
6 said because it wasn't a stationary structure,  
7 that it was okay, because I asked if I needed to  
8 get permits or anything. I've had it for three  
9 years now, as long as I've had the restaurant.

10 [Pause]

11 CHAIRPERSON WEPRIN: Thank you.  
12 We're joined by Council Member Leroy Comrie, the  
13 Chair of the Land Use Committee. Do any of my  
14 colleagues have any questions or comments?

15 [Off mic]

16 CHAIRPERSON WEPRIN: Okay. And the  
17 Council Member for the district, Council Member  
18 Margaret Chin is okay with this project, we  
19 understand?

20 [Pause]

21 CHAIRPERSON WEPRIN: We're going to  
22 make a motion to close the hearing. So moved,  
23 right? Any opposition. And now so we're going to  
24 take a--we'll go right into a vote? You want to  
25 call the next one. Okay. We'll wait, okay. All

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right, great, and well thank you.

MIKE GIBSON: Thank you.

CHAIRPERSON WEPRIN: Ms. Benjamin,  
you're off duty.

[Pause]

CHAIRPERSON WEPRIN: All right,  
we'll do the other cafés since you seen how nice  
and smoothly they can go, and we hope this goes as  
smoothly. The other café is LU number 33, it's  
Lovely Day, it's in Manhattan Community Board 2,  
number 20105118 TCM. Would the applicant please  
come up, good morning.

[Off mic]

CHAIRPERSON WEPRIN: If you could  
please introduce yourself and tell us about the  
Café.

[Off mic]

[Long pause]

CHAIRPERSON WEPRIN: Go ahead, you  
can start, thank you.

KAZUSA JIBIKI: Okay, sorry. Dear  
Council Members Weprin and Chin, I'm--

[Off mic]

KAZUSA JIBIKI: Oh, dear Council

1  
2 Members--

3 [Off mic]

4 CHAIRPERSON WEPRIN: Sorry, my  
5 fault. Just try to talk into the mic.

6 KAZUSA JIBIKI: Okay. Dear Council  
7 Members Weprin and Chin, I'm submitting this  
8 letter to indicate that we recognize and accept  
9 all of the conditions set down in regards to our  
10 application for a license for a sidewalk cafe.

11 Since the Community Board  
12 recognized that 12 community residents appeared  
13 before this Committee and 10 letters were received  
14 and a petition containing 52 signatures was  
15 presented to the Committee, all in approval and  
16 none in opposition, and that the Community Board  
17 provided for conditional approval of the sidewalk  
18 cafe permit.

19 For Cantaloupe, LLC, d/b/a Lovely  
20 Day, 196 Elizabeth Street, between Prince and  
21 Spring, Block 492, Lot 4; Police Precinct 5, with  
22 two tables and five seats, we agree to the  
23 conditions set out below: That the two platforms  
24 and a tree bench built at this location in 2007,  
25 which have since been removed, will not be

1  
2 reinstalled, and that we will operate the cafe  
3 with two tables and five seats.

4 By this letter and my signature  
5 below, I hereby agree to comply with all of the  
6 stipulations and restrictions on this permit that  
7 are set forth above.

8 CHAIRPERSON WEPRIN: Okay. If you  
9 could just state your name and your position with  
10 Lovely Day.

11 KAZUSA JIBIKI: Okay. Kazusa, my  
12 name is Kazusa Jibiki, I'm a member of Cantaloupe,  
13 LLC.

14 CHAIRPERSON WEPRIN: Okay. Any  
15 questions from my colleagues? No? Okay, then  
16 we're going to close the hearing. Okay. Hearing  
17 is closed, thank you very much.

18 KAZUSA JIBIKI: Okay. Thank you  
19 very much.

20 [Pause]

21 CHAIRPERSON WEPRIN: All right,  
22 now, now we're going to move LUs number 28 through  
23 32 which are all related on West 44th Street  
24 between 10th and 11th Avenue. I won't read each  
25 number individually, but if the applicants could



1  
2 please up. I want to note that the school that is  
3 involved in this project is not being considered  
4 today on this agenda and it will be considered at  
5 a future date. So if everyone could please--

6 CAROL CLARK: Nope, that's it.

7 CHAIRPERSON WEPRIN: --introduce  
8 yourself and start whenever you can.

9 CAROL CLARK: Good morning, good  
10 morning, Chairman Weprin and members of the Zoning  
11 and Franchises Subcommittee, I'm Carol Clark,  
12 Assistant Commissioner for Intergovernmental  
13 Affairs at HPD. I am joined by Shampa Chanda,  
14 HPD's Assistant Commissioner for Planning to my  
15 left, and Melissa Pianko of the Gotham  
16 Organization at the end of the table to my far  
17 left.

18 The project site is located on the  
19 block between 44th and 45th Streets and between  
20 10th and 11th Avenues in Manhattan community  
21 district number four. HPD is before the Council  
22 today to request approval of the following five  
23 actions to facilitate the development of the  
24 proposed project. First, a special permit to  
25 establish a general large-scale development plan

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2 at the site; a special permit to permit  
3 development over a railroad right-of-way; third, a  
4 zoning map amendment from an M1-5 manufacturing  
5 zoning district to an R8 and R10 residential  
6 zoning districts to allow for residential  
7 development to occur on the site with a commercial  
8 overlay; a zoning text amendment to define the R10  
9 portion of the project site as an Inclusionary  
10 Housing designated area within the special Clinton  
11 district; and finally, fifth, UDAAP designation  
12 and disposition approval for the site.

13           The project is located in Council  
14 Member Quinn's district, she is in favor of it.  
15 There has been substantial collaboration between  
16 her office, the Gotham Organization, HPD, and a  
17 wide range of stakeholders in developing the plans  
18 for the site. We have a handout for the members  
19 of the committee that the Sergeant-of-arms is  
20 distributing. It contains paper copies of the  
21 presentation that Ms. Pianko is going to give now,  
22 so I'll turn the mic over to Ms. Pianko of the  
23 Gotham Organization.

24           FEMALE VOICE: No, you go ahead.

25           [Pause]

1  
2                   MELISSA PIANKO: I wanted to thank  
3 the Committee for taking the time to hear our  
4 action today. I'm Melissa Pianko, I'm the Vice  
5 President and the project manager for this project  
6 at the Gotham Organization. We're thrilled to be  
7 this far along in the ULURP process, it's been a  
8 long time coming for us, and we're here to explain  
9 the details of what we propose.

10                   Let me start at the offset by  
11 mentioning that we've worked with a broad range of  
12 constituents, including the Community Board, the  
13 Borough President, and the City Planning  
14 Commission, and at this point, have received  
15 favorable votes from the two voting agencies or  
16 two voting entities and also a recommendation from  
17 the Borough President. The Community Board voted  
18 35 to nothing in favor of the project with a  
19 conditional approval and the City Planning  
20 Commission also voted favorably.

21                   The project has historically been  
22 called Studio City and it's destined to fill a lot  
23 of needs. It's required to produce a new and  
24 expanded P.S. 51 school to serve the either K  
25 through 5 or K through 8 school residents, 600

1  
2 permanently affordable housing units, a \$35  
3 million fund, which is going to be contributed \$20  
4 million to build affordable housing elsewhere in  
5 Manhattan and \$15 million to build the school, it  
6 won't cover the entire cost of the school, but it  
7 makes a substantial contribution. And at the same  
8 time the project has to remain financially viable  
9 without any other direct subsidy.

10 The aerial here shows the existing  
11 site as it stands right now, so you can see it's  
12 pretty underutilized given that it's a block in  
13 Manhattan. Eleventh Avenue to the west, a very  
14 large parking lot adjacent to it, vacant  
15 warehouses that are not really being used right  
16 now. The stables which are being used by Shamrock  
17 Stables to house horses that go in Central Park,  
18 the existing P.S. 51 school, which is a 1904  
19 building and has overcapacity at this point, I  
20 believe there are close to 300 students in it.  
21 And then the railroad cut, which we propose it  
22 would be platforming over to build two residential  
23 buildings that will be entirely affordable  
24 housing.

25 The proposed development program

1  
2 for the site includes up to 1,350 housing units.  
3 Right now, we think it's probably going to be  
4 closer to 1,250, of which 600 are permanently  
5 affordable, an additional 75 are affordable during  
6 the term of the 421-A abatement and then the  
7 remainder will be market rate.

8 About 17,000 square feet of retail,  
9 including 10,000 square feet on the ground level  
10 and 7,000 square feet below grade, all the retail  
11 is clustered around 11th Avenue. Accessory  
12 parking below grade, the zoning allows for 204  
13 spaces, and that's what we propose.

14 And then the new 95,000 square foot  
15 P.S. 51 school, which I'll show you the location  
16 of, it's along 44th Street, to the eastern end of  
17 the site. And then after all of the new  
18 development is completed, Gotham will adaptively  
19 reuse the existing P.S. 51 school in accordance  
20 with the guidance through the state historic SHPO.

21 In accordance with the requirements  
22 of SHPO, State Historic Preservation, the  
23 permanently affordable housing is broken down as  
24 follows: 168 units at or below 50% of the Area  
25 Median Income, 216 units at 135% or below, and 216

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2 units at 165% or below. The breakdown of the  
3 types of units are shown in the bottom chart and  
4 also in your handouts. Roughly 40% of the units  
5 will be family-sized units at two and three  
6 bedrooms.

7                   The color diagram to my left shows  
8 the site plan. The 80/20 tower is a U-shaped  
9 building along here, it's 31 stories along 11th  
10 Avenue with shorter areas on the mid-block. The  
11 L-shaped building here, as well as the two square  
12 buildings on the railroad cut, are 100%  
13 affordable, the 540 affordable units in those  
14 three buildings. The existing school is the pink  
15 building which will be adaptively reused, and then  
16 the new schools, the orange building, along 44th  
17 Street. The schoolyard is behind the orange  
18 building and then the other greener landscaped  
19 areas will be available to residents of the entire  
20 project.

21                   We worked--can you hear me okay?  
22 We worked extensively with the Community Board and  
23 City Planning to develop a scheme in the design  
24 that met everyone's needs. The Community Board  
25 felt very strongly, as did we, that it needed to

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2 be contextual within the surrounding areas, which  
3 led to the emphasis of red and brick and the  
4 smaller windows along the streetscape. But then  
5 they also felt, and we agreed, that there needed  
6 to be some relief so it wasn't just a brick tower  
7 going up, which led to the glass along the corners  
8 and then punctuation of glass throughout the rest  
9 of the tower. The rendering here shows the corner  
10 45th and 11th Avenue. This is looking west from  
11 the Hess Station, which will remain along 10th  
12 Avenue. [Off mic] The façade there again, just to  
13 mention, these are not legal windows here, but we  
14 felt that it was important to include windows  
15 along that façade so that you wouldn't be staring  
16 at a blank wall.

17 The view along 45th Street shows  
18 how we tried to break up the exterior so that even  
19 though it's a long block going all the way up and  
20 down 44th and 45th Street, it appears as if it's  
21 multiple buildings. And this again was to keep  
22 within the context of the surrounding area.

23 Again, this is 44th Street, a  
24 similar approach was taken there.

25 This shows the base of 44th and

1  
2 11th Avenue and gives you a sense of what we would  
3 anticipate the retail to look like. Clearly, at  
4 this point, we don't know exactly what the retail  
5 will be, but the intent would be to do  
6 neighborhood uses that would serve both the  
7 residents in the community, as well as the  
8 residents in the building itself.

9 Below are the list of the zoning  
10 actions which Carol gave a brief overview to, but  
11 I can do again to the extent you're interested.  
12 We're suggesting an 8.54 FAR, which was  
13 established in the Hudson Yards points of  
14 agreements from 2005, and it's in R10 and R8 zones  
15 with a C2-5 overlay, the R10 is to the western  
16 edge of the site along 11th Avenue, and the R8 is  
17 to the eastern end of the site. We're asking for  
18 zoning text amendments to designate the  
19 residential site as an Inclusionary Housing  
20 designated area, and that was necessary in order  
21 to make the zoning consistent to get to the 8.54  
22 FAR. And we're allowing for adjustments to sky  
23 exposure plane and setback regulations typically  
24 required with the underlying zoning. The reason  
25 for these requests is that the site, even though



1  
2 it's very large at four acres, with all the uses  
3 including the 1,250 new residential units, leaving  
4 the existing school standing, accommodating a very  
5 large footprint for the new P.S. 51 school, and  
6 then accommodating also the outdoor space required  
7 meant that the buildings themselves had to have  
8 changes to certain setback requirements. Like,  
9 instead of setting back 15 feet on a narrow street  
10 and 20 feet on a wide street, it had to go back 10  
11 and 15 feet respectively. There are also slight  
12 differences in the site plan where, instead of  
13 having a 50-foot setback between two buildings--or  
14 50-foot distance between two buildings, it goes  
15 down to 47 feet. We've gone through all these  
16 different conditions with City Planning and they  
17 were comfortable with them.

18 We've also asked for a special  
19 permit to allow the general large-scale plan to  
20 permit rear yard requirements differences and  
21 distances between buildings, open space height,  
22 and setback requirements, some of which I just  
23 discussed. And then the railroad right-of-way, we  
24 needed to annex that part of the site in order to  
25 be able to fit enough affordable housing on site.

1  
2 We've asked also for the project to  
3 be designated as an Urban Development Action Area,  
4 UDAAP, and the disposition of the project site to  
5 Gotham, which is the developer that I'm affiliated  
6 with.

7 The project generates a lot of  
8 benefits. It creates 600 permanently affordable  
9 housing units, it contributes money and allows for  
10 the building of a 95,000 square foot new school  
11 which will be a state-of-the-art school--as  
12 opposed to something that comes from 1904, which  
13 is a lovely building, but not necessarily  
14 practical for today's needs--a \$20 million fund  
15 for affordable housing to be built elsewhere in  
16 Manhattan and a \$15 million contribution to new  
17 school construction. At the same time, we're  
18 going to be maintaining the existing P.S. 51  
19 school, which has a historical significance, and  
20 retrofitting it so that it's even more beautiful  
21 than it is today.

22 I'm happy to answer any questions.

23 CHAIRPERSON WEPRIN: Thank you very  
24 much. I'm going to start with Council Member  
25 Comrie and followed by Council Member Garodnick

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with some questions.

COUNCIL MEMBER COMRIE: Thank you.

What is the intended--has there been a possible use designated by the Community Board for the P.S. 51 site?

MELISSA PIANKO: We're actually going to be buying the P.S. 51 site as part of what we're purchasing and our current understanding is that we're going to be developing it into market rate housing.

COUNCIL MEMBER COMRIE: Okay.

MELISSA PIANKO: We're going to be buying that as part of what the purchase price is.

COUNCIL MEMBER COMRIE: Okay. And how many stories is that now?

MELISSA PIANKO: It's five stories, and it will remain five stories.

COUNCIL MEMBER COMRIE: Okay. I see. But you're going to keep the historical context. Is it just the façade that's historical or is it inside the building as well?

MELISSA PIANKO: There are certain features inside the building that SHPO wants us to maintain, so we're going to be working with them

1  
2 for review of our plans. I believe the current  
3 state of the letter of resolution that we're  
4 working on with SHPO requires us to go back two  
5 times during the planning process to make sure  
6 that our plans are going to be in accordance with  
7 their requirements.

8 COUNCIL MEMBER COMRIE: Okay,  
9 great. And how big are the apartments? You don't  
10 say with this, you say the number of them, but  
11 what's the typical floor space in the studio?

12 MELISSA PIANKO: Well the  
13 affordable housing units all comply with HPD's  
14 DACE guidelines and so we've gone through a review  
15 already for buildings B and C, which are the 100%  
16 affordable buildings and those units have all been  
17 approved by DACE preliminarily in terms of the  
18 layouts. The studios, I believe, range--I'm  
19 looking at my architect for confirmation--range  
20 from about 400 and--

21 [Crosstalk]

22 COUNCIL MEMBER COMRIE:  
23 [Interposing] --you looking at, he's looking at  
24 somebody else. Oh, oh, oh, I'm sorry.

25 MELISSA PIANKO: My architect's

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her.

COUNCIL MEMBER COMRIE: Oh okay,  
all right, okay.

MELISSA PIANKO: I would say  
between 450 and 525 square feet for the studios,  
anywhere around 600, 650 square feet for the one  
bedrooms, 900 for the two bedrooms--

[Off mic]

MELISSA PIANKO: Yeah, and three  
bedrooms, 1,100 about?

FEMALE VOICE: About.

MELISSA PIANKO: Yeah.

COUNCIL MEMBER COMRIE: So that's  
pretty much standard size.

MELISSA PIANKO: It's very standard  
unit sizing.

[Off mic]

COUNCIL MEMBER COMRIE: All right.  
And just for the record, the stables are being  
relocated to...?

MELISSA PIANKO: There hasn't been  
an established location for the stables yet.

COUNCIL MEMBER COMRIE: Okay. And  
you said something about illegal windows, can you

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expand on--

MELISSA PIANKO: Sure.

COUNCIL MEMBER COMRIE: --what  
illegal windows means for the--

[Crosstalk]

MELISSA PIANKO: Yeah, well the  
windows that face the Hess Station don't have  
legal light and air coming into them, so--

COUNCIL MEMBER COMRIE: Right.

MELISSA PIANKO: --if somebody were  
to develop the Hess Station, they could do it in  
such a way that it would directly abut the eastern  
face of our building, so we can't rely on those to  
be legal light and air for bedrooms or living  
rooms. But right now, since no one's developing  
the Hess Station, and frankly, we've been told  
that the Hess Station is a very high grossing Hess  
Station and we don't anticipate it being developed  
in the near future--

COUNCIL MEMBER COMRIE: Right.

MELISSA PIANKO: --those are going  
to be left as windows that people have use of, but  
they aren't giving them code in terms of windows  
for bedrooms or living rooms.

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2 COUNCIL MEMBER COMRIE: Right. And  
3 the entire lot is above the railroads or is it  
4 just that one--

5 MELISSA PIANKO: [Interposing] Just  
6 that one portion.

7 COUNCIL MEMBER COMRIE: --one  
8 portion.

9 MELISSA PIANKO: Yeah.

10 COUNCIL MEMBER COMRIE: So  
11 everything else is at ground level?

12 MELISSA PIANKO: Yeah.

13 COUNCIL MEMBER COMRIE: And there  
14 was one more question, I know other members had  
15 more detailed questions. How many below parking  
16 slots are you going to have?

17 MELISSA PIANKO: Two hundred and  
18 four. And that's what's allowed by the proposed  
19 number of housing units, plus the amount of  
20 commercial space that we're proposing.

21 COUNCIL MEMBER COMRIE: Well it's  
22 impressive that you got overwhelming support from  
23 the Community Board and I just want to  
24 congratulate you on all the work that you've done  
25 to get to this point. It's not easy to get a

1  
2 unanimous vote out of a Community Board, so that  
3 is impressive, so I would just want to  
4 congratulate you on all the work that you've done  
5 to get to this point.

6 MELISSA PIANKO: Thank you.

7 COUNCIL MEMBER COMRIE: Thank you.  
8 Thank you, Mr. Chair.

9 CHAIRPERSON WEPRIN: Thank you.  
10 Mr. Garodnick.

11 COUNCIL MEMBER GARODNICK: Thank  
12 you very much, Mr. Chairman, and I want to echo  
13 the sentiment of Chair Comrie about how unusual  
14 and impressive it is to get a 35 to 0 vote from a  
15 Community Board, and it looks like a very exciting  
16 project.

17 I just want to delve a little  
18 deeper into some of the things that were said, and  
19 we can run through them pretty quickly, they're  
20 really mostly factual questions. The first is, is  
21 this entire site today owned by the City of New  
22 York from parking lot to railroad cut?

23 MELISSA PIANKO: Yes.

24 COUNCIL MEMBER GARODNICK: Okay.  
25 And the Hess Station, of course, is--well is the



1  
2 Hess Station privately owned too or is that also  
3 on city land?

4 MELISSA PIANKO: Privately--

5 [Pause]

6 COUNCIL MEMBER GARODNICK: Also  
7 privately owned, okay. I should note that in the  
8 diagram in the calendar of today's meeting it  
9 shows a smidge of the block being covered by the  
10 territory here, I don't know if that is the only  
11 area that is having the zoning change from M1-5 to  
12 R8, R10, or if it is the entire block minus the  
13 Hess Station that you're seeking modification.

14 MELISSA PIANKO: The entire block  
15 minus the Hess Station is we're seeking  
16 modification.

17 COUNCIL MEMBER GARODNICK: Okay.  
18 So, Mr. Chair, I just think we should note that in  
19 the calendar it looks like it's about, I don't  
20 know, a little more than a third of the block--

21 MELISSA PIANKO: Yeah.

22 COUNCIL MEMBER GARODNICK: --which  
23 is covered, but in fact, it's probably about 85 to  
24 90% of that entire block which is covered by this  
25 rezoning.

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CAROL CLARK: That's correct.

COUNCIL MEMBER GARODNICK: The phasing of the school, you noted that P.S. 51 is part of the purchase--

MELISSA PIANKO: Mm-hmm.

COUNCIL MEMBER GARODNICK: --by Gotham from the City and that you're going to adaptively reuse it for market rate housing--

MELISSA PIANKO: Mm-hmm.

COUNCIL MEMBER GARODNICK: --and that there will be a new school built on 44th Street.

MELISSA PIANKO: Mm-hmm.

COUNCIL MEMBER GARODNICK: Can you give us a sense as to the phasing of the school, where in connection with this project will the school come in?

MELISSA PIANKO: Well the school--

COUNCIL MEMBER GARODNICK: Or when I suppose--

MELISSA PIANKO: Right.

COUNCIL MEMBER GARODNICK: --is really the--

MELISSA PIANKO: Gotham's not

1 building the new school, it's being built by the  
2 School Construction Authority, so we don't control  
3 the timing of it. What we've committed to the  
4 School Construction Authority and HPD is that we  
5 won't take possession of the existing school until  
6 the new school is ready for the students to move  
7 into it, so they'll remain in the existing school  
8 during the construction period. We've also  
9 committed to work with the SCA, with the school  
10 itself, with the Department of Education to be  
11 able to have a task force so that we have controls  
12 for construction and logistics during that time  
13 period, 'cause obviously doing a very large  
14 construction site around an operating school is  
15 going to prove a challenge.

17 COUNCIL MEMBER GARODNICK: So  
18 Gotham is constructing the school?

19 MELISSA PIANKO: No, we're not.

20 COUNCIL MEMBER GARODNICK: School  
21 Construction Authority is constructing the school,  
22 but that is going to be part of the area that  
23 Gotham is buying from the City?

24 MELISSA PIANKO: No, that's going  
25 to be carved out of the area Gotham's buying.

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COUNCIL MEMBER GARODNICK: Okay.

So that's separate--

MELISSA PIANKO: Right.

COUNCIL MEMBER GARODNICK: --okay, so you're not buying the entire area that I described initially from the City, you're buying everything minus the space for the new school.

MELISSA PIANKO: That's accurate.

COUNCIL MEMBER GARODNICK: Okay.

And the cost of the school is being borne by the City?

[Pause]

FEMALE VOICE: SCA can speak to the details of the financing, but thus far we know is that the funding has been set aside for the school and part of the housing fund that is being set aside would be used towards the school.

CAROL CLARK: And the next month, in the March cycle of land use at the Landmarks, Public Siting and Maritime Uses Subcommittee, the School Construction Authority will be here in order to testify, their schedule didn't permit them to be here today.

COUNCIL MEMBER GARODNICK: Okay.

1  
2 But it's a very simple question that I have, I  
3 just want to understand, is Gotham paying for any  
4 or all of the school?

5 MELISSA PIANKO: We're contributing  
6 \$15 million which is going to be--

7 COUNCIL MEMBER GARODNICK: Okay.

8 MELISSA PIANKO: --used to cover a  
9 portion of the cost of the school. My  
10 understanding is the cost of the schools exceeds  
11 that number--

12 COUNCIL MEMBER GARODNICK: Yeah, I  
13 would think so.

14 MELISSA PIANKO: --and that that's  
15 going to be covered in the budget separately.

16 COUNCIL MEMBER GARODNICK: Okay,  
17 good. Okay, just to your site plan for a moment.

18 MELISSA PIANKO: Mm-hmm.

19 COUNCIL MEMBER GARODNICK: There  
20 are buildings of 31 stories, 30 stories, 28  
21 stories on the western end of the site. Are those  
22 the buildings which will include the affordable  
23 housing?

24 MELISSA PIANKO: All of the  
25 buildings onsite will include affordable housing.

1  
2 The towers that you're referring to along 11th  
3 Avenue--

4 COUNCIL MEMBER GARODNICK: Yep.

5 MELISSA PIANKO: --are 80/20s, so  
6 20% of the units will be reserved for renters at  
7 or below 50% AMI and the remaining units will be  
8 at market rate. The other buildings, which are an  
9 L-shaped building here and then the two square  
10 buildings on the railroad cut, those are 100%  
11 affordable and will be rented to people ranging  
12 from 50 to 165% of the Area Median Income.

13 COUNCIL MEMBER GARODNICK: Okay.

14 And what about the 12-story building in between  
15 the 28 and the 14?

16 MELISSA PIANKO: That will be part  
17 of the 80/20.

18 COUNCIL MEMBER GARODNICK: Eighty  
19 twenty also, okay. And the 7-story building on  
20 44th Street?

21 MELISSA PIANKO: Part of the 80/20  
22 as well.

23 COUNCIL MEMBER GARODNICK: Okay.

24 And now the existing P.S. 151, now is that  
25 entirely market?

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MELISSA PIANKO: Entirely market.

COUNCIL MEMBER GARODNICK: Oh,  
'cause that's the only one which is entirely  
market--

MELISSA PIANKO: Exactly.

COUNCIL MEMBER GARODNICK: --  
everything else is either an 80/20 or it's 100%--

MELISSA PIANKO: Right.

COUNCIL MEMBER GARODNICK: --  
affordable. Okay.

MELISSA PIANKO: And that'll only  
be about 40 or 50 units in the end.

COUNCIL MEMBER GARODNICK: Okay.  
The zoning on either side here? I know you all  
are requesting change from N1-5 to R8 and R10.

MELISSA PIANKO: [Interposing] And  
R10.

COUNCIL MEMBER GARODNICK: In the  
surrounding neighborhood here, what is the zoning,  
let's say from 44th to 43rd and from 45th to 46th  
between 10th and 11th?

MELISSA PIANKO: [Off mic] answer--

FEMALE VOICE: Yeah, sure. [Pause]  
Sorry, the zoning to the south--

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COUNCIL MEMBER GARODNICK: Yep.

FEMALE VOICE: --of the rezoning area is currently zoned M1-5 and the zoning to the north of 45th Street, the eastern portion of the block is zoned R8 and the western portion is zoned manufacturing. And to the west of 11th Avenue, it's zoned M2-3.

COUNCIL MEMBER GARODNICK: Okay.

By the way, the western portion of the block between 45 and 46, is that also M1-5?

FEMALE VOICE: Yes.

COUNCIL MEMBER GARODNICK: Okay.

Couple more questions, Mr. Chair, I'm sorry, let me just--just factual stuff here. The \$35 million fund, that's for the new school and for affordable housing elsewhere, you identified 15 million as the portion which is going to the school. The \$20 million is going to affordable housing where? I'll ask that to HPD.

[Off mic]

FEMALE VOICE: Sure. This is as part of, as Melissa had mentioned, it's part of the points of agreements that were laid out with the Hudson Yards development and it has not been



1  
2 determined yet, but the points of agreement states  
3 that it would be used towards the citywide housing  
4 program.

5 COUNCIL MEMBER GARODNICK: Okay.

6 Last two questions, one, you noted that there was  
7 conditional approval by the Community Board which  
8 got you the 35 to 0, what were those--I don't know  
9 if this is a list 100 things or 5 things, you can  
10 help me understand, what were the conditions and  
11 tell me if they were met.

12 MELISSA PIANKO: Sure, the  
13 conditions were that any inclusionary housing  
14 bonuses that we received as a result of the  
15 development be used onsite and not transferred  
16 elsewhere. So to the extent that there is  
17 additional FAR that was permitted because of the  
18 number of low income units we're building, that we  
19 agree not to sell those or develop them elsewhere  
20 offsite, which we were able to do.

21 The second condition was that we do  
22 design and development substantially similar to  
23 the renderings we showed them during the  
24 presentations in the fall, as well as the ones we  
25 showed you today, which are the same renderings.

1  
2 They felt very strongly that we keep the  
3 contextual nature of the area with the red brick  
4 and the punched windows and we were able to commit  
5 to that as well.

6 The third requirement were that we  
7 distribute the low income units or the affordable  
8 units in the 80/20 on at least 80% of the floors  
9 and have no more than 33% of any given floor have  
10 low income units on it. That also applied to  
11 buildings B and C, which are the 100% affordable  
12 buildings, but the distribution there is a moot  
13 point since all the units are affordable.

14 Do you have the letter?

15 FEMALE VOICE: Yeah.

16 [Pause]

17 MELISSA PIANKO: They requested  
18 that we work with SHPO in terms of--or with some  
19 other entity to make sure that the P.S. 51 was  
20 adaptively reused. They've asked that 50% of the  
21 units be two and three bedrooms, family-sized  
22 units, which was not a request we could  
23 accommodate and the reason is that, in order to  
24 fit the full 600 of permanently affordable units,  
25 and particularly to fit the 540 units in the two

1  
2 square buildings on the railroad cut and the L-  
3 shaped building in the middle, it wasn't possible  
4 to increase the unit sizes.

5           They requested that the apartment  
6 finishes be consistent so that all units within  
7 the 80/20 had the same countertops and doorknobs  
8 and that kind of thing. And we've said that, to  
9 the extent it's possible, financially we will do  
10 that, but we're not 100% sure that we're going to  
11 be able to handle that. The project is  
12 financially very stretched, you can imagine in  
13 this market environment financing a million square  
14 foot project is no simple feat and we felt that it  
15 was more important to get it done than to make  
16 sure that all the countertops were the same.  
17 Within buildings B and C, the 100% affordable  
18 buildings, we will be maintaining systematic  
19 finishes throughout.

20           Then they also asked that the  
21 remaining 75 units be permanently affordable and  
22 we're in discussions right now with HPD and City  
23 Council to figure out if there's a way to make  
24 that possible.

25           They wanted the parking to be

1 limited to 204 spaces so that they didn't have  
2 more parking. They asked for the trees to be  
3 planted according to Zoning Resolution 96-51,  
4 which we would do anyway. And they've requested  
5 that the P.S. 51 playground be available during  
6 non-school hours to the public, which is not  
7 something in our control, again, that's the  
8 Department of Education and the school itself.  
9 They requested the 50% of the preferences for the  
10 affordable housing be to residents in the  
11 community, which we were able to commit to.  
12

13 They asked that the \$20 million  
14 affordable housing fund be used in the Hudson  
15 Yards and Chelsea rezoning areas. We don't  
16 control that, again, that's an HPD decision.

17 Oh, and they asked that the  
18 commercial uses be limited to one FAR and that  
19 they not extend back more than 75 feet and we are  
20 only planning to do 17,000 square feet of  
21 commercial, only 10,000 square feet counts towards  
22 the FAR, but since it's above grade, that's well  
23 under one times FAR. And as of right now, we can  
24 commit to the 75 feet.

25 I think that was all.

COUNCIL MEMBER GARODNICK: Great.

Last question is the selection of the developer here, how was that done, HPD?

CAROL CLARK: A request for proposals, which was overseen by the New York City Economic Development Corporation, provided the basis for the selection of the proposed development sponsor, and the Gotham Organization, Inc. is an affiliate of the designated developer that resulted from that competitive selection process.

COUNCIL MEMBER GARODNICK: Great, well thank you, it sounds like a very exciting project and I'm certainly going to vote for it.

CHAIRPERSON WEPRIN: Thank you, Council Member. Council Member Jackson.

COUNCIL MEMBER JACKSON: Thank you, Mr. Chair, and thank you for the presentation.

In response to one of the questions that my colleague asked, I guess the response was that part of the \$20 million housing fund is going to be built for the school. Is that a fact or what? I think someone responded to that.

MELISSA PIANKO: My microphone on?

1  
2 Okay. There's \$35 million that we're paying for  
3 the entire site, \$15 million is being used towards  
4 the school, and the remaining 20 million's being  
5 used for affordable housing.

6 FEMALE VOICE: Citywide.

7 MELISSA PIANKO: Citywide.

8 COUNCIL MEMBER JACKSON: No, I  
9 understand that, but I believe, maybe Carol or  
10 somebody else responded, that he asked how was the  
11 school going to be funded.

12 MELISSA PIANKO: Oh.

13 COUNCIL MEMBER JACKSON: And part  
14 of the response was that some of the housing fund  
15 money was going to be used for the school. Didn't  
16 one of you answer to that?

17 CAROL CLARK: Yeah, and we didn't  
18 want to be misleading in any way, and I apologize,  
19 Council Member Jackson, if we were. The 15  
20 million that is going to towards the school that  
21 Ms. Pianko spoke about will not fund the full cost  
22 of the school, the SCA, the School Construction  
23 Authority and the Department of Education will  
24 have budgeted funds which will take care of paying  
25 for the remainder that is needed. And, as I was

1  
2 mentioning, in next month's cycle of Land Use  
3 hearings, the SCA, they will be here in order to  
4 testify before the Subcommittee on Landmarks,  
5 Public Siting and Maritime Uses on those points.

6 COUNCIL MEMBER JACKSON: No, I'm  
7 aware of that and I clearly understood that, but I  
8 truly believe that one of you responded that part  
9 of the housing fund was going to be used in order  
10 to build the school, am I right or am I wrong in  
11 that?

12 CAROL CLARK: The housing fund is  
13 not going to be used to build the school.

14 COUNCIL MEMBER JACKSON: Okay. So  
15 if, in fact, one of you said that, then that was  
16 mistakenly said then, is that correct?

17 CAROL CLARK: That's correct,  
18 that's why I apologized--

19 COUNCIL MEMBER JACKSON: Okay.

20 CAROL CLARK: --Council Member  
21 Jackson.

22 COUNCIL MEMBER JACKSON: Okay,  
23 okay.

24 [Off mic]

25 COUNCIL MEMBER JACKSON: Now I

1  
2 think in the presentation, the representative from  
3 Gotham had said that behind the school will be a  
4 park and that park will be available for the  
5 residents of that complex.

6 MELISSA PIANKO: [Interposing] Let  
7 me take you through the outdoor spaces again to  
8 make it a little bit more clear 'cause I don't  
9 think I was earlier.

10 COUNCIL MEMBER JACKSON: Just only  
11 for the park.

12 MELISSA PIANKO: Right, so--

13 COUNCIL MEMBER JACKSON: Behind the  
14 school.

15 MELISSA PIANKO: --so the area that  
16 I'm showing with my fingers here behind the school  
17 is the schoolyard--

18 COUNCIL MEMBER JACKSON: Yes.

19 MELISSA PIANKO: --and right now  
20 the School Construction Authority, the Department  
21 of Education, and the P.S. 51 has not yet decided  
22 whether they're going to make that publicly  
23 accessible during off-school hours. Right now, I  
24 believe that they're planning on making it only a  
25 playground for the students in the school, not



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it's a public park.

COUNCIL MEMBER JACKSON: Okay.

Because it's my opinion that that, even though it's a playground and it's a park, it should be made available to the public and not exclusively for that development.

MELISSA PIANKO: Right, well it's actually--

COUNCIL MEMBER JACKSON:

[Interposing] To me, that's very important that all parks and playgrounds be made publicly accessible to the residents of the community and knowing that community, even though when you go further west, there's some park there, but still and all, why should someone have to go by a park when it's right there?

MELISSA PIANKO: I absolutely understand your point, it's actually not part of the site that we're purchasing and so it's not in Gotham's control or HPD's control.

COUNCIL MEMBER JACKSON: I understand--

MELISSA PIANKO: Yeah.

COUNCIL MEMBER JACKSON: --but it

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was part of the presentation.

MELISSA PIANKO: Yeah, I apologize, I was just explaining what I think the SCA is planning to do.

COUNCIL MEMBER JACKSON: Okay. Well I can ask those questions later on next--

MELISSA PIANKO: Absolutely.

COUNCIL MEMBER JACKSON: --week or next month.

MELISSA PIANKO: Absolutely.

COUNCIL MEMBER JACKSON: Okay. Thank you.

CHAIRPERSON WEPRIN: Thank you. Anybody else have any questions? All right, well I want to thank this panel. We do have two panels to speak in favor of the project, so you're excused. We have a--

CAROL CLARK: Thank you.

CHAIRPERSON WEPRIN: --four person panel, Nick, we're going to need one more chair up front there, whoever can handle that. I'd like to call up, representing Senator Tom Duane, Seth Robert Berliner, the senator represents the area and he is in Albany today. Sarah Desmond from

1  
2 Community Board 4, Joe Resstucia, Resstuckia, also  
3 from Community Board 4, and Lucas Shapiro from the  
4 Housing Conservation Coordinators. Okay, ladies  
5 and gentlemen, we're going to put a three minute  
6 limit on the presentations, so we'll set the clock  
7 and run three minutes for each of you and then  
8 we'll ask questions if there are any.

9 We ready, Nick, to start? [Off  
10 mic] keep going? Okay.

11 [Off mic]

12 CHAIRPERSON WEPRIN: Okay. Sorry,  
13 that's all right, sorry [off mic]. Okay, let's  
14 get started.

15 SETH BERLINER: My name is Seth  
16 Berliner, I'll be reading a portion of Senator  
17 Duane's remarks.

18 My name is Thomas K. Duane and I  
19 represent New York State's 29th Senate District,  
20 within which lie the P.S. 51 Gotham West project  
21 site and the surrounding neighborhood of Clinton-  
22 Hell's Kitchen. Thank you for the opportunity to  
23 testify.

24 I want to express my gratitude to  
25 Gotham, HPD, DCP, and SCA for their commitment to

1  
2 working with the community throughout ULURP and  
3 especially for already incorporating some of CB  
4 4's recommendations. I am pleased with many  
5 aspects of the current proposal, but I also wish  
6 to highlight some concerns that remain.

7 I'm delighted that the project will  
8 include the 600 permanently affordable apartments  
9 that the community was promised. Unfortunately,  
10 only 40% of these units will have two or more  
11 bedrooms. While I appreciate that Gotham has  
12 modified its plan to accommodate even that number,  
13 the community and I would like to see at least 50%  
14 of the units be made family-sized. I also  
15 strongly urge Gotham to make the 75 additional  
16 affordable units it plans to build under the 80/20  
17 program affordable in perpetuity.

18 Also, the compromise made on height  
19 in this development highlights the urgency of the  
20 proposed 11th Avenue rezoning and its associated  
21 height limits, and I hope that DCP will move  
22 forward to that rezoning with due speed.

23 Finally, while the proposal for the  
24 new school building is not before you today, it is  
25 clearly an inextricable piece of the Gotham West

1  
2 project. I'm incredibly excited that the  
3 community will finally get the new, upgraded,  
4 larger school it was promised and so deserves, and  
5 I thank P.S. 51 Principal Nancy Sing-Bock, her  
6 staff, and parents for their unyielding advocacy.

7           Still, some parts of the proposal  
8 for this school trouble me. The DEIS estimates  
9 that even with the planned seats at P.S. 51,  
10 elementary schools in the area will be operating  
11 at 194% capacity after the proposed development's  
12 introduction of 162 elementary-aged students,  
13 exacerbating an already terrible problem. Given  
14 that a main goal of this development is increased  
15 educational space, it defies logic that we would  
16 not take full advantage of this opportunity to  
17 remediate a significant shortfall in elementary  
18 school seats. Specifically, I'm perplexed as to  
19 why SCA and DOE continue to consider committing  
20 more than 40% of the new P.S. 51 school seats to  
21 intermediate-aged students

22           Further, I'm disheartened by SCA's  
23 proposal to replace the current playground with a  
24 smaller space when it will have to accommodate the  
25 larger number of students. I have long held that

1  
2 it is crucial that SCA make every effort to find a  
3 way to accommodate a play space on the roof. I  
4 understand that SCA officials have recently  
5 publicly committed to further investigating this  
6 possibility and I look forward to a productive  
7 conversation.

8 Finally, it's imperative that the  
9 P.S. 51 community be fully involved in this  
10 process, and so I urge the creation of a task  
11 force on which P.S. 51 parents, teachers,  
12 administrators, and other concerned parties can  
13 come together to discuss the many important issues  
14 at stake.

15 Again, I commend Gotham, HPD, DCP,  
16 and SCA for their engagement with the community  
17 and for the many positive aspects of this  
18 proposal. There remains room for improvement,  
19 and I look forward to working with all  
20 stakeholders toward that end. Thank you.

21 CHAIRPERSON WEPRIN: Thank you.

22 SETH BERLINER: Just missed, huh?  
23 I was so close.

24 CHAIRPERSON WEPRIN: Thank you very  
25 much.

1  
2 SARAH DESMOND: Good morning, my  
3 name is Sarah Desmond, I am the co-chair of  
4 Community Board 4's Land Use Committee and I'm the  
5 Executive Director of Housing Conservation  
6 Coordinators. We're thrilled to be here before  
7 you to finally bring this project to a close,  
8 which is more than five years in the making,  
9 coming from the Hudson Yard's points of agreement.  
10 There are a number of community benefits that the  
11 Community Board has worked tirelessly with Gotham  
12 and other stakeholders over the past three years  
13 to bring about, which include the 630-seat new,  
14 desperately needed P.S. 51, more than 600 units of  
15 affordable housing, and the affordable housing  
16 development fund that will be developed as a  
17 result of this project.

18 I'm going to focus my testimony  
19 this morning on a few minor modifications that we  
20 are concerned that we would like to see to make  
21 this a better project, but also there are a number  
22 of agreements that have been made along the way  
23 that need to be incorporated into final documents  
24 that may not be within the purview of the ULURP,  
25 but need to be agreed to in separate documents.

1  
2 The Community Board on the  
3 affordable housing has focused on two main issues.  
4 The first is in addition to the 600 units that  
5 have been promised under the Hudson Yards  
6 rezoning, there are additional 75 units that will  
7 be created under the 80/20 program. Our community  
8 district has more units developed under the 80/20  
9 program than any other community in, I think, New  
10 York state. We have a huge number of units and we  
11 have two concerns on those units. The first is  
12 that at the end of the term, 20 or 30 years, they  
13 will expire, so we're going to have a large number  
14 of units that will be expiring at the same time.

15 The second is, because the  
16 distribution of units is required--the affordable  
17 units is required to mirror the market rate units,  
18 we have the market in our community is for studio  
19 and one bedrooms so, therefore, we have a  
20 disproportionate number of affordable units that  
21 are studio and one bedrooms. So this project was  
22 an attempt to try to balance that and create more  
23 family-sized units that are affordable for our  
24 community members.

25 So we ask in this project that the



1  
2 75 additional units be made permanently  
3 affordable. Gotham has indicated that as long as  
4 it doesn't affect their financing, which it should  
5 not because the units will be affordable for the  
6 term of the bond anyway, that they would agree to  
7 this and to our permanency for these units. And,  
8 second, we ask that 50% of the units be made two-  
9 bedroom plus. If they were to make the 75  
10 additional units affordable, they can accommodate  
11 the 50% of the units being two bedrooms, and it  
12 would make it a much better project that fits  
13 within the community.

14 In addition, we had a number of  
15 concerns that were addressed en route or that are  
16 still under discussion. Namely the C2-5 overlay  
17 of which Gotham spoke, that they had agreed to  
18 limit the commercial uses only to the avenue and  
19 not to bring them on the side streets. They've  
20 agreed to that and we just want to make clear that  
21 the site plan is actually very specific to those--  
22 to the commercial uses. And there are a few other  
23 issues that will be addressed by my fellow  
24 Community Board members.

25 Thank you.

[Off mic]

JOE RESSTUCIA: My name is Joe Resstucia, I'm the Co-Chair of the Housing Committee Community Board 4 and Executive Director of Clinton Housing Development Company.

First of all, I do want to thank Gotham and everyone who has worked on this. We have worked for five years on the project, but you should understand, the project was started in 1974, the land was condemned for a new school, which we never saw. It became a Studio City project, television studios, we never saw that, as part of that, and the community fought with the SCA to negotiate additional classrooms, they didn't want any, and now we finally end up with a new school. So it goes back to its original intent and we are extremely happy about this.

It has been a horrible balancing act between height, bulk, massing, unit size. It is not perfect, we're clear about it, that's why we got our unanimous vote, perfection doesn't work on the West side, it's what you can figure out to make work.

I do want to stress what Sarah said

1  
2 about the 75 units, the issue of whether it can  
3 work financially is not about the immediate nature  
4 of it, it's the long-term financial. Gotham is  
5 looking for over the long-term, the upside of  
6 those 75 units. My answer is, this is public land  
7 and it should be used for public benefit, and we  
8 have such little public land in this community, it  
9 must be used in that manner. Remember this is a  
10 give back for Hudson Yards, 12,000 units, the  
11 majority of which will be market rate. So this is  
12 a very important site for us, that we were able to  
13 settle after a very long period of time.

14 I want to thank Gotham for working  
15 with the existing school building and SHPO, so we  
16 actually get the historic preservation happening  
17 there. Again, a very important community  
18 landmark, not useful today for a school, but  
19 certainly should be left for the long memory of  
20 the community.

21 We do want to stress that, although  
22 you're not dealing with the playground today and  
23 the rooftop space, this is a major issue for the  
24 entire community and the P.S. 51 community. I  
25 want to thank Council Member Jackson, the

1  
2 community is absolutely concerned that this  
3 playground be a public space long-term. The SCA  
4 has said they're interested, but they haven't  
5 committed; at our next hearing, we need to have  
6 them commit once and for all.

7 The last piece is, the kids deserve  
8 to be in sun, not just in shadow. How the whole  
9 site plan worked out 'cause of all the  
10 compromises, the school ends up on West 44th  
11 Street--it does mean the playground is in shadow.  
12 However, we can compromise and build some sort of  
13 rooftop playground on top of this school. SCA has  
14 been resistant, they've talk to us about  
15 mechanical equipment, and it's basically been an  
16 obstacle course. We're interested in working with  
17 the Council to settle this going forward, 'cause  
18 the P.S. 51 parents and those kids finally in a  
19 new place do not deserve to be in shadow, they  
20 deserve to have some sort of compromise as we have  
21 had with everything else.

22 So thank you very much for your  
23 attention to this.

24 [Off mic]

25 [Pause]

CHAIRPERSON WEPRIN: Okay. You can restart the clock so we don't have to hear the ding-dong again.

LUCAS SHAPIRO: Good morning everyone. [Off mic] Oh--

CHAIRPERSON WEPRIN: Thank you, Councilman. Shoot.

FEMALE VOICE: Oh, it's on.

LUCAS SHAPIRO: Okay. Good morning everyone, my name is Lucas Shapiro, I am a community organizer at Housing Conservation Coordinators. We work on affordable housing advocacy, tenants' rights, and I've also had the pleasure of working with a number of the community stakeholders over the course of the last several years, especially the parents and faculty and staff and some of the neighborhood residents around P.S. 51, affordable housing site.

I know that we're not primarily focusing on the school today, but in a sense there is a kind of a de facto site selection for the school since we are carving out the entire rest of the site map with the exception of the school. So the school is going to be exactly where it is on

1  
2 the space here and there are some issues that like  
3 to bring up.

4 One is, it's been mentioned is the  
5 timing of the construction at P.S. 51, it's  
6 somewhat unique that there's being a school built  
7 adjacent to a currently functioning school, so  
8 there's some really special concerns that relate  
9 to that. The timing of the construction, as the  
10 school will continue to operate in its current  
11 location onsite, in the middle of the construction  
12 site both projects must proceed on the same  
13 timeline to limit the period of disruptions to  
14 school operations and ensure a smooth transition  
15 to the new school. Other mitigation measures must  
16 include limiting the health impacts on the young  
17 population during construction. There are  
18 elevated asthma rates in this neighborhood and  
19 certainly the demolition, foundation construction,  
20 and all the rest is of special concern for parents  
21 there. P.S. 51 and CB 4 have identified a number  
22 of measures including--and because if there are  
23 additional professional studies about the air  
24 quality issues that will come through  
25 construction.

1  
2           The other is that the school's  
3 playground, which is going to be shrunk,  
4 unfortunately, with this design, will be  
5 inoperable during construction. So there is going  
6 to be another playground location in the immediate  
7 area that's going to need to be identified, and  
8 that needs to happen in addition to securing safe  
9 transport for students to actually get to that  
10 playground during the school day. So the school  
11 and other community advocates are asking that  
12 there be a school crossing guard that can  
13 transport students to the temporary playground.

14           The financial contribution that  
15 Gotham mentioned, the \$15 million that's going to  
16 go to underwrite the construction of P.S. 51, that  
17 must be segregated solely to the construction of  
18 P.S. 51 and not somehow shifted elsewhere in the  
19 process.

20           And lastly the right of the  
21 Department of Education to continue operations at  
22 the existing P.S. 51 until the new facility is  
23 constructed. This must be formalized prior to the  
24 disposition so that there is no other displacement  
25 to a third location of students throughout this

1  
2 construction process.

3 But generally, just in summation,  
4 we're very excited about this project. It has  
5 been great working with community folks throughout  
6 this. Thanks.

7 CHAIRPERSON WEPRIN: Thank you very  
8 much. Any of my colleagues have a question for  
9 the panel? No? Well thank you all very much.

10 We will now be calling up our last  
11 panel, two members of the PTA at P.S. 51--my  
12 eyesight's not very good here--Katherine Consuelo  
13 Johnson, and it looks like Arcelia Vivar Espinoza?

14 FEMALE VOICE: Yeah.

15 CHAIRPERSON WEPRIN: Espinoza,  
16 okay, from P.S. 51. I want to reiterate that we  
17 are not considering the school itself today, and  
18 that will come up at a later date, but these two  
19 parents want to discuss the project as a whole as  
20 it affects their kids in the school. [Pause]  
21 Okay. If you could just state your name and get  
22 started.

23 KATHERINE CONSUELO JOHNSON: Okay.  
24 Hello, hello, my name is Katherine Consuelo  
25 Johnson and I'm a parent of a third grader at P.S.



1  
2 51. I have been on The New School Committee for  
3 the last three years, and I just want to say that  
4 the P.S. 51 community is happy and thrilled to be  
5 a part of the process of building a new school for  
6 our children and future generations.

7           With that being said, here are some  
8 concerns and requests from the P.S. 51 community  
9 about the upcoming development site with Gotham  
10 and School Construction Authority. The current  
11 P.S. 51 requests the formation of a P.S. 51 task  
12 force. This task force would include members from  
13 the SCA, DOE, Gotham, and P.S.51 task force  
14 members. This task force would oversee immediate  
15 issues solely pertaining to P.S. 51. Such issues  
16 are parking for teachers and staff during  
17 construction; P.S. 51 would need a full-time  
18 crossing guard during the entire construction  
19 process; the task force would monitor issues such  
20 as noise pollution, air pollution, traffic, and  
21 parental concerns.

22           The current P.S. 51 community  
23 requests that there is a construction program for  
24 all phases of construction. The current P.S. 51  
25 community requests that the construction program

1  
2 take into consideration the school year and  
3 program demolition and other caustic construction  
4 during summer vacation, not during the school  
5 year.

6 The current P.S. 51 also requests a  
7 smooth transition from one school to another. The  
8 current P.S. 51 also requests that the money  
9 Gotham is contributing to the new P.S. 51 school  
10 be put in a special account fund to be used solely  
11 for the construction of P.S. 51 and nothing else.  
12 The current P.S. 51 also requests that no new  
13 commercial zoning occur on the side streets, 44th  
14 and 45th Street. P.S. 51 requests that the  
15 commercial zoning be limited to the avenue.

16 Today, this Council is selecting  
17 the sites for all the buildings on the property,  
18 except P.S. 51. In selecting these sites, the  
19 fate of P.S. 51 is included. The current P.S. 51  
20 community continues to desire a playground with  
21 sunlight, not the canyon described in the Gotham  
22 blueprints. The current P.S. 51 again requests a  
23 large, sunny schoolyard. We would like back our  
24 entire playground. The current P.S. 51 again  
25 requests a rooftop playground for the students of

1  
2 P.S. 51.

3 P.S. 51 is the Elias Howe school,  
4 P.S. 51 is also a Title 1 school, 65% of our  
5 families are at or below poverty level. Many  
6 parents work and cannot attend many meetings, much  
7 less hearings during the day. Although there are  
8 not many parents here today, we all share the same  
9 sentiments: all parents at P.S. 51 want the  
10 development of 44th and 45th Streets to be safe  
11 for their children and the community.

12 I ask the New York City Council to  
13 please help P.S. 51 have a successful next 30  
14 months of construction. I want to thank you for  
15 reviewing all our requests.

16 ARCELIA VIVAR: Hi, my name is  
17 Arcelia Vivar, I am co-President of the PTA of  
18 P.S. 51. I am parent of three children [off mic]  
19 to P.S. 51 and I'm here today as one of the  
20 representatives of the school P.S. 51 community.

21 While we understand that the  
22 primary focus of today's hearing is not primarily  
23 focused on the new schools zoning, change under  
24 construction will determine that the footprint of  
25 the future school, we have many concerns that

1  
2 arise from the decisions you make based on the  
3 hearing. P.S. 51 community feels as stronger that  
4 the new school should remain a pre-K to fifth  
5 grade and not be changed pre-K to eighth grade.

6 As [off mic] planning from the  
7 report by New York State Senator Tom Duane and  
8 Manhattan Community Board 4 in August 11, 2009,  
9 the following data was presented in the press  
10 conference, which was attended by many local  
11 politicians, neighborhoods, and parents, and the  
12 best case scenario, a planning expansion of P.S.  
13 51 and existing capacity of P.S. 111,  
14 unfortunately, public school enrollment [off mic]  
15 capacity and new developments come online. In  
16 fact, by 2019, [off mic] additional classroom are  
17 created 1,026 elementary school age. A student  
18 will be out seats. We know that projection showed  
19 that there is an extremely shortage of elementary  
20 school seats. There before P.S. 51 is requesting  
21 that the newest school be solely a pre-K to fifth  
22 grade school in order to expand the number of  
23 elementary school seats that we'll need in the  
24 future. This may be our last chance for long time  
25 to solve this problem of elementary school

1 overcrowding on the West side. If don't provide  
2 school seats for pre-K to fifth grade and P.S. 51  
3 the new school building, we may be faced with  
4 overcrowding soon after the new school opens.  
5 Since you are considering the rezoning of this  
6 entire site except for the school, the rezoning  
7 will be in effect [off mic] and the footprints for  
8 the future P.S. 51. The proposed footprints that  
9 Gotham has given the School Construction Authority  
10 of the school and the playground has necessary the  
11 SCA to design a very small, dark playground for  
12 P.S. 51.

14 Okay. Add to all the 12,200 square  
15 feet, the planned playground is much smaller than  
16 current playground which over 16,000 square feet.

17 CHAIRPERSON WEPRIN: Thank you very  
18 much, thank you both. Again, a lot of these  
19 issues are issues that we aren't considering here  
20 today, but luckily we have the Chair of the  
21 Education Committee as part of the panel and I'm  
22 sure he will raise issues to do with this in the  
23 future.

24 He has some questions at the  
25 moment, so Mr. Jackson.

1  
2 COUNCIL MEMBER JACKSON: Thank you.  
3 Well let me first thank you, both as parents  
4 coming in and expressing your opinions on behalf  
5 of the many parents that could not be here because  
6 of other obligations.

7 But my question is, did you raise  
8 these issues or concerns at the Community Board,  
9 and if so, what type of reaction did you get from  
10 the Community Board, knowing that having a  
11 playground that has sunlight and not shadow is  
12 important overall, and knowing that the area that  
13 we're talking about is a heavy commercial area,  
14 there's a lot of trucks and everything, and having  
15 a rooftop playground would be an ideal situation  
16 that could meet two goals: one, having additional  
17 playground space and, number two, having direct  
18 sunlight coming onto the roof? Were these raised  
19 at the Community Board or elsewhere, and what type  
20 of response did you receive, either from Gotham,  
21 the Community Board, or anyone else?

22 ARCELIA VIVAR: Go ahead.

23 KATHERINE CONSUELO JOHNSON: We  
24 have been following the whole process, I, myself,  
25 for the last three years, and we have gone through

1  
2 the Community Board. CB 4 is well aware of where  
3 P.S. 51 stands on sunlight in our playground and  
4 the rooftop. And the last City Council hearing  
5 meeting, we submitted some asks, I think you guys  
6 know what those mean, and one of those was--well  
7 many of those was the rooftop or figuring out a  
8 way to have sunlight in the schoolyard, and  
9 originally, the School Construction Authority was  
10 not even thinking about having a school--a rooftop  
11 and the more CB 4 has helped us, it's now the  
12 School Construction Authority is actually thinking  
13 about maybe perhaps doing a rooftop. From what  
14 I've seen and heard at meetings at P.S. 51,  
15 basically the new school blueprint is done, all  
16 five floors are planned out, it's a beautiful  
17 building. The story is that the roof is, since  
18 the school has such a small footprint, all the  
19 mechanics of the school are on top of the roof,  
20 and that's kind of where we have a problem because  
21 the School Construction Authority has nowhere to  
22 put these mechanics, yet we want a rooftop  
23 playground, we need a rooftop playground. So like  
24 Mr. Resstucia requested, we need to find a way  
25 where both parties--

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[Crosstalk]

KATHERINE CONSUELO JOHNSON: --can come together. So I mean, obviously we're not going to get the playground solved, but I think having a rooftop is a great alternative for the students.

ARCELIA VIVAR: For the kids.

COUNCIL MEMBER JACKSON: And well I guess my last question is, what is the parents' opinion about having the playground or the yard in back available to the public after school hours?

KATHERINE CONSUELO JOHNSON: It's a mixed bag. Honestly, some people feel that it should be part of the community and some people feel that it should solely be for the students. But I really have to add, I mean who would want to hang out in a dark park?

COUNCIL MEMBER JACKSON: Well, quite frankly, the--

KATHERINE CONSUELO-JOHNSON: You know? I mean--

COUNCIL MEMBER JACKSON: --if there's basketball parks and if kids can ride their bike from the community and rollerblade--



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KATHERINE CONSUELO JOHNSON:

[Interposing] It's half a basketball court--

COUNCIL MEMBER JACKSON: But

whatever--

ARCELIA VIVAR: Well that's--

COUNCIL MEMBER JACKSON: --but

whatever--

ARCELIA VIVAR: --that's a really a  
small playground.

COUNCIL MEMBER JACKSON: Fine, but  
whatever locations are, I've played stickball and  
I've played against a wall, all kind of stuff can  
be done in space, and so I was just wondering what  
was the parents' view as far as whether or not  
they want to close it and keep it locked up after  
school or open it up to the community.

ARCELIA VIVAR: Well don't be lock  
because there's an after school too in P.S. 51--

KATHERINE CONSUELO JOHNSON:

[Interposing] Yeah, we have an after school  
program.

ARCELIA VIVAR: --they close at  
like 6 o'clock in the afternoon, so there's no--  
all day Monday through Friday.

1  
2 COUNCIL MEMBER JACKSON: Yes, I  
3 understand.

4 ARCELIA VIVAR: Yes.

5 KATHERINE CONSUELO JOHNSON: And  
6 also--

7 COUNCIL MEMBER JACKSON: But  
8 there's after the school uses it, there's all  
9 weekends, and in summertime, it gets dark about  
10 quarter to nine.

11 KATHERINE CONSUELO JOHNSON: You're  
12 absolutely right.

13 COUNCIL MEMBER JACKSON: Okay.

14 KATHERINE CONSUELO JOHNSON: One of  
15 the concerns was--

16 COUNCIL MEMBER JACKSON: Okay,  
17 okay.

18 KATHERINE CONSUELO JOHNSON: --that  
19 the way--

20 COUNCIL MEMBER JACKSON:  
21 [Interposing] And there are lights, too.

22 KATHERINE CONSUELO JOHNSON: --the  
23 entrance into the playground, you kind of--it's  
24 just we can't really visualize how the public  
25 would get in because the entrance is so small to

1  
2 the playground. Can you see the orange new school  
3 and then--so there's the school and then you have  
4 this narrow, little parkway or just hallway into  
5 the schoolyard so--

6 COUNCIL MEMBER JACKSON:

7 [Interposing] Well then that's an issue.

8 KATHERINE CONSUELO JOHNSON: That's  
9 something we need to figure out together as a--

10 COUNCIL MEMBER JACKSON: Right.

11 KATHERINE CONSUELO JOHNSON: --  
12 community.

13 COUNCIL MEMBER JACKSON: Okay.  
14 That's an issue.

15 KATHERINE CONSUELO JOHNSON: Yeah.

16 COUNCIL MEMBER JACKSON: Okay.  
17 Thank you.

18 KATHERINE CONSUELO JOHNSON: Thank  
19 you.

20 COUNCIL MEMBER JACKSON: I mean, my  
21 final comment, since we're dealing with city land  
22 and we're dealing with the community, I just,  
23 overall, feel that it needs to be accessible to  
24 the community when it's not being used by the  
25 primary users.

1

KATHERINE CONSUELO JOHNSON:

2

Absolutely.

3

COUNCIL MEMBER JACKSON: Period, no

4

ands, if, or buts. Thank you.

5

KATHERINE CONSUELO JOHNSON: Thank

6

you.

7

CHAIRPERSON WEPRIN: Anybody else

8

have any questions for these two? No, you're

9

good, okay, you can get out, I'm sorry. Thank you

10

very much for coming.

11

[Pause]

12

Okay, we're going to close the

13

hearing. [Pause] Okay, I'm going to close this

14

hearing and turn off my mic for a second and hear

15

what it is they're whispering behind me. [Long

16

pause] Okay. All right, we're just--

17

[Off mic]

18

[Pause]

19

CHAIRPERSON WEPRIN: Okay. We're

20

going to wait one second until we get a quorum

21

back in the room, I see. [Long pause] Okay. In

22

the meantime, we are going to couple the items

23

that we just heard, the LU 29, which is--LU 29 and

24

30--excuse me, 28, 29, 30, 31, and 32, which were

25

1  
2 the project we just heard about. And the two  
3 cafes, the two sidewalk cafes, LU 33, Lovely Day  
4 in Community Board 2, 20105118 and LU 34, Ivy's  
5 Bistro, Community Board 1, number 20105167.

6 [Off mic]

7 CHAIRPERSON WEPRIN: Okay. Okay,  
8 the Chairman is going to recommend an aye vote on  
9 all these coupled matters. I will ask the Counsel  
10 to please call the roll and then announce the  
11 final result at the end.

12 FEMALE VOICE: Jimmy Vacca is on  
13 his way up.

14 [Pause]

15 CHRISTIAN HYLTON: Christian  
16 Hylton, Counsel to the Committee. Chair Weprin.

17 CHAIRPERSON WEPRIN: Aye.

18 [Pause]

19 CHRISTIAN HYLTON: Council Member  
20 Comrie.

21 COUNCIL MEMBER COMRIE: Aye on all.

22 CHRISTIAN HYLTON: Council Member  
23 Jackson.

24 COUNCIL MEMBER JACKSON: Mr. Chair,  
25 may I be excused to explain my vote?

CHAIRPERSON WEPRIN: Mr. Jackson to explain his vote.

COUNCIL MEMBER JACKSON: Thank you. While I listened to the presentations and I support moving forward, my concerns are about the school and the funding for the school and also the use of the playground and the issues and concerns that the parents raised as far as the shadow and about the playground on top of the school. I know that that is not part of this particular vote, but in some respects, it is, because if in fact we're approving the entire rezoning, in fact, I would liked to have seen the other stuff come first and then for us to vote on this, but it is not my district. I understand the Community Board approved it with conditions and those conditions were satisfied, and I understand the Council Member whose district it's in, Council Member Quinn, our Speaker, approves of it. I approve it with the reservations of which I stated and hopefully those issues and concerns will be dealt with when we vote on the end of other Subcommittee of Land Use and subsequently the Land Use Committee.

2 With that reservation, I vote aye  
3 on all.

4 CHRISTIAN HYLTON: Council Member  
5 Seabrook.

6 COUNCIL MEMBER SEABROOK: Aye on  
7 all.

8 CHRISTIAN HYLTON: Council Member  
9 Vann.

10 COUNCIL MEMBER VANN: Aye.

11 CHRISTIAN HYLTON: Council Member  
12 Garodnick.

13 COUNCIL MEMBER GARODNICK: Aye.

14 CHAIRPERSON WEPRIN: And we're  
15 going to hold open the rolls for 15 minutes in  
16 order to have someone whom stepped out.

17 CHRISTIAN HYLTON: By a vote of six  
18 in the affirmative, none in the negative, no  
19 abstentions, LU 28, 29, 30, 31, 32, 33, and 34 are  
20 approved and referred to the full Land Use  
21 Committee.

22 CHAIRPERSON WEPRIN: Thank you very  
23 much. And the meeting is not adjourned yet, yes.

24 [Off mic]

25 FEMALE VOICE: --Vacca comes--

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[Off mic]

[Pause]

CHAIRPERSON WEPRIN: Okay. No, I'll wait, okay. All right, well thank you all very much.

[Long pause]

SERGEANT-AT-ARMS: Excuse me, but can you take your conversations outside, please? We have another meeting about to start. Thank you.

[Long pause]

[Off mic]

[END TAPE 1002 SIDE A]

[START TAPE 1003 SIDE A]

MALE VOICE: Council Member Vacca.

COUNCIL MEMBER VACCA: I vote aye.

CHRISTIAN HYLTON: Vote now stands seven in the affirmative, none in the negative, no abstentions.

CHAIRPERSON WEPRIN: Terrific. Now I will make a motion to adjourn the meeting. Thank you.



C E R T I F I C A T E

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

Signature Tammy Wittman

Date March 10, 2010