

CITY COUNCIL
CITY OF NEW YORK

-----X

TRANSCRIPT OF THE MINUTES

of the

LAND USE SUBCOMMITTEE ON ZONING AND FRANCHISES

-----X

March 31, 2009
Start: 10:10am
Recess: 12:32pm

HELD AT: Council Chambers
City Hall

B E F O R E:
TONY AVELLA
Chairperson

COUNCIL MEMBERS:
Simcha Felder
Eric N. Gioia
Robert Jackson
Melinda R. Katz
Helen Sears
Albert Vann

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

Amanda Burden
Chair and Director
City Planning Commission

Howard Slatkin
Deputy Director for Strategic Planning
Department of City Planning

Michael Kent
Urban Planner
Manhattan Borough President, Scott Stringer

Laura Manville
New York Chapter of the American Institute for
Architects

Zachery Bernstein
Zoning Committee Chair
American Planning Association

Kyle Wiswall
General Counsel
Tri State Transportation Campaign

Peter Golwasser
General Counsel
Transportation Alternatives

Bernie Carr
Executive Director
New York State Association for Affordable Housing

Fernando Terado
District Manager
Community Board 7

Raymond Levin
Land Use Counsel
Wattell and Waizer

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

Joe Restuccia
Land Use Committee Chair
Community Board 4

Vashaan Trakabardy
Executive Vice President
Related Companies

Melanie Myers
Attorney
Freed, Frank, Karish, Shriver and Jacobson

Seth Berliner
Legislative Aide
State Senator, Thomas K. Duane

Medina Napier
District Aide
Assembly Member, Richard N. Gottfried

John Daniel Nolan
Chair, Member
Manhattan Community Board 4, Hudson Yards Community
Advisory Committee

Peter Mullen
Director of Planning
Friends of the High Line

Jan Levy
Charter Member
Friends of the High Line

Kathleen Crowley
Member
Friends of the High Line

Stephanie Schuman
Member
Friends of the High Line

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

Marina Hung
Volunteer, Supporter
Friends of the High Line

Terri Kullemore

Suzanne Davis

Lois Roos

Jonathan Goldman
Graduate Student
New York University

1
2 CHAIRPERSON AVELLA: Good morning
3 everyone. I'd like to call this meeting on the
4 sub committee of Zoning and Franchises to order.
5 Joining me are members of the committee, Council
6 Member Simcha Felder, Helen Sears, Melinda Katz
7 and Al Vann. I do expect other members to come as
8 we proceed. We're going to try and skip around
9 the agenda so that we can fit as many people in
10 the room on any one particular item.

11 The first item we will be
12 discussing is the citywide bicycle parking text
13 amendment, 9090191ZRY. I see we have Commissioner
14 Amanda Burden from the Department of City Planning
15 here to do the presentation. Welcome
16 Commissioner.

17 AMANDA BURDEN: Thank you. Thank
18 you so much for having me and good morning to you
19 Chair Avella and Chair Katz, I believe too, and
20 distinguished members of the Zoning Committee. It
21 is certainly a pleasure to be here with you to
22 discuss the Department of City Planning's citywide
23 bicycle parking text amendment.

24 I am joined by Howard Slatkin, the
25 Department's Deputy Director for Strategic

1
2 Planning and also Steven Johnson who is our
3 Project Manager for this initiative. I'm
4 delighted to be here to discuss the proposed
5 citywide text amendment which would encourage
6 bicycle ridership by providing a long term and
7 secure place to store bikes at home and at work.

8 Biking is an important part of the
9 Mayor's plan to make New York the greenest city in
10 the nation. The more we get people out of their
11 cars and on to bikes, the healthier the city will
12 be. City Planning studies and surveys have
13 consistently found that the lack of safe and
14 secure bicycle parking is a leading factor to
15 prevent people from cycling to work. In addition,
16 the lack of bicycle storage facilities in
17 residential buildings can make bicycle ownership
18 difficult and impractical.

19 The Department of City Planning
20 proposes a text amendment to require indoor,
21 secure long term bicycle parking in new
22 residential buildings with ten or more apartments.
23 All schools, hospitals, office, stores over a
24 certain size. The proposal also proposes to
25 require new public parking garages to provide one

1
2 bike space for every ten cars. The new zoning
3 would require that bicycle parking spaces be
4 enclosed, secure and accessible to the designated
5 users such as residents, employees or in the case
6 of public parking garages, the general public.

7 It is important to note that we
8 have designed the program to give property owners
9 as much flexibility as possible in meeting the
10 requirements. The amount of space that would be
11 required for bicycle parking is very small in
12 relationship to the overall size of the building.
13 For instance, a 50 unit residential building would
14 require space for 25 bikes. It could be
15 accommodated in as little as 150 to 375 square
16 feet. Or an office building with three quarters
17 of a million square feet, 750,000 square feet
18 could accommodate 100 bike parking spaces with
19 only 600 square feet. Since these requirements
20 will be applicable only to new construction or
21 substantial rehabilitations, these small areas can
22 easily become a part of the initial building
23 layout.

24 In addition, to ensure new
25 requirements do not encumber new developments

1
2 required bike parking would not count against the
3 permitted floor area. Howard will now take you
4 through the zoning text amendment and describe the
5 modifications the City Planning Commission made to
6 the proposal. As Howard will explain, in response
7 to issues raised about impacts on affordable
8 housing, the Commission modified the proposal to
9 enable requirements to be reduced or waived where
10 the HPD Commissioner determines the required
11 spaces would conflict with limitations on
12 available subsidies.

13 I ask for your support on this
14 zoning text amendment. Through its passage, the
15 City Council and the administration make another
16 important step towards making New York a more
17 sustainable city. Howard.

18 HOWARD SLATKIN: I'm now going to
19 go walk through the packet that the Council
20 Members have in front of them starting on page
21 two, which begins with background about bicycle
22 planning in New York City, which started in large
23 part due to the 1991 Iced Tea Act, which provided
24 federal funding for bicycle planning. With that
25 federal funding, the Department and DOT put

1
2 together among other things, a comprehensive
3 bicycle master plan for a network of 909 miles of
4 bicycle facilities throughout the city. There are
5 a number of other elements as well, including the
6 cycling map, which over a million copies have been
7 distributed for free to date.

8 On page three, we outline some of
9 the other citywide policies that this proposal
10 supports including a number of the elements in
11 PlaNYC, encouraging build out of the full bicycle
12 network and providing a variety of bicycle
13 facilities to support bicycle ownership and usage
14 around the city, specifically bicycle parking.
15 Also noting the DOT's strategic plan has targets
16 of doubling bicycle commuting by 2015 and tripling
17 by 2020, as well as installing 5,000 outdoor bike
18 racks to serve as sort of short term parking needs
19 around the city.

20 As Chair Burden mentioned, City
21 Planning studies shown that a top reason cited by
22 cyclists for not commuting to work by bicycle is
23 the lack of secure storage facilities at the work
24 place. That is one of the core purposes of the
25 proposal.

1
2 Page five describes trends in
3 cycling and also the expansion of the cycling
4 network around the city. The chart on the left
5 describes the miles of new bicycle facilities
6 added over the past roughly decade or so and
7 illustrates how since 2006 the number of lane
8 miles being added to the bicycle network have
9 increased dramatically as a result of DOT's
10 effort.

11 The chart on the right shows that
12 DOT's counts of cycles, bicycles entering the
13 Manhattan core has steadily increased over the
14 past 20 years, but specifically in the last year
15 that this indicator went up by 35% between 2007
16 and 2008 and more than doubled between 2000 and
17 2008.

18 Page six describes the two basic
19 types of bicycle parking facilities, class one and
20 class two. Class two are generally on street
21 racks that you see that DOT installs through its
22 City Racks program. They are generally oriented
23 towards shorter term usage or less secure
24 facilities that are class one. This proposal
25 focuses almost exclusively on the provision of

1
2 these secure, indoor, weather protected facilities
3 shown at the top of the page.

4 These facilities serve a variety of
5 trips and purposes on page seven, the right hand
6 side of the page shows that they're secure long
7 term storage at home, at the work place and also
8 general purpose storage in public garages are part
9 of this proposal. On the left side, it shows
10 short term parking with class two facilities,
11 which includes the on street racks that DOT
12 administers as well as outdoor parking spaces that
13 are required as part of the recently adopted
14 commercial parking lots text amendment.

15 The goals of the proposal are to
16 serve the millions of cyclists, specifically with
17 providing facilities in multi family residential
18 buildings where bicycles are stored most of the
19 time. In commercial and community facilities
20 oriented towards employees rather than towards the
21 general public but to support specifically bicycle
22 commuting. In public parking garages as a general
23 purpose resource and to carefully balance the
24 needs of cyclists with the needs of buildings and
25 development, allowing flexibility in the ways that

1
2 parking can be provided. Exempting facilities
3 from floor area and enabling waivers of the
4 requirements for small buildings and where special
5 conditions warrant.

6 There are a number of technologies
7 that can make bicycle parking more space
8 efficient. Page nine shows a range of them.

9 There are a number of inexpensive types of storage
10 facilities that allow bicycles to be stored
11 vertically as well as horizontally.

12 Page ten outlines how much space it
13 takes to park a bicycle. Our estimates and our
14 proposal is oriented towards the maximum space it
15 requires to store a single bicycle would be 15
16 square feet in a bicycle room that allows room for
17 both the bicycle as well as aisles, door swings
18 and other necessities in a bicycle room. But this
19 number can be reduced to significantly less
20 through these more efficient vertical storage
21 systems, to we believe as little as 6 square feet
22 per bicycle.

23 Page 11 describes the variety of
24 locations that bicycle parking may be provided.
25 Generally we have found that it's provided in

1
2 cellar of residential buildings. Also in
3 commercial buildings, but it can be located on the
4 loading dock but other areas that are convenient
5 to building operations.

6 The basic requirements that are
7 part of the proposal on page 12, they would
8 require 15 square feet per bicycle parking space,
9 which could be reduced to as little as six feet
10 through the use of efficient parking system. The
11 requirements would apply to new buildings, to
12 enlargements of 50% or more or to residential
13 conversions of non-residential buildings. Basic
14 security standards would apply to spaces. They
15 must be enclosed, secure and accessible to the
16 designated user whether it's a resident or an
17 employee. And required spaces would not count
18 towards floor area up to the maximum amount
19 required.

20 Page 13 begins to describe the
21 requirements for specific uses. The proposed
22 requirements for residential uses is one space per
23 two units. The diagram shows a 16 unit building
24 where 8 bicycle spaces would be required. They
25 could be located in the cellar, access through the

1
2 garage or through other means to the building.
3 Smaller buildings would be eligible for a waiver
4 because the provision of common bicycle facilities
5 requires access to common area within the
6 building.

7 We believe it's appropriate to
8 waive the requirement for buildings with ten or
9 fewer units. This includes buildings that are
10 accessed separately on the same zoning lot because
11 this is oriented towards the accessibility of the
12 common space. The example shown here shows a
13 collection of three unit row houses, a total of 21
14 units but each row house contains fewer than 10
15 units. Each of them would waive out of the
16 requirement.

17 The proposed requirement for office
18 space is one space per 7,500 square feet of floor
19 area or a number that's roughly commensurate with
20 3% of employees. The example shown here is a very
21 large office tower of 1.7 million square feet
22 where a total of 227 bicycle spaces would be
23 required, covering between 1,300 and 3,400 square
24 feet of space. This amounts to roughly 2% or 3%
25 of the floor plate of one of the cellar floors.

1
2 CHAIRPERSON AVELLA: This room is
3 not conducive to having a large amount of people
4 and if there's just one or two conversations it
5 really interferes with the presentation. This is
6 a very important proposal for the City of New York
7 so I ask for everybody, please, cooperation. If
8 you need to have a conversation, please take it
9 outside. I would ask the Sergeant at Arms to
10 close the door. There's too much noise coming
11 from outside.

12 MR. SLATKIN: The waiver of
13 provisions for small office buildings would allow
14 requirements of three or fewer spaces to be
15 waived. That means that buildings with 26,250
16 square feet or less with office space would have
17 the requirement waived.

18 Page 17 shows the requirement for
19 retail and most other commercial uses is one space
20 per 10,000 square feet of floor area. For uses
21 such as theatres or entertainment facilities with
22 a lower employment density, the requirement is one
23 space per 20,00 square feet. The same waiver
24 provision with three spaces or fewer would apply.
25 The next page just shows an illustration of a

1
2 waiver of how a retail development of less than
3 35,000 square feet, the requirement would be
4 waived.

5 Page 19 describes public parking
6 garages. The requirement that is proposed is one
7 bicycle space per ten vehicle spaces. The
8 requirements would apply to garages with more than
9 three bicycles spaces required, which is 35
10 vehicle spaces. For community facilities, the
11 requirement of one space per 10,000 square feet
12 would apply to most community facilities with up
13 to three spaces permitted to be waived.

14 For universities and colleges, a
15 slightly different requirement is proposed of one
16 space per 5,000 square feet of floor area, with up
17 to half of those spaces permitted to be located
18 outdoors as opposed to the indoor parking required
19 for other uses. This is to reflect the nature of
20 the varied use of university facilities, the blend
21 of the students, staff and faculty that uses the
22 spaces. For dormitories, one space would be
23 required per 2,000 square feet. This was the
24 subject of a mission modification in order to make
25 the requirement more easily administered to put it

1
2 in square feet rather than a reference to the
3 number of beds in a dormitory.

4 On page 21, manufacturing and semi-
5 industrial uses there would be no requirement but
6 permitted would be up to one space per 10,000
7 square feet of floor area eligible for the same
8 floor area exemptions for other uses.

9 On page 22 accessory parking
10 garages where provided would be subject to this
11 requirement. Either the requirement for the use
12 or the requirement of one space per ten vehicle
13 parking spaces would apply, which ever is greater.
14 So in the example shown, a 47,000 square foot
15 retail development would generate five space
16 requirement. But the 280 space accessory parking
17 garage shown would generate a 28 space requirement
18 and the latter requirement would apply.

19 Sites that have sub surface or to
20 other below ground infrastructure conditions that
21 would make providing bike parking spaces
22 infeasible are eligible for a City Planning
23 Commission authorization for the waiver or the
24 reduction of the number of spaces. Again, based
25 on those physical conditions that would occur on

1

2

those sites.

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

In addition, as Chair Burden mentioned, the Commission modified the proposal to allow the waiver or reduction for affordable housing developments where the provision of bicycle parking spaces would require the construction of additional space that would conflict with the limitations on subsidies. The HPD Commissioner could find that the requirement would conflict with subsidy limitations and the provisions could then be reduced or waived as needed.

Other modification I'd like to highlight on page 25 was a reduction in the requirement for not for profit residences for the elderly. The proposed requirement is reduced from the residential requirement of one space per two units to the community facility requirement of one space per 10,000 square feet. The Commissioner believes that the reduction in spaces is appropriate to the nature of these types of facilities. The remaining portion of the packet consists of a quick reference chart that describes the requirements for each of the uses.

CHAIRPERSON AVELLA: Thank you.

I'm sort of familiar with the proposal because we actually had a private briefing but I know my colleagues have some questions. But the first question that I have and I mentioned it when we had the briefing, Commissioner, is a general comment. I had basically the same comment when we did the stairwells text amendment is we're doing this for a good reason and we're changing construction in an entire city.

If we're doing it for a good reason and it's something that's necessary why, once again, are we going to give developers the opportunity to exclude this part of the building from the floor area ratio. We're making tremendous efforts to try to make construction contextual fitting with the context of the character and the genre of the neighborhood. But it seems like this is now the second text amendment where we're making it citywide, we're doing something in the interest of the public but we're giving the developers, in effect, a bonus by not charging towards the floor area ratio. And I have a real philosophical issue with that. I

1

2 think it's a good proposal but I don't think we
3 should reward developers for doing the right
4 thing. I don't know if you want to comment.

5

MS. BURDEN: Of course, of course
6 and Howard will probably comment in a smarter way.
7 But for the most part we believe that these
8 parking rooms, these bike rooms will be in the
9 basement and that doesn't count against floor area
10 in any case and they're also very small. They're
11 very compact, that's why we did those numbers.

12

So we think for the most part there
13 will not any exemption of floor area because it
14 will be below grade and it is very small. I do
15 want on that, Howard.

16

MR. SLATKIN: The one thing that I
17 would add is that one of the efforts that the
18 Department has made in this proposal is to treat
19 bicycle facilities on a more equal footing with
20 automobile parking facilities. And automobile
21 parking facilities are up to limitation eligible
22 for exemption from floor area. So we thought it
23 was appropriate to extend the same provisions to
24 the bicycle area.

25

CHAIRPERSON AVELLA: Good answer.

1
2 I still disagree. Because what happens is little
3 by little these exemptions are going to start to
4 build up. A couple of years from now we're going
5 to be looking at and complaining about all of
6 these loopholes we just created. Council Member
7 Al Vann, you have some questions.

8 COUNCIL MEMBER VANN: No, only one
9 and maybe it's a clarification. Good morning,
10 Commissioner, Deputy.

11 MS. BURDEN: Good morning Council
12 Member Vann.

13 COUNCIL MEMBER VANN: In your
14 statements and in your remarks you mentioned that
15 these requirements would be applicable only to new
16 construction or substantial, I guess, renovations.

17 MS. BURDEN: Yes.

18 COUNCIL MEMBER VANN: How do you
19 define substantial renovations?

20 MS. BURDEN: I'll give that over to
21 Howard, more than 50%.

22 MR. SLATKIN: Exactly.
23 Enlargements of 50% or more for most buildings
24 though it would include residential conversion of
25 non-residential buildings where access to the

1
2 building has to be reconfigured for good purposes
3 anyhow.

4 COUNCIL MEMBER VANN: The 50% of
5 any renovation, that is of what scale?

6 MR. SLATKIN: It doesn't depend on
7 the scale of the building but it's an increase of
8 50% in the existing floor area. So if the
9 building today is 10,000, expanding it to more
10 than 15,000 square feet would trigger the
11 requirement.

12 MS. BURDEN: And it has to be more
13 than ten units.

14 MR. SLATKIN: That's right. And
15 then enlargement itself would have to be more than
16 ten units in order to qualify.

17 CHAIRPERSON AVELLA: Council Member
18 Sears.

19 COUNCIL MEMBER SEARS: Thank you
20 Mr. Chairman. I just have a concern about waive
21 of requirements for buildings for ten or fewer
22 units because in many parts of the city there are
23 the ten units and then right on the upper floor,
24 and it's not a penthouse, if you think in terms of
25 a very luxurious penthouse, it brings the units to

1
2 11. Which in many cases could really separate
3 communities because of the architecture and the
4 zoning of those buildings. So I would really have
5 to ask you to look at that. Because when these
6 areas are affecting by having a new building and
7 in keeping with the architecture that is there,
8 they're not going to be able to do that. Because
9 so many of the designs will include that 11th
10 residential unit.

11 MS. BURDEN: So you're suggesting
12 that you lower the waiver?

13 COUNCIL MEMBER SEARS: No, I'm
14 suggesting that you consider 11 and below.

15 MS. BURDEN: 11 and below.

16 COUNCIL MEMBER SEARS: Only because
17 it would affect so much of residential areas and
18 areas that I know and I know are throughout the
19 city. So if the new architecture, with the new
20 structures going on, they would not be able to
21 have a waiver and not that they shouldn't so it
22 would make it difficult. I support. This is a
23 good and I know the city's been doing this and it
24 should be done and a long time.

25 But I think that we ought to have

1
2 to be careful at what are the buildings in the
3 rest of the city because we need to separate
4 ourselves from these very high rises as well as
5 what makes the communities maintain their
6 architecture by the fact of how many units they
7 have. And there are so many that are 11, actually
8 10 but they're 11. They don't go any higher
9 because that floor then became the penthouse.

10 MS. BURDEN: Let me turn to Howard
11 because I know he studied the type and why we
12 actually picked ten.

13 COUNCIL MEMBER SEARS: Because I
14 can tell you communities are going to have a
15 problem with that in Jackson Heights.

16 MR. SLATKIN: An 11 unit building
17 under the proposal would have six bicycle spaces
18 required, which would take up between 30 and 75
19 square feet of space under the parameters of the
20 proposal. Our belief based on our analysis of
21 different buildings types is that once you have a
22 building that has more than 10 units, there's the
23 ability to access a common area and the size of
24 the common area is very modest. 75 square feet is
25 a very small in relation to that--

1

2

COUNCIL MEMBER SEARS:

3

[interposing] Well then I don't think you've been

4

to Jackson Heights and I don't think you've been

5

to parts of Western Queens because you would find

6

that's not the case. I just think that I'm asking

7

you to reconsider and look at what can be a real

8

cumbersome thing in areas where 11 units are

9

really actually kind of 10 in the up--

10

MS. BURDEN: [interposing] We will

11

look at that.

12

COUNCIL MEMBER SEARS: Because I

13

think that's key to the areas that maintain, that

14

we have the ten and you will find that. So I

15

appreciate that. Can we discuss that?

16

MS. BURDEN: We will definitely

17

look at that and we'll discuss it on staff level

18

and get back to you.

19

COUNCIL MEMBER SEARS: Thank you.

20

Thank you very much.

21

CHAIRPERSON AVELLA: Council Member

22

Vann.

23

COUNCIL MEMBER VANN: One further

24

clarification, I assume that the effective date

25

would be after the text amendment has been passed

1
2 or adopted. There have been a lot of starts for
3 new construction renovation and they have been put
4 on hold. If they were to start after, assuming
5 this text amendment was adopted, if they were to
6 restart after this text amendment has begun, would
7 that be applicable.

8 MS. BURDEN: No, it would not and
9 that's a very good question. In fact, any project
10 that sort of has--and Howard will again refine my
11 statement. But for us, any project that has begun
12 an application at City Planning or maybe
13 elsewhere, it won't be applicable because they've
14 already drawn their plans.

15 The whole idea of this is with new
16 builders who are drawing your basement first and
17 then that can easily incorporate this small
18 amount. But you can't go back again; you have to
19 redo the whole building. But let me turn it to
20 Howard because he's the expert.

21 MR. SLATKIN: The provision that
22 we've incorporated in the text amendment is that
23 building permits that have been issue prior to the
24 effective date of the amendment would remain
25 valid. We wouldn't be sending people back to the

1
2 drawing board to reconfigure the access to
3 existing buildings. Projects that have special
4 permits or other approvals for City Planning or
5 the BSA would not, similarly, as of the date this
6 was initiated would not have to be redesigned
7 based on this.

8 CHAIRPERSON AVELLA: Well now I
9 have a question. I'll wait until he's-

10 MR. SLATKIN: Actually one of the
11 specific uses, there are some types of facilities
12 such as hospitals, that have a long application
13 process that they've been going through and the
14 facilities have been designed well before the time
15 that they actually commence construction. We
16 wanted to recognize that appropriately within the
17 text amendment.

18 CHAIRPERSON AVELLA: Has this been
19 done before because this goes in the opposite
20 direction of what we would normally consider, a
21 developer or project being vested so this is
22 totally different. Now you're saying that there's
23 something in the proposal that in effect if they
24 just have the permit, even if they haven't put a
25 shovel in the ground. That is certainly different

1
2 than what we've done before. I'm a little
3 concerned. I was unaware of this because this
4 sets a precedent.

5 Are we now going to do this for
6 every rezoning or every text amendment as opposed
7 to actually getting things in the ground. Because
8 it's way too easy for a developer just to get a
9 permit and say, well I've got the permit I
10 shouldn't have to go by the new zoning. You could
11 extrapolate this argument now to every rezoning
12 that we do. Have we done this before? I don't
13 think we have.

14 MR. SLATKIN: There have been
15 different types of vesting provisions and
16 grandfathering provisions put in place. This is
17 not unique. It is not something that's been done
18 as part of every proposal and I don't think we'd
19 expect this to be done as part of every proposal.
20 But it in part addresses every unique
21 circumstances about construction at the moment as
22 well as the longer nature of the approval process
23 for some of these facilities that we were
24 specifically trying to address.

25 CHAIRPERSON AVELLA: But one could

1
2 make that argument for any rezoning that we do and
3 this becomes a big issue. In many neighborhoods
4 where we do the rezoning and developers are
5 rushing to beat in the clock to beat the zoning so
6 what's the difference in this situation? I'm not
7 hearing the difference.

8 MS. BURDEN: I think we'll have to
9 get back to you on that. I understand the
10 intention is not to have to redraw your plans.

11 CHAIRPERSON AVELLA: But we do that
12 in other situations.

13 MR. SLATKIN: And we're not
14 proposing-

15 CHAIRPERSON AVELLA: [interposing]
16 We're not going to resolve this now but I got to
17 tell you-

18 MS. BURDEN: [interposing] Well
19 then why don't we get back to you and what we're-

20 CHAIRPERSON AVELLA: [interposing]
21 What I'm going to do is because of my concern now
22 and Helen's, I'm going to lay the vote over on
23 this because I'm concerned about that. I was
24 unaware that this was in this application. We
25 need to have some follow up conversation.

1
2 MR. SLATKIN: I can add one thing
3 and we can certainly get a more complete response
4 to you in the future. But one of the things is
5 that this is not like a rezoning where we're
6 proposing a dramatically different type of
7 development. This is the proposal to incorporate
8 a facility from the early design stages and
9 incorporate the bike parking facility in the early
10 design stages of projects and we don't think that
11 it leads to a fundamentally different type of
12 effect on the neighborhood. We do agree that this
13 is something that doesn't apply in every
14 circumstance.

15 CHAIRPERSON AVELLA: I'm extremely
16 concerned, extremely concerned. And I think Helen
17 deserves an answer to her question as well. So
18 what we'll do is we'll figure out when we can lay
19 the vote over but as quickly as we can have these
20 follow up conversations I think that's very
21 important. Now, of course the Land Use division
22 is going to whisper something in my ear, which I
23 don't want to hear anyway.

24 MS. BURDEN: We always like to have
25 good answers to questions because—in anticipation—

CHAIRPERSON AVELLA: [interposing]

Do my colleagues have any other questions? She can whisper in my ear as we go to the next panel. Any other questions? Thank you and we'll go to public testimony. The first person I'd like to call up on this item is Michael Kent, who is representing Borough President Scott Stringer.

MICHAEL KENT: Good morning. My name is Michael Kent, I'm an urban planner for Manhattan Borough President Scott Stringer. I'll be giving his testimony this morning.

The borough president supports the proposed text amendments to require long term indoor bicycle parking in new multi family residential, community facility and commercial facilities and public parking garages in zoning districts citywide. It's a laudable proposal that is in line with the Mayor's 2030 PlaNYC initiative which seeks to lower carbon emissions and ensure a more sustainable city.

The city has made tremendous strides in increasing bicycle ridership as it strives to reach its goal of doubling bicycle parking by 2015 and tripling it by 2020.

1
2 Increasing the availability of bicycle parking
3 addresses a paramount need of bicyclists as
4 identified in studies by DOT and the Department of
5 City Planning. Still if the city's ultimate goal
6 is to increase bicycle ridership it must also
7 ensure that adequate bicycle infrastructure such
8 as appropriately located bicycle lanes, signage
9 and signalization is in place to support the
10 riders.

11 The borough president would like to
12 commend City Planning for modifying the text
13 amendments to respond to important concerns that
14 were raised by affordable housing advocates.
15 Additionally the borough president commends City
16 Planning for working with DOT and the Mayor's
17 office to develop this text amendment, which is an
18 important step forward for reducing the city's
19 environmental footprint and ensuring a higher
20 quality of life for all New Yorkers. Thank you.

21 CHAIRPERSON AVELLA: Thank you.

22 The next panel is, I think it's Ms. Manville from
23 AIA, Zachery Bernstein from the American Planning
24 Association, I think it's a Mr. Brody and Kyle, is
25 it, Wiswall from the Tri-State Transportation

1
2 Campaign. If we can't fit four then just fit
3 three there. If you can't fit it with the normal
4 chair then just leave three there because I have
5 one more panel anyway on this. And the fourth
6 person we'll just do in the next panel, I'm sorry.
7 Okay. Go ahead.

8 I should have mentioned that we
9 also have a three minute clock for everybody and
10 this applies to all the people that are going to
11 be testifying. I don't cut people off in the
12 middle of their...but I do like people to sort of
13 summarize when they start going beyond the three
14 minutes. If everybody could be concise that
15 really is helpful obviously. We have a number of
16 people here today that want to speak on the
17 various items. I'm sorry, go ahead.

18 LAURA MANVILLE: My name is Laura
19 Manville and I'm here to testify on behalf of the
20 New York Chapter of the American Institute for
21 Architects, which is the professional organization
22 with over 44 architect and public members. We
23 have had a productive dialogue with the Department
24 of City Planning on their bicycle parking proposal
25 and are in strong support of their impressive

1
2 efforts to achieve a more bicycle friendly city
3 through zoning.

4 We're especially pleased that
5 several of our suggestions have been adopted
6 through revisions during the public review
7 process. These include provisions allowing
8 waivers for affordable housing and senior housing
9 developments where the cost of adding such storage
10 could prove obstructive. We still feel that there
11 are several issues to be considered by City
12 Planning as this text goes into effect.

13 It seems illogical to ask to exempt
14 manufacturing uses from these requirements, the
15 number of spaces for large commercial buildings is
16 still very high and generally adding even modest
17 cost premiums for low income and modest housing
18 should be done with careful consideration on its
19 impact on production. There should be a follow up
20 provision requiring the Department to review this
21 proposal in five years to ensure that the zoning
22 is meeting its intended goals.

23 Thank you for the opportunity to
24 testify and I'm going to submit detailed comments
25 as part of my written testimony. Thanks.

ZACHERY BERNSTEIN: Chairperson

Avella, Council Members, my name is Zachery Bernstein. I'm here as Chair of the Zoning Committee of the American Planning Association. The New York Metro Chapter of the American Planning Association represents more than 1,300 planners, designers, engineers and other professionals involved in planning for the region's communities.

The Metro Chapter of the APA commends the Department of City Planning for its effort to encourage cycling as the travel mode by amending the zoning text to require bicycle parking in new buildings and other specified developments. This proposal would add an important link in the overall bicycling network of New York City, which has recently been expanded with the development of bike lanes and on street bike ramps by the Department of Transportation. In addition the off street biking requirements will help to eliminate one barrier to increased cycling and enable greater mobile choice with the hope that parking availability will induce more widespread cycling.

1
2 We support increased cycling as a
3 form of sustainable transportation with great
4 health benefits that can help reduce traffic and
5 transit congestion in New York City. We would
6 suggest the following recommendations to help make
7 his requirement a success. Guidelines in
8 enforcement, DOT, DCP and the Department of
9 Buildings should work together to develop
10 guidelines for the location, layout, fixtures and
11 operation of the required bicycle storage to
12 assist architects and developers who may not have
13 experience with providing bicycle storage.

14 Periodic review, as noted by the
15 AIA, DOT, DOB and City Planning should conduct a
16 periodic review of the results of this new
17 requirement, including survey of building managers
18 and building users across the boroughs regarding
19 utilization and operation of the required
20 facilities. We urge the Council and the
21 administration to perhaps pursue grant funding to
22 do follow up studies of this and other zoning
23 initiatives.

24 We urge the City Council to vote in
25 favor of City Planning's proposal and we further

1
2 hope that you help to encourage the implementation
3 of these recommendations. Thank you.

4 KYLE WISWALL: Good morning. My
5 name is Kyle Wiswall, I'm general counsel for the
6 Tri State Transportation Campaign. Tri State is a
7 regional policy watchdog organization working for
8 a more environmentally sound and equitable
9 transportation network in New Jersey, New York and
10 Connecticut. I'm here today to voice our strong
11 support for the proposed amendments to the New
12 York City zoning codes.

13 The New York City Department of
14 Transportation recently reported a 35% rise in
15 bicycle commuting in the City of New York in the
16 past year. This explosion of bike use has been
17 supported and encouraged by laudable investment in
18 bicycle facilities citywide. The increase comes
19 at a time when the city realizes the utility of
20 reducing emissions to improve our often poor air
21 quality and in encouraging healthy habits of its
22 residents. Cycling achieves both of these ends
23 with very little cost.

24 There is however one piece missing
25 for many would be bike commuters and that's a safe

1
2 storage space at the commuter's destination. A
3 2007 Department of City Planning survey of
4 cyclists in New York City found that over 50% of
5 respondents who would like to commute by bicycle
6 but do not cited the lack of bicycle storage at
7 their destination as the reason. That makes it
8 the number one reason keeping people from biking to
9 work.

10 One needs only to keep the bicycle
11 theft statistics in mind to understand the
12 reasoning behind this. In this city there are
13 over 70,000 bicycle thefts each year. The
14 proposed zoning code amendments provided that
15 missing link by mandating bicycle storage in
16 significant enlargements, use changes and new
17 construction for both commercial and residential
18 buildings.

19 Opponents of this bill may testify
20 today that it would impose too great a burden on
21 developers and building managers, particularly for
22 affordable housing products. In fact, the
23 residential requirements would be especially
24 beneficial to residents of public and affordable
25 housing where car ownership rates are low and

1
2 bicycling serves as an inexpensive way to get
3 around.

4 Recent modifications to the
5 original zoning text amendments address many of
6 the concerns of affordable housing developers and
7 managers. The measure also allows building owners
8 and managers maximum flexibility to determine the
9 method and location of bike access, avoiding he
10 unreasonable burden of mandating a one size fits
11 all parameter.

12 Importantly the zoning amendments
13 would exclude bicycle parking from the floor area
14 ratio calculations so that construction of bicycle
15 parking will have a minimal effect on the
16 distribution of space in an addition or in a new
17 development. It should also be noted that many
18 potential tenants will view the availability of
19 secure bike parking as an attractive amenity.

20 In sum, Tri State strongly urges
21 the City Council to approve these text amendments
22 and thereby dramatically increase the availability
23 of bicycle parking throughout the city. It's an
24 easy but fundamental step towards a greener,
25 cleaner, healthier New York City. Thank you very

1

2 much for your time.

3 CHAIRPERSON AVELLA: Thank you.

4 Next panel is Mr. Brody and Peter Golwasser from
5 Transportation Alternatives. Are they here, yes,
6 no? Okay. Well I guess this is Mr. Brody.
7 Transportation Alternatives, you're here then
8 who's...Shalom Brody 1652 East 23rd Street. Why
9 don't you start with your testimony while we're
10 checking the other one? Go ahead.

11 PETER GOLWASSER: Thank you
12 gentlemen. Good morning. My name is Peter
13 Golwasser and I'm the general counsel for
14 Transportation Alternatives. Transportation
15 Alternatives is a 501(c)(3) advocacy organization
16 working to improve conditions in New York City for
17 pedestrians, bicyclists and mass transit users.
18 I'm here today to voice our strong support for the
19 proposed amendments to the New York City zoning
20 code.

21 The New York City Department of
22 Transportation recently reported a dramatic rise
23 in daily commuting rates at a percentage of 35%.
24 This rise in cycling rates is a significant
25 testament to the extensive developments in cycling

1
2 infrastructure undertaken by the DOT, laying the
3 groundwork to support and encourage existing and
4 new cyclists. And with increased cycling rates
5 come a multitude of positive health, social and
6 even economic benefits.

7 However despite these significant
8 gains, a persistent and critical hurdle still
9 exists in regards to developing and supporting a
10 proper and lasting cycling infrastructure, namely
11 secure indoor bicycle parking. As has
12 consistently been demonstrated by City Planning
13 and other agency reports the fear of having a
14 bicycle stolen is the number one deterrent to
15 encouraging new riders and existing riders from
16 daily commuting.

17 The proposed amendments to the
18 zoning code proposes to set forth a reasonably
19 system to encourage and provide secure indoor
20 bicycle parking in new construction. Therefore we
21 strongly encourage the City Council to pass this
22 set of zoning code amendments. Finally, the
23 current set of revisions as laid out today
24 represent what we believe is a dramatically
25 improved version from the earlier one, taking into

1
2 consideration some of the valid concerns raised by
3 affordable housing advocates and other
4 associations. Therefore in sum, we encourage the
5 passage of this set of amendments. Thank you.

6 CHAIRPERSON AVELLA: Thank you. We
7 also have somebody else that just signed up and
8 has our other? Bernie Carr from the New York
9 State Association for Affordable Housing. Is
10 there anybody else signed up who wants to speak on
11 this item? Did you sign up?

12 BERNIE CARR: Good morning. Mr.
13 Chair, members of the Committee, I'm Bernie Carr,
14 Executive Director of New York State Association
15 for Affordable Housing, NYSFAFH. NYSFAFH is a
16 state wide organization of developers and others
17 involved in the financing and building of
18 affordable housing. The bulk of our 300 members
19 work throughout New York City's five boroughs and
20 are collectively responsible for most of the
21 housing bill with city, state or federal subsidies
22 in recent years.

23 It's been my pleasure to work with
24 the City Council on many issue related to
25 affordable housing and today I'm here to support

1
2 the zoning text amendment. While we support
3 efforts to encourage bicycle use, we were
4 initially concerned the bike parking requirements
5 would increase the cost of affordable housing
6 construction, resulting in fewer units of much
7 needed housing for low and middle income New
8 Yorkers.

9 Since last fall, our members and
10 staff have worked with representatives of the
11 Department of City Planning and the Department of
12 Housing Preservation and Development to address
13 these concerns. We thank them for their
14 willingness to work with the affordable housing
15 community to correct an amendment that takes our
16 special considerations into account.

17 The amendment contains a waiver
18 provision that applies to affordable housing,
19 which is defined basically as buildings that are
20 being built with income restrictions or are
21 government grant loan or subsidy. Under the
22 waiver, as you've heard about from other speakers,
23 the Commissioner of the Department of Housing
24 Preservation and Development can waive or reduce
25 the amount of bike parking if there is

1
2 insufficient space in the building to accommodate
3 the required number of spaces on or below the
4 first story.

5 We believe that the ability to seek
6 a waiver is very important for affordable housing.
7 We examined the number of buildings currently on
8 the drawing board and found that the bike parking
9 specified in the initial proposal could result in
10 additional development costs, resulting in either
11 increased public subsidy or the loss of affordable
12 units. As many of our residents live in Northern
13 Manhattan or the outer boroughs and commute on
14 public transportation, sometimes long distances,
15 the demand for bike parking would be in many cases
16 small and the public benefit in terms of reduce
17 congestion and pollution limited.

18 Giving the HPD Commission the
19 discretion to decide when to waive or reduce the
20 amount of bike parking is a sensible solution to
21 this problem. Once again on behalf of NYSAFAH
22 thank you for your continued support of affordable
23 housing development. We look forward to
24 continuing to work with you.

25 FERNANDO TERADO: Good morning

1
2 Chairperson Avella, City Council members. My name
3 is Fernando Terado I am the District Manager for
4 Bronx Community Board 7. On behalf of the
5 residents and board members of Community Board 7
6 we wish to express our strong support for the
7 zoning text amendment.

8 Community Board 7 is a location
9 where there's a lot of planned development coming
10 forward, residential development, commercial
11 development. We feel that this zoning amendment
12 will help with planning for alternative
13 transportation, helping individuals with getting o
14 work, recreation, health issues that exist in our
15 community. And we believe that with the
16 accommodations that have been made through City
17 Planning with the bonus AFR or with the exclusion
18 of the AFR that it's actually going to encourage
19 people to want to move into the outer boroughs as
20 an amenity, as was mentioned earlier.

21 So once again, I just want to state
22 that we support this amendment. We think it's a
23 good amendment for a number of reasons including
24 those stated in the PlaNYC 2030 plan. Thank you.

25 CHAIRPERSON AVELLA: Thank you for

1
2 your testimony. Please don't say outer boroughs;
3 I always hate that term. It's other boroughs. Is
4 there anybody else who wants to speak on this
5 item. Seeing none I'll close the public hearing
6 and we will move on. The next item we'll take up
7 so we can clear space in this room for the real
8 issue, I guess, 405 - 427 West 53rd Street garage
9 application, C070305ZSM. Call up the applicant
10 and the applicant is Ray Levin. And the vote on
11 the bicycle text amendment will be laid over until
12 Thursday morning before the Land Use Committee.

13 RAYMOND LEVIN: We're ready.

14 You're ready. It will be very quick. Good
15 morning. My name is Raymond Levin. I'm with the
16 firm of Wattell and Waizer, we're Land Use counsel
17 to the applicant in this matter for a accessory
18 parking garage located at 405 West 53rd Street
19 within the Clinton area. Any garage needs a
20 special permit, that's why we're here. This is a
21 site that had been owned by Con Edison and was
22 being operated as a 225 space parking lot. The
23 applicant purchased he property from Con Edison
24 and is constructing a seven story, 84 unit
25 residential building on the site. The building

1
2 has topped out. And in the basement we proposed
3 to put a 37 space accessory parking facility for
4 the residents of the building.

5 The building has a unique design
6 where on 53rd Street there are townhouses and
7 actually the lower level of those townhouses you
8 could have your car sort of be able to enter your
9 townhouse from the garage. It's a self park
10 garage only for residents in the building. At
11 City Planning Commission, they adopted favorable
12 resolution however they reduced the number of
13 spaces from 37 to 30 and that's what's before the
14 Council.

15 This is a rendering of what the
16 building will look like on 53rd Street. Obviously
17 you can see where the entrance to the garage is.
18 And as I said the building is built, it hasn't
19 been glazed in yet. This board on this side shows
20 where the property is located on the west side of
21 Manhattan. We also have some drawings that show
22 you the layout of the garage. The entrance to the
23 garage is at the far corner of that drawing. This
24 is the first floor and then the next drawing will
25 show you the parking spaces laid out in the

1

2 basement.

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Since I know you just heard bicycle parking, we've included bicycle parking here as well as automobile parking. With me is Mario Procedo, the applicant, the owner of the property, Henry Smith Miller who is the architect, Ethan Goodman who is with our office and we will answer any questions you may have. Thank you.

CHAIRPERSON AVELLA: Okay. Can you explain why the community board and the borough president disapproved the application?

MR. LEVIN: Both of them felt that there is a finding that had to do with whether there was substantial parking within the area. The area that they looked at was an area that you looked at on the Seeker, which took in many garages that basically function for the theatre district since this is a block or so away from the theatre district. So there were many garages, those garages were utilized in the evenings. And those were all valet parking.

This is a self park facility. This building has larger units for families who will have cars and therefore we believed that there

1
2 were not sufficient parking spaces of this type
3 within the immediate vicinity. As it turned out
4 City Planning agreed with that position but that
5 was the position that both the community board and
6 the borough president had. They felt that that
7 finding couldn't be made and City Planning felt it
8 had been.

9 CHAIRPERSON AVELLA: Any questions
10 from my colleagues? This application lies within
11 Speaker Quinn's district and she is in favor of
12 the project. Seeing no questions, thank you
13 gentlemen. We have one person signed up to speak
14 in opposition from Manhattan Community Board 4.
15 While they're switching chairs there, just for the
16 record I understand that the three sidewalk café
17 applications are all being laid over so they are
18 now off the agenda.

19 JOE RESTUCCIA: My name is Joe
20 Restuccia speaking on behalf of Community Board 4
21 regarding this ULURP 070305. We do not believe
22 this meets the five findings because in fact the
23 applicant argued in its application that owner
24 occupied households have 38% demand for parking.
25 In fact 2000 Census data in Community Board 4

1
2 states that all households only have 50% car
3 ownership therefore you'd end up with 13 spaces.
4 So that finding can not be met, which the parking
5 spaces are specifically needed for this type of
6 use.

7 The second finding is within the
8 vicinity of the site there is insufficient parking
9 spaces available. Their own EIS from the
10 applicant, state they can not meet this finding.
11 There are garages that operate at 66% day time use
12 and 43% overnight utilization rate. This site
13 also was owned by Con Edison. It was not a
14 parking lot; it was lasted for a sub station. It
15 was prior occupied by six tenements, it was not
16 meant for long term parking.

17 The facility will not contribute to
18 serious traffic congestion is the third finding.
19 In fact we have serious congestion throughout our
20 district. For this 84 unit project they seek 37
21 spaces, representing 44% of the dwelling units.
22 Accessory parking requirements require only 20% of
23 the dwelling units. So therefore we came up with
24 a figure of 17 spaces or 20%, that is the specific
25 reason the board denied. Thank you.

1

2

CHAIRPERSON AVELLA: Thank you.

3

Any questions? Council Member Jackson.

4

COUNCIL MEMBER JACKSON: Thank you

5

Mr. Chair. So I'm trying to understand exactly

6

what you're saying in laymen's terms. So you're

7

saying that they've allocated too many parking

8

spaces for that particular site based on the 2000

9

Census and information that Community Board 4 has?

10

MR. RESTUCCIA: One of the key

11

issues is that you are allowed 20% accessory

12

parking. And in this case that would mean 17

13

spaces total. We further back it up by looking to

14

the Census to owner occupied households in our

15

district who have cars--

16

COUNCIL MEMBER JACKSON:

17

[interposing] 15%.

18

MR. RESTUCCIA: That's right.

19

COUNCIL MEMBER JACKSON: So what

20

are you saying?

21

MR. RESTUCCIA: That to make this

22

project work, 17 parking spaces would be 20% of

23

the total number of households here.

24

COUNCIL MEMBER JACKSON: So you're

25

saying that's all that's necessary and they're

1

2 building a lot more than that.

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

MR. RESTUCCIA: My reason is it's basically a vanity project. It's a selling and marketing technique in order to drive your car and to be able to come right into your townhouse as opposed to taking advantage of parking that exist in the area, exist in garages. Park and then walk a block to your house.

COUNCIL MEMBER JACKSON: And the community board communicated this to the developer prior to, I guess, its final determination at the board.

MR. RESTUCCIA: Yes, we did.

COUNCIL MEMBER JACKSON: And you communicated your position to the Manhattan Borough president's office?

MR. RESTUCCIA: Yes, we did and the borough president supported us.

COUNCIL MEMBER JACKSON: And so if the board had its way, in essence, you would reduce the number of parking spaces in the garage and to do what? To build more units? I believe this is luxury housing, is that correct? It's not affordable housing.

1
2 MR. RESTUCCIA: This is a
3 condominium, yes, luxury condominium.

4 COUNCIL MEMBER JACKSON: So there's
5 no low income housing, there's no people making
6 \$40,000, \$20,000, \$50,000 a year?

7 MR. RESTUCCIA: Absolutely not.

8 COUNCIL MEMBER JACKSON: Not unless
9 they have a rich relative or something like that.

10 MR. RESTUCCIA: A couple of them.

11 COUNCIL MEMBER JACKSON: So you
12 would ask them to build more luxury condos then?

13 MR. RESTUCCIA: We would actually
14 ask them to use the space for other purposes in
15 the building.

16 COUNCIL MEMBER JACKSON: A
17 community space for example?

18 MR. RESTUCCIA: It could be a
19 community facility, it could be just even storage
20 space, anything that would decrease the demand of
21 traffic to the site.

22 COUNCIL MEMBER JACKSON: Okay.

23 MR. RESTUCCIA: Thank you.

24 COUNCIL MEMBER JACKSON: And this
25 is in Speaker Christine Quinn's district.

1

MR. RESTUCCIA: yes.

2

3

COUNCIL MEMBER JACKSON: have you communicated your position as a board to Speaker Christine Quinn?

4

5

6

MR. RESTUCCIA: Yes, we have.

7

COUNCIL MEMBER JACKSON: You did.

8

Okay. Thank you.

9

MR. RESTUCCIA: Thank you.

10

CHAIRPERSON AVELLA: Thank you.

11

Seeing no one else signed up to speak on this item, I will close the public hearing and we will move to the item I guess everybody's here for.

12

13

14

COUNCIL MEMBER JACKSON: I'm sorry, I thought I was here for all items.

15

16

CHAIRPERSON AVELLA: Them.

17

COUNCIL MEMBER JACKSON: Oh, them.

18

Those from the outer borough or inner borough?

19

CHAIRPERSON AVELLA: The Land Use

20

number 1039 Easter Railyard's text amendment

21

N090211ZRM. And I'll call up and I guess they're ready. Do we still have people in the other room,

22

23

Gail? Okay. It looks like we have more empty

24

seats. If the applicant doesn't mind standing

25

since you're up there and some of the other

1
2 people, so we can get some of the community
3 residents in the room at the same time, that would
4 be helpful. Is that designed to get sympathy or
5 what? Gail, how many more people do we have in
6 the other room? That many, huh. Can we check
7 because we can actually take some of the chairs
8 that are up here.

9 VASHAAN TRAKABARDY: Chairman,
10 Council Members, good morning. My name is Vashaan
11 Trakabardy, I'm an Executive Vice President with
12 the Related Companies. We're here to talk to you
13 about the Eastern Railyards today. At my right is
14 Melanie Myers, our counsel. I'm just going to
15 dive right in.

16 This is the Hudson Yards sight. I
17 think most people know it well. Just to locate
18 you, this is Penn Station, Madison Square Garden
19 area. This is bounded by 33rd Street, 30th
20 Street, 9th Avenue, 10th Avenue and 11th Avenue.
21 As I'm sure most of you know, this area was
22 rezoned in 2005 as an area that would accommodate
23 most of the borough's future growth. Let's say
24 inner or outer. We're here today to speak
25 specifically about the Eastern Railyards, which is

1
2 bounded by 10th Avenue to 11th Avenue and 30th
3 Street to 33rd Street.

4 One of the things that the 2005
5 rezoning did was provide for the infrastructure
6 that would make this a transit oriented
7 development. The number 7 line extension, as many
8 of you know, is well under way. IN fact that blue
9 disk there is the tunnel boring machine that has
10 been sunk in West Chelsea. The tunnel is underway
11 and it's on schedule for a 2014 opening. We
12 applaud our partners at the MTA and Hudson Yards
13 Development Corporation for achieving that. That
14 will have a stop here at approximately 34th
15 between 10th and 11th.

16 Other infrastructure includes a new
17 boulevard and park system that leads up from 34th
18 Street up towards 42nd Street. The first phase of
19 that is from 34th to 36th Street and this is a new
20 park system that is going in between 10th and 11th
21 Avenue. And also happily the High Line, the first
22 stretch of which will go from Gansevoort Street to
23 20th Street and that's scheduled for opening in
24 June. We are big High Line supporters and look
25 forward to integrating the High Line into our

1

2

project.

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

In terms of the site plan, as you know the MTA put out an RFP for this site and we won the bid last year and have been looking at how to modify this site in response to various concerns that have been raised including community concerns. One of the major things that we have done is look at how to better integrate this site plan, which is approximately 26 acres into the borough of Manhattan by looking at the street grid in terms of 10th and 11th Avenue as well as the streets that run across and trying to penetrate from Hudson Boulevard down into the site as well as across from Penn Station along 32nd and 31st Streets.

If you compare the two schemes, this was the RFP scheme that which we submitted, this is the current scheme. Again, I know this is a little disembodied. This is 10th Avenue right here and 11th Avenue, on this slide 10th Avenue and 11th Avenue. The RFP scheme basically conformed with the guidelines that were put out with the RFP by the MTA. In working with the MTA and City Planning and community board, we've

1
2 looked at how to make a few modifications to the
3 site including bringing basically the street grid
4 through to create more porosity on the site, as
5 well as shift the density, which I will explain in
6 a minute, in order to even out the density and
7 actually lower some of the building heights. And
8 we'll go through that in a little bit of detail.

9 Melanie Myers now will go through
10 the text amendments that are before you.

11 MELANIE MYERS: Good morning. My
12 name is Melanie Myers, I'm an attorney with Freed,
13 Frank, Karish, Shriver and Jacobson. I'm
14 representing the applicant for these text
15 amendments. One thing just to start out with,
16 we're talking about the Eastern Yards. The
17 Eastern Yards is already included within Hudson
18 Yards. It's already zoned to allow for high
19 density development and it's already zoned to
20 require a fair amount of open space. All of those
21 elements of the text that exists today are
22 unchanged. We are not seeking additional density.
23 We are not seeking in any way to address the open
24 space requirements on the site.

25 What we really are proposing are

1
2 really two types of amendments, one relating to
3 the development that's allowed in the southwestern
4 corner of the site and the other related to
5 parking. For the southwest corner, the current
6 zoning allows for a limited type of use. The only
7 thing that's allowed under current zoning is
8 community facility use on that site. That was
9 done in large part in the early Hudson Yards, in
10 the original Hudson Yards zoning, in the, then
11 plan for the remainder of the Yards on the west
12 side to allow for a stadium, mixed use, facility
13 use.

14 At this point that project is no
15 longer in existence and the proposal is to amend
16 zoning section 93.514A to allow for an addition to
17 the community facility use, allow for a
18 residential use in that corner. The site of that
19 residential use would be located on the
20 southwestern most portion of the site. And it
21 would allow for a stand alone community facility
22 to continue to be located in that area.

23 The second change relating to the
24 southwest corner is specific to that community
25 facility building. Currently there are

1
2 requirements that retail front along the ground
3 floors of all developments in that southwest
4 corner. In order to allow for community facility
5 user to have more flexibility in organizing the
6 ground floor use, they would remove the retail
7 requirement so that the community facility would
8 be able to have more, an actual presence along the
9 street line. There are transparency requirements
10 that exist in zoning today and those would be
11 unchanged. So those are the two amendments
12 relating to the southwestern corner. The other
13 amendments relate to parking.

14 Under current zoning there is a
15 very significant parking requirement for the
16 Eastern Yards. And if you apply that to the
17 development potential of this site, it would
18 result in a requirement for about 2,000 parking
19 spaces and there would be additional provisions
20 that actually would allow for another 400 or so
21 parking spaces. We think that that's an excessive
22 amount of parking for this site.

23 So what we are proposing is an
24 amendment that does two things. First it
25 eliminates the parking requirement so that there

1

2 is no longer a mandated parking allowance. Beyond
3 that, we are also reducing the amount of permitted
4 parking that would be allowed on the site as well.
5 So rather than the 2,000 spaces that are required,
6 there would be a cap on parking of 1,000 spaces
7 and within that 1,000 spaces the amount that could
8 be accessory to commercial uses, which generate
9 the most in and out traffic would be limited to
10 350 spaces. So that's an amendment to Section
11 93.81.

12

13 The last amendment related to
14 parking is Section 93.82. Again, under Hudson
15 Yards zoning the accessory parking is generally
16 able to be used on a public basis as well, again
17 allowing for lots of in and outs for the parking
18 garage. We're proposing an amendment which would
19 eliminate that provision so that the only parking
20 that would be available would be truly accessory
21 parking to the uses on the site. And that's the
22 package of the amendments.

23

24 MR. TRAKABARDY: So I just wanted
25 to give you a little more detail on that and then
we can finish up. Basically in terms of a 11th
Avenue and the text amendment that Melanie

1

2 mentioned, Chairman your office had some questions
3 about heights and we wanted to be as clear as we
4 could about that. Basically the original zoning,
5 while there are no height limits in the original
6 zoning, contemplated buildings in the ranges that
7 are on the screen. You see most of the buildings
8 are quite high, in the 800 to 1,000 foot range,
9 with one low building on the southwest corner of
10 this site at 11th Avenue and 30th Street.

11

12 We along with, I think, the
13 community and others felt that a better
14 distribution of density would actually ease the
15 burden of height a little bit. So in our current
16 site plan, what we've done is with the same exact
17 density actually proposed another building
18 footprint here to lower these heights. You see
19 these heights are considerably lower than in the
20 previous side; still maintaining the cultural
21 community use, sitting right next to the High Line
22 along 30th Street. But by better distributing the
23 density we think we're going to create a better
24 site plan both for ourselves as well as for the
25 community.

25

You had also asked, I think, about

1

2 neighboring building heights. Just to give you a
3 sense of the context that will come. Basically
4 the zoning from 2005 will allow buildings that are
5 going to be anywhere from 500 to 900 feet high to
6 the north, as high as 1,200 feet to the east and
7 then there's already buildings that are being
8 built in accordance with the West Chelsea rezoning
9 in 2005 that are in the 300 to 350 foot range. So
10 we think that this building will actually provide
11 a good scale transition from these higher
12 buildings to the north to the buildings to the
13 south.

14 In terms of parking, which Melanie
15 described, the current zoning requires 2,000
16 spaces. We want to remove that parking
17 requirement, cap parking at 1,000 spaces and at
18 most there will be 350 which can be used for
19 commercial use. And this would allow for only
20 accessory parking. That really ends our show and
21 we're happy to answer any questions you may have.
22 Thank you for your attention. Also we have copies
23 of the presentation for the Committee if you'd
24 like them.

25

CHAIRPERSON AVELLA: Please, you

1
2 should give everybody. My committee members like
3 their hands out. But you're only creating more
4 questions that way. Questions from my colleagues?
5 Council Member Jackson.

6 COUNCIL MEMBER JACKSON: Thank you.
7 I was wondering whether or not when your
8 colleague, the counsel, was describing the text
9 amendments whether or not you were going to put
10 something up there. You did after the fact and
11 we're subsequently receiving the hand out after
12 the fact. When are you going to give us
13 information before the fact?

14 MR. TRAKABARDY: Sorry for the out
15 of sequence information Council Member. We'll do
16 better next time. I promise.

17 COUNCIL MEMBER JACKSON: My
18 question to you concerning the parking. You say
19 you're asking for a reduction from 2,000 to 1,000
20 and with, I think you said, about 350 or one-third
21 of them accessible for commercial and the rest I
22 assume are for residents.

23 MR. TRAKABARDY: Accessory parking,
24 yes.

25 COUNCIL MEMBER JACKSON: Accessory

1

2

parking. Now the initial plan was for 2,000

3

parking spaces? And how much was for commercial

4

and how much was for accessory parking? And what

5

do you mean by accessory parking? I don't know

6

what that means in Washington Heights. I'm so

7

sorry.

8

MS. MYERS: Accessory parking means

9

that it's available for people who are on the

10

site. So it's either people who are residents of

11

the buildings that are on the site or are working

12

in the office buildings or coming to a commercial

13

facility. That's different that the public

14

parking where somebody who had no business on the

15

site itself would be able to drive and use the

16

parking garage.

17

COUNCIL MEMBER JACKSON: So you

18

mean if I had a business three blocks away and I

19

felt it was cheaper to park at this place because

20

it was \$1,000 a month versus \$1,500 a month, I

21

would try to park there. So I would not be able

22

to park there?

23

MS. MYERS: Correct, that's exactly

24

right. We didn't want to encourage additional

25

parking on this site other than what was needed

1
2 really for this site itself. In terms of your
3 other question about the sort of breakdown between
4 residential and commercial--

5 COUNCIL MEMBER JACKSON:

6 [interposing] For accessory because--

7 MS. MYERS: Yes. In terms of sort
8 of the parking requirement, most of those
9 additional 1,000 spaces would have been used and
10 been available for the commercial part of the
11 project. So again, we're really trying to cut
12 down on the amount of traffic that would be coming
13 to this site.

14 COUNCIL MEMBER JACKSON: How did
15 the community board respond to your text
16 amendments?

17 MS. MYERS: The community board was
18 supportive of the change and location of density
19 completely. They were supportive of the parking,
20 the changes in parking as well. They had some
21 suggestions about how to differently calculate the
22 amount of permitted parking. And that is we sort
23 of looked at their numbers and looked at our
24 approach and we think that our approach, frankly,
25 it works better in terms of again, making more of

1
2 the parking facilities available for our priority,
3 residents of the development as opposed to the
4 commercial. So there was again, just a sort of
5 question about the approach.

6 COUNCIL MEMBER JACKSON: The bottom
7 line, did they approve or disapprove or is that
8 within their jurisdiction?

9 MS. MYERS: They approved the
10 application with some recommendations for
11 modifications. Again, the modifications went to
12 how to calculate the parking requirements specific
13 to this and we again, think that it makes sense to
14 try to keep the majority of the parking available
15 for residents rather than commercial.

16 COUNCIL MEMBER JACKSON: Based on
17 their recommendations did you subsequently make
18 additional changes based on their recommendations?

19 MS. MYERS: We did not.

20 MR. TRAKABARDY: Council Member
21 we're actually very proud of the relationship that
22 we've tried to build with Community Board 4.
23 They--

24 COUNCIL MEMBER JACKSON:
25 [interposing] That's the same board that was here

1

2

earlier?

3

MS. MYERS: Yes.

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

MR. TRAKABARDY: Yes. And while we may not agree on every little thing I think generally we've tried to be responsive to concerns that have been raised. When there are five different proposals for the railyards, the community board issued a very thoughtful letter about how the different designs could be modified and we tried to take that into account as much as we could in our thinking. So we've tried to respond where we could.

COUNCIL MEMBER JACKSON: This also, I believe, had gone to the borough president's office?

MR. TRAKABARDY: Yes.

COUNCIL MEMBER JACKSON: How did they respond to your request?

MS. MYERS: It was generally in support with some of the same comments, similar comments.

COUNCIL MEMBER JACKSON: This, I assume is in Speaker Quinn's district:

MR. TRAKABARDY: Yes.

1
2 COUNCIL MEMBER JACKSON: And is she
3 in agreement with your proposal to move forward?

4 MR. TRAKABARDY: To my knowledge,
5 yes.

6 COUNCIL MEMBER JACKSON: To your
7 knowledge?

8 MR. TRAKABARDY: Yes.

9 COUNCIL MEMBER JACKSON: Do you
10 know or you don't know?

11 MR. TRAKABARDY: I'm always
12 hesitant to speak for other people.

13 COUNCIL MEMBER JACKSON: Don't
14 speak for other people, speak for yourself. I'm
15 sure you're going to ask the Council. I'm asking
16 you.

17 CHAIRPERSON AVELLA: Council Member
18 you don't have to ask them. Speaker Quinn has
19 indicated her support for the project.

20 COUNCIL MEMBER JACKSON: But I can
21 ask them.

22 CHAIRPERSON AVELLA: Okay.

23 COUNCIL MEMBER JACKSON: Even
24 though I may know the answer, it's appropriate
25 that I ask to see whether or not we're in

1

2 agreement. Sometimes I fool people. I ask them a
3 question that everybody obviously knows and I
4 don't get the right answer. So I'm asking you, is
5 the Speaker in favor of this?

6

7

MR. TRAKABARDY: Yes, she has
approved it.

8

9

10

11

COUNCIL MEMBER JACKSON: Thank you.
That was a definitive answer versus one that was
not so much before. Thank you Mr. Chair. I'm
finished.

12

13

14

15

16

17

18

CHAIRPERSON AVELLA: Well you sort
of beat me to my questions about the community
board and the borough president. But actually the
community board and the borough president's rep
are schedule to testify. Any other questions?
Seeing none thank you. I assume you'll hang
around just in case there are...

19

MR. TRAKABARDY: Happy to.

20

21

CHAIRPERSON AVELLA: Some issues
come up during the public hearing.

22

MR. TRAKABARDY: Thank you.

23

24

25

CHAIRPERSON AVELLA: The first
panel I will call on the representatives of
elected officials, Michael Kent for the Manhattan

1
2 Borough President, Scott Stringer, Medina Napier
3 for Assembly Member Gottfried and Seth Berliner
4 from State Senator Thomas Duane.

5 MR. KENT: Good morning again. My
6 name is Mike Kent. I'm an urban planner for
7 Manhattan Borough president Scott Stringer. I'll
8 be testifying on the borough president's behalf
9 this morning.

10 The borough president does support
11 the proposed text amendment, which as the
12 applicant described, would allow a residential
13 building in the southwest quadrant in the Eastern
14 Railyard, remove the ground floor retail
15 requirement from the community facility building
16 and eliminate required parking for development in
17 the Eastern Yard while establishing controls for
18 the permitted accessory parking.

19 It is important that the
20 development over the Railyard compliments the
21 development in the West Chelsea neighborhood to
22 the south. Therefore locating a residential
23 building at the southwestern quadrant of the
24 Eastern Railyard is logical and would help
25 reinforce the area's increasingly residential

1
2 character. The proposed removal of the ground
3 floor retail requirement from the community
4 facility building would allow greater flexibility
5 in its design and operation and by maintaining the
6 glazing requirements the proposal would ensure
7 that such a community facility would remain open
8 and inviting to the general public.

9 The proposed changes to the parking
10 requirements are logical and would encourage use
11 of public transit to and from the Eastern
12 Railyards, which represents significant and
13 commendable new direction for the city's parking
14 policies. As you know, even after this set of
15 amendments is finalized the Hudson Yard zoning and
16 all of its complexities will require additional
17 changes.

18 The community has outlined
19 additional concerns and borough president Stringer
20 strongly encourages the city to consider as well.
21 Briefly, future development at the Railyards
22 should benefit the surrounding area. Therefore
23 back of house uses, such as loading docks which
24 might land on West 30th Street should be planned
25 and managed carefully. Future development facing

1
2 West 30th Street at grade should be vibrant and
3 active. Redeveloping the Railyards must not
4 threaten the vitality of the High Line. In the
5 entire High Line including the Spur should be
6 preserved in its entirety.

7 The school proposed for the Western
8 Railyard must be locally zoned and large enough to
9 provide a quality education to best educate our
10 students. And the city must find space in the
11 area to site additional schools to meet the area's
12 already well identified needs. Finally affordable
13 housing should be a priority at the Railyards and
14 should be inclusive of all income groups. Thank
15 you again for this opportunity to testify.

16 SETH BERLINER: Hello. May I have
17 the shot clock reset please. I guess not. Thank
18 you. My name is Seth Berliner and I'm a
19 legislative aide to State Senator Tom Duane. I'll
20 be submitting testimony on his behalf.

21 My name is Thomas K. Duane and I
22 represent New York State's 29th Senate district,
23 within which lie both the Western and Eastern
24 Yards and the surrounding neighborhoods of Chelsea
25 and Clinton Hell's Kitchen. Thank you for the

1

2 opportunity to testify.

3

4

5

6

7

8

9

10

11

12

The Eastern Yards development is a historic opportunity for New York. By bridging the yards, a whole in the West Side will be filled with a dynamic new community. Moreover, the lease of the land will provide the Metropolitan Transportation Authority with much needed capital. The effort to build on the Yards has been a long and at time extremely contentious process. And this I am pleased to now offer my support of this proposal.

13

14

15

16

17

18

19

20

I am grateful to the MTA and to Related for their commitment to working with the community and for following some of the recommendations that CB4 and other local elected officials have made. In particular, I have long believed that the reintroduction of the street grid to the super block bounded by 30th and 33rd and 10th and 11th is simply smart urban planning.

21

22

23

24

25

The text amendments themselves make small changes but they will contribute to a better thought out development. First allowing a residential building on the southwest corner of the site is a positive step towards a residential

1
2 corridor along 11th Avenue. The amendment to
3 eliminate the retail requirement for the community
4 facility is a prudent change that recognizes the
5 possible incompatibility of commercial and
6 community uses.

7 Finally, the limitations on the
8 parking spaces in the development are a testament
9 to the work that CB4 and Related put into
10 resolving this contentious issue. I also want to
11 commend the developer for agreeing to CB4's
12 request to reduce the number of curb cuts on 30th
13 Street as it is important that 30th not become a
14 block long back of the house loading zone. In
15 addition, the creation of a construction task
16 force will reap dividends in the years to come.

17 Despite these laudable steps I
18 still have several concerns. AS one of the most
19 highly anticipated and important public works in
20 our city, the High Line has a roll in the future
21 of the Eastern Yards and steps must be taken now
22 to ensure that it is unobstructed and preserved in
23 its entirety. In particular, the High Line at
24 this site must be completely independent, without
25 intrusion from adjacent buildings or unnecessary

1
2 overbuild. It is also imperative that Related
3 make a commitment to preserving the High Line's
4 10th Avenue Spur, which is potentially one of the
5 most dynamic spaces on the West Side but now faces
6 an uncertain future.

7 Finally the development at both the
8 Eastern and Western Yards will add to the already
9 overwhelming number of new residents settling on
10 the West Side and will exacerbate our epidemic of
11 school overcrowding. I was happy to secure a
12 commitment from the MTA and HYDC to create a
13 school on the Western Yards. But more classroom
14 space will be needed and we must begin to plan now
15 for the future.

16 The development of the Yards is a
17 once in a generation opportunity. And I am
18 excited to have played a part in its planning.
19 Still more can be done to ensure its success and I
20 look forward to continuing to work with the
21 interested parties and the New York City Council
22 towards that end. Thank you.

23 MEDINA NAPIER: Hi everybody. My
24 name is Medina Napier and I'm the District aide to
25 Assembly Member Gottfried. I will be reading his

1

2 testimony today.

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

My name is Richard N. Gottfried, I represent the 75th Assembly District in Manhattan, which includes Chelsea, Hell's Kitchen, Midtown, part of the Upper West Side and Murray Hill. The district includes the Eastern and Western Yards. I regret that the legislative session in Albany prevents me from testifying in person.

My comments relate to the four proposed text amendments, with additional comments on the general development proposal. I recommend approval of the text amendments subject to conditions. Parking and traffic congestion, the text amendments would make three important changes in the parking requirement for the Eastern Railyard. The first two amendments make sense to no longer require parking and to cap commercial and community facility parking at 350 accessory spaces. I recommend changing the third amendment to reduce the proposed cap on total parking spaces from 1,000 accessory spaces to 720.

Parking should be limited in the Eastern Railyard and the site should be developed in such a way as to encourage use of public

1
2 transit. Traffic congestion in this area already
3 interferes with the quality of life of my
4 constituents. Reducing traffic will improve the
5 efficiency of transportation and the city's
6 economy. The total number of parking spaces
7 allowed under current zoning should be reduced.
8 The available parking should be limited to use by
9 on site residential and commercial users. Any
10 parking facility built on this site should
11 mitigate commuter traffic.

12 Residential corridor, currently
13 zoning in the southwest portion of the Eastern
14 Railyard allows only community facility use. The
15 proposed text amendment to allow residential use
16 in the southwest portion of the Eastern Railyard
17 will promote 30th Street as a residential corridor
18 by allowing a residential building to be located
19 at the corner of 11th Avenue and 30th Street and
20 by concentrating the required community facility
21 use in the middle of the 30th Street frontage. I
22 support this.

23 Community facility, the proposed
24 text amendment that would eliminate the retail use
25 requirement for community facility buildings on

1
2 the ground floor facing the outdoor plaza in the
3 High Line should be approved. This text amendment
4 would prevent uses of the outdoor plaza, the High
5 Line and the community facility from being
6 combined with potentially incompatible retail
7 uses.

8 School capacity, in view of the
9 growing school overcrowding problem in New York
10 City, especially in school district 2, the current
11 school plan for the Railyard should be expanded
12 and should come on line sooner. I suggest that
13 additional school capacity beyond what is proposed
14 for the Western Railyard be incorporated into the
15 cultural facility. It could be themed to take
16 advantage of that core location. The school or
17 schools should be locally zoned schools, open to
18 the whole community. It is essential that schools
19 include adequate dedicated school playground
20 facilities.

21 High Line, everyone involved in the
22 planning and development of the Western and Easter
23 Railyards needs to understand how important it is
24 to the community that the High Line and it's
25 unobstructed view corridors be observed and

1
2 enhanced and to incorporate that proposition in
3 their plans. May I continue? Is that fine?
4 Okay.

5 Removal of the High Lines for the
6 southeast portion of the Eastern Railyard is
7 unnecessary and it would violate New York's
8 commitment to maximizing the preservation and
9 revitalization of the High Line. This is not
10 acceptable. After many months there has not yet
11 been a solution to this problem while other issues
12 have been resolved. Related should work with
13 friends of the High Line and the community to
14 develop a creative solution that preserves and
15 enhances the High Line in the planned building.
16 This can and must be worked out.

17 I appreciate the opportunity to
18 submit these comments and look forward to working
19 with the City Council to improve the project.
20 Thank you.

21 CHAIRPERSON AVELLA: Council Member
22 Sears has a question.

23 COUNCIL MEMBER SEARS: I have a
24 question for Senator Duane's aide.

25 MR. BERLINER: I'll do my best.

1
2 COUNCIL MEMBER SEARS: Big concerns
3 have been expressed about the High Line. Has he
4 in his talks with Related, have they reached any
5 agreement yet or is this still a pending issue?
6 Because it seems to be raised so it's an issue.

7 MR. BERLINER: Yes.

8 COUNCIL MEMBER SEARS: If I can ask
9 the Chair, where is Related in reference to this
10 issue.

11 [off mic]

12 COUNCIL MEMBER SEARS: I can see
13 that. Okay. That answers the question.

14 MR. BERLINER: My understanding is
15 that they have committed to most but not the Spur.

16 COUNCIL MEMBER SEARS: Okay. So
17 the Spur is that little dangling thing.

18 MR. BERLINER: Yes, that big
19 dangling thing in our view.

20 COUNCIL MEMBER SEARS: What is the
21 reason that they held out for that?

22 MR. BERLINER: That I don't know.

23 COUNCIL MEMBER SEARS: You don't?
24 Okay. So I think that's something that maybe can
25 be asked when they come back. Thank you.

1
2 MR. BERLINER: One of these guys
3 might know then. I don't know.

4 COUNCIL MEMBER SEARS: Oh, all
5 right.

6 CHAIRPERSON AVELLA: What is that,
7 passing the buck here?

8 COUNCIL MEMBER SEARS: They're not
9 volunteering.

10 MR. BERLINER: I also wouldn't want
11 to speak on Related's behalf so ask them directly.

12 COUNCIL MEMBER SEARS: Oh, wow. I
13 hope you're prepared when you come back.

14 CHAIRPERSON AVELLA: I think it's
15 quite clear that the issue of the Spur is going to
16 be the topic of discussion during the public
17 hearing and the issue that has to be addressed.
18 Thank you. The next panel will be JD Nolan from
19 Hudson Yards Advisory Committee, Manhattan
20 Community Board 4 and Kathleen Crowell from
21 Friends of High Line. Even with my glasses I
22 can't read it.

23 And I know everybody's been waiting
24 around and this is the important issue of the
25 agenda today. I would ask that if people can be

1
2 concise in their testimony. Unfortunately because
3 of the situation in the Council Committee Room,
4 which apparently the roof collapsed, we can't meet
5 there and that's why we're here. And everything
6 is sort of backed up today because the Landmarks
7 sub committee is waiting for the use of this room
8 as well so that's the reason we're sort of here.
9 So I would ask people to be concise if they can.

10 JOHN DANIEL NOLAN: Thank you very
11 much. Good morning thank you Chair Avella and
12 members of the Committee. I will not only be
13 concise, I'll speak very fast. My name is John
14 Daniel Nolan. I'm the Chair of Manhattan
15 Community Board 4 and I'm also speaking for the
16 Hudson Yards Community Advisory Committee. I
17 believe you have my remarks but I'm going to
18 condense them and go very quickly.

19 Manhattan Community Board 4 and the
20 Advisory Committee, we have been consistently
21 engaged in the development process of the entire
22 West Side Yard from the beginning, July 2006 of
23 this particular matter. We've held five public
24 forums and many, many smaller meetings to solicit
25 the community's participation and we have provided

1
2 written comments to the MTA, the Hudson Yards
3 Development Corporation, the development community
4 and the Department of City Planning.

5 I want to say we're grateful to the
6 Related team for its participation in two forums
7 we had. One of them was West Side Railyards on
8 September 15, 2008 and another one on December 1,
9 2008 concerning the Eastern Railyards. And I want
10 to thank them for their willingness to engage in
11 substantive discussions with our community and the
12 careful attention they have given to many of our
13 concerns. I'm just going to speak about four of
14 these concerns very briefly and my colleague, Joe
15 Restuccia will speak of others.

16 One is the street grid. We are
17 pleased that the street grid is being reintroduced
18 and we strongly feel that the streets must be
19 planned and operated as real city streets. That's
20 full public access, parking regulation, sidewalks,
21 street level retail uses, maybe some hot dog
22 stands; just make it real. The street level on
23 30th Street, we feel that care must be taken to
24 ensure that 30th Street becomes a grand boulevard
25 to the river and not the back of the house loading

1
2 dock portion of the site. This is very important
3 to consider.

4 Three, we support the desire to
5 enliven the railyards with cultural activity but
6 we strongly feel that that can best be achieved by
7 providing substantial but smaller spaces
8 throughout the development for small cultural
9 uses, especially performance, rehearsal and
10 administrative space for theatrical and arts
11 companies.

12 And four, plans must include
13 affordable housing. We are very pleased that
14 Related's plans include the maximum amount of
15 residential development allowed by zoning but
16 there is no concrete plan to make any of the new
17 housing affordable. We have consistently
18 advocated that 30% of the residential development
19 on this public site, public site, I'm going to
20 repeat that one more time, public site.

21 COUNCIL MEMBER JACKSON: I didn't
22 get that. I'm sorry.

23 MR. NOLAN: Public site, public
24 site.

25 COUNCIL MEMBER JACKSON: What does

1

2

that mean?

3

CHAIRPERSON AVELLA: One more time.

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

MR. NOLAN: It means that this must be used for the good of the city. Be allocated to permanent affordable housing for low, moderate and middle income families of 1,900 new dwelling units on the Eastern Railyards. Per the EAS 570 units must be permanent affordable housing. I want to thank you and excuse me for going over time. My colleague will speak about technical points of zoning and one other matter, the preservation of the High Line. Thank you.

MR. RESTUCCIA: Good morning. My name is Joe Restuccia. I'm speaking on behalf of Manhattan Community Board 4 and on the specific text amendments. First the board does support the text amendment to allow a residential building at 11th Avenue and 30th Street. We believe that makes sense and it's a good transition to Chelsea and is a much better plan.

We also support the text amendments to eliminate the retail requirement for the community facility. It just, again, makes sense. If it is some sort of cultural community facility,

1
2 retail may not be appropriate. The transparency
3 on the ground floor does make sense.

4 On the parking, first we want to
5 thank Related. They have worked with us, they
6 continue to work with us. There is no more
7 mandatory parking and in fact we are now having
8 accessory parking and that accessory parking, as
9 you learned before, is both for commercial and
10 residential. However we believe, again, that the
11 parking proposal here should be reduced. Related
12 has agreed to continue to work with the Speaker's
13 office and the community board to bring the spaces
14 below the 1,000. But we're simply not there yet.
15 We need to continue to work with them.

16 Currently it calls for 650
17 residential and 350 commercial. This location is
18 on top of the 30th Street entrance to the Lincoln
19 Tunnel so there is no question about is there
20 congestion here. This is the center of congestion
21 on the West Side. The use of accessory parking
22 also must be limited to monthly users. We believe
23 that will reduce the number of trips back and
24 forth and, again, Related needs to work with the
25 Speaker's office and the community board to

1
2 achieve this goal. We're not there yet, that's
3 where we need to be.

4 However in reviewing these text
5 changes we realized there needs to be more text
6 changes, specifically the issue of curb cuts in
7 the enlivening of 30th Street. Related has agreed
8 to limit the curb cuts on 30th to two curb cuts,
9 which will help the whole issue of not making it
10 back of house. They have agreed, in working with
11 the Speaker's office, to enliven the street to
12 have all store fronts under the High Line so again
13 it will be very, very active. But we are not
14 quite there yet and, again, we need the ongoing
15 help of the Council to make sure this development
16 is an asset to the city as opposed to an idea and
17 its execution is something else.

18 The last piece, though, which is
19 very important for us is the High Line and the
20 Spur. We have said that this should be treated
21 like the rest of the entire High Line. In Section
22 98 of the zoning, it's West Chelsea and the High
23 Line, it requires High Line must be open, it must
24 not be building above it, there must be setbacks
25 against it. All of these things should apply

1
2 here. This is segment three, the High Line is one
3 functional project. The city should acquire
4 segment three and proceed ahead to create the rest
5 of the park. The High Line park adds value to the
6 site both for the city, the developer and for the
7 community.

8 The Spur, as part of it, is just
9 like the portion at 17th Street and 10th Avenue
10 which goes over an avenue that looks south and
11 north. The Spur on 30th looks south and north.
12 It is a spectacular location and has some of the
13 best views on the High Line. You also look west
14 to the river and east to Midtown. We need to have
15 the Related companies just get off the dime and
16 agree to reserve the Spur. Thank you.

17 CHAIRPERSON AVELLA: Thank you. Do
18 we also have a copy of your testimony?

19 MR. RESTUCCIA: Yes.

20 CHAIRPERSON AVELLA: Okay. Because
21 we haven't got it yet.

22 MR. RESTUCCIA: Oh.

23 CHAIRPERSON AVELLA: And we haven't
24 gotten yours. I think they're making copies.

25 MR. NOLAN: We'll give you both.

1

2 Actually I have both with me.

3 CHAIRPERSON AVELLA: Okay, right.

4 Thank you.

5 MR. NOLAN: Thank you.

6 CHAIRPERSON AVELLA: Go ahead,
7 Council Member Jackson.

8 COUNCIL MEMBER JACKSON: My
9 question is to you first, when are we voting on
10 this particular matter?

11 CHAIRPERSON AVELLA: It was our
12 intention to vote today. Now if there are some
13 issues that we can resolve, we can always lay the
14 vote over since we are laying the vote over
15 already on the bicycle text amendment until
16 Thursday. So we can have a little discussion
17 amongst ourselves. If there is some value to
18 having those extra two days to work with Related
19 and we'll see what Related says when they come
20 back. We can always do that.

21 COUNCIL MEMBER JACKSON: Okay. I
22 just wanted to know because my question for
23 Community Board 4 is in part of your presentation,
24 not necessarily you as a Chair. Are you the
25 District Manager?

1
2 MR. RESTUCCIA: I'm the Land Use
3 Committee.

4 COUNCIL MEMBER JACKSON: Land Use
5 Committee, Chair?

6 MR. RESTUCCIA: Co-chair.

7 COUNCIL MEMBER JACKSON: Co-chair.
8 You said that in working with the Speaker
9 Christine Quinn's office that you're hoping to do
10 XYZ, so forth and so on. You mentioned that
11 several times in your discussion or in your
12 presentation. So my question to you is we have to
13 vote on this on Thursday and if the Speaker is in
14 favor of moving it forward, I assume that there's
15 going to be discussion between now and the actual
16 vote, whenever that's going to take place. So all
17 things considered you would say to vote yes on
18 this particular matter?

19 MR. RESTUCCIA: Yes.

20 COUNCIL MEMBER JACKSON: Okay,
21 that's what I wanted to know. Thank you.

22 CHAIRPERSON AVELLA: Now we do have
23 a number of people signed up in opposition. I
24 think I know what their testimony is going to
25 relate to but we'll do alternating panels. Peter

1
2 Mullen, Robert Hammond and Jan Levy will be the
3 first panel in opposition. And I had called
4 Kathleen Crowell before who is going to speak in
5 favor. I called your name before.

6 KATHLEEN CROWELL: Oh, I'm sorry.

7 CHAIRPERSON AVELLA: Okay. I'll
8 call you in the next panel.

9 ROBERT HAMMOND: Hi, I'm Robert
10 Hammond. I'm one of the co-founders of Friends of
11 the High Line. First of all I'd like to thank the
12 Council and Speaker Quinn and all the Council
13 Members and their incredible support of the High
14 Line from the very beginning, back in 1999 when it
15 wasn't quite so popular. The Council, we
16 literally would not be here today without you.
17 But I'm here today because a significant portion
18 of the High Line, not just the Spur but the whole
19 High Line at the Railyards is not guaranteed for
20 preservation.

21 The current text amendments do not
22 address the High Line at all and that's our reason
23 for concern. The High Line is a significant
24 aspect of this redevelopment but it is not being
25 addressed through the public review process.

1
2 Preservation of the higher historic High Line
3 including the Spur must be part of the
4 redevelopment of the Eastern Railyards. This has
5 been repeatedly identified as a top priority of
6 the community and to date, no one has provided any
7 substantive reason why the High Line should not be
8 part of the plan.

9 The Eastern Railyard is only one
10 piece of the larger picture. The High Line is
11 also unprotected and that risk on this other state
12 owned sites north of 30th Street. We strongly
13 urge the city to take immediate action.

14 Specifically the city should initiate the process
15 to acquire the remaining portions of the High Line
16 still owned by the Railroad CSX. City acquisition
17 of the High Line would be the first step towards
18 the preservation of this structure. The timing is
19 critical. City acquisition of the High Line is a
20 ULURP action and should happen in conjunction with
21 the upcoming Western Railyards rezoning. The city
22 should take immediate action, whatever steps are
23 necessary to be able to include the acquisition of
24 the High Line as part of this upcoming ULURP
25 process.

1
2 We believe the city acquisition of
3 the High Line is also the only viable path for the
4 redevelopment of these sites. The High Line is a
5 piece of public infrastructure and its fate should
6 be decided through the public review process.
7 We've yet to hear a convincing argument why the
8 High Line should not be included in this process.
9 To exclude the High Line from the process is
10 irrational and calls the entire public review
11 process in question.

12 I'll just submit the rest of my
13 testimony. I just wanted to say that I love when
14 we're talking about it, it's a public site and
15 this is a public review process. And as part of
16 this rezoning we feel that the High Line should be
17 guaranteed preservation, not just the Spur but the
18 entire line. We're happy that Related is also
19 included the High Line in their plans but there's
20 no reason it guarantees it has to stay there. And
21 so that's what we want as part of this review
22 process. Thank you for allowing us to come.

23 PETER MULLEN: Great. My name is
24 Peter Mullen and I'm Director of Planning at
25 Friends of the High Line and I'm reading actually

1
2 testimony from Mary Habsrit, who is the President
3 of the Robling Chapter of the Society for
4 Industrial Archaeology. And this is specifically
5 about the history of the Spur.

6 The West Side improvement, the
7 project that gave birth to the viaduct now known
8 as the High Line was designed with massive freight
9 handling facilities all along its length built to
10 facilitate industry commerce along the newly
11 elevated rail line. Carrying mail was a key
12 source of revenue for the railroads and the New
13 York central lines made sure that the new Morgan
14 Parcel Post facility, which is the facility at the
15 corner of 30th Street and 10h Avenue was provided
16 every amenity for speedy and efficient service.

17 The railroad described the massive
18 quantities of mail expected to be received over
19 the dedicated Spur in 1934. "On the northerly
20 side of West 30th Street a double track Spur
21 extends across 10th Avenue into the new Morgan
22 Parcel Post building, bounded by West 30th and
23 West 29th Streets and 9th and 10th Avenues. It is
24 expected that approximately 8,000 cars of mail
25 will be received and dispatched annually through

1
2 this building. Mail will be handled on the second
3 floor where six tracks and necessary platforms are
4 provided to accommodate 36 cars at a time."

5 Imagine, 36 rail cars full of mail being
6 processed.

7 The Spur was built by the renowned
8 George A. Fuller Company or the company would be
9 renowned if we recognized the skills of builders
10 as we do those of our architects. This
11 construction firm built the iconic Flat Iron
12 building at its first New York City headquarters
13 and the art deco marble the Fuller building on
14 East 57th Street. Both buildings are designated
15 New York City landmarks. These are only their
16 best known local buildings. The company built
17 state capitols across the country, monuments such
18 as the Lincoln Memorial and federal government
19 buildings including the U.S. Supreme Court,
20 working with such important architects as Cass,
21 Gilbert, McKinley and White.

22 Fuller may well have been selected
23 to work on the viaduct due to its past success
24 with commissions for the railroads and the Postal
25 Service. Fuller built the original and greatly

1
2 missed Pennsylvania Station as well as the U.S.
3 General Post Office now today known as the James
4 A. Farley building.

5 We support saving the Spur as a
6 reminder of the important relationship of the
7 railways to the movement of our country's mail and
8 a significant local builder who made it work. And
9 so that's Mary Habstrit from the Robling Chapter
10 from the Society of Industrial Archaeology.

11 I also got an email from somebody
12 just five minutes ago who was not able to actually
13 get into the building because there were too many
14 people up here so I will submit his. It's from
15 Barry Benepe, an urban planner who many of you may
16 know. So I will submit his testimony
17 subsequently. Thank you.

18 JAN LEVY: Good morning. My name
19 is Jan Levy. I've been a supporter and I have
20 agonized over preserving the High Line since about
21 the mid-80s. And I've been up on it about three
22 times and every time you go up it is such a
23 special experience to see the city from that
24 perspective, the river and looking back into the
25 city itself and the people who live along there

1
2 and the people who planted flowers and really have
3 been up there for a long time.

4 I really think we can not consider
5 preserving the High Line and truncating it by
6 cutting off the Spur. The last time I was up we
7 were gathering seeds because the idea of the
8 planters was to plant species that had survived up
9 there all by themselves over this long period of
10 time. So you come up from 30th Street and you
11 come up gradually and then there you are there on
12 the High Line. It's such a special perspective.

13 I have to say that I go back to
14 about the mid-80s on this and there have been a
15 lot of ups and downs. A great need for support,
16 which has built and built and built. All of the
17 electeds are on board now, all of the people who
18 live in that district and throughout this city and
19 I should imagine throughout the country see the
20 value of this particularly unique urban amenity
21 and want to see it preserved. So I would be
22 strongly in favor of that.

23 I'm a charter member of the Friends
24 of the High Line and I speak particularly for the
25 man we wouldn't be here without, Peter Roblitz.

1
2 He was a consultant to the MTA, he was a railroad
3 buff. He lived in two converted railroad cars up
4 on that Spur for a few years. And he always lived
5 in that neighborhood and he was very much a
6 supporter of rail traffic. He saved that line.
7 He just never would give in. He got community
8 support, eventually, made it happen and he always
9 stuck to his guns. He thought of every plan he
10 could imagine. He, at one point, thought it might
11 be useful to remove debris from construction sites
12 instead of trucking it through the city. So we
13 really owe a lot to him and I think he would be
14 pleased to see what's going on now that the public
15 will have access to this wonderful amenity. There
16 was no promina plante in the original thinking.
17 It was to preserve it as a rail line.

18 So I would hope that the Council
19 would understand that the community itself and the
20 city have an obligation, really, to keep this
21 alive and to see its planning fulfilled. Diller
22 Scofidio are marvelous architects. If you saw
23 what they did with Alice Tully Hall, you can
24 realize what their doing for the High Line. So I
25 would hope that we have full support for

1
2 preserving the entire High Line, from the Spur all
3 the way down to Gansevoort. Thank you.

4 CHAIRPERSON AVELLA: A couple of
5 questions. First of all if you could have that
6 person who said that they couldn't get into the
7 building because there were too many people in the
8 room contact my office because that's very
9 disturbing. This is a public hearing and people
10 should be able to come into the building. If we
11 can't fit people in the room, we'll make other
12 arrangements so please have that person contact
13 me. I want to find out what went wrong there.

14 My question is you mentioned about
15 additional text amendments, if I'm correct. Do
16 you have a suggestion?

17 MR. HAMMOND: That was the
18 community board's recommendation that there be a
19 text amendment changed. So Peter do you want to
20 talk about the technical?

21 MR. MULLEN: Yes. I think the
22 text, there are different ways to do it I think.
23 I think the concern is that there is some
24 environmental review involved and so to be able to
25 do that between now and Thursday is probably not

1
2 viable. But that's precisely why--I apologize
3 because we're sort of using this forum to get
4 started for the next action. But the first step
5 really is site selection and acquisition of the
6 High Line.

7 Basically in West Chelsea, in the
8 West Chelsea rezoning there was the zoning action
9 and then there was an accompanying separate
10 actions for site selection and acquisition in the
11 High Line up to 30th Street. So it's essentially
12 taking that sort of parallel process and moving it
13 to the rezoning for the Western Railyards and sort
14 of doing the same thing over again for these
15 remaining portions of the High Line that are still
16 owned by the railroad.

17 CHAIRPERSON AVELLA: And I don't
18 fault you for doing this. Obviously you're
19 basically raising these issues as much more work
20 needs to be done. But I assume you're also in
21 favor of the application but you're taking the
22 opportunity to say hey, we're not done yet.

23 MR. MULLEN: That's correct. I
24 think we would have liked to see some action on
25 the High Line. It seems also not consistent with

1

2

the process that it wasn't, but we think that

3

there's still opportunity to correct that end so

4

that's what we're asking.

5

CHAIRPERSON AVELLA: And I think we

6

would agree with you. Good. Council Member

7

Jackson, do you have a question?

8

COUNCIL MEMBER JACKSON: Thank you.

9

My question is in your presentation, I forgot your

10

name the man in the middle, you had said that it

11

would be appropriate that the city purchase or

12

take over all of the High Line so that you

13

preserve it. And you mentioned about not building

14

stuff over it and what have you. In your opinion,

15

would we have to do that by eminent domain, would

16

we have to purchase that? What's your opinion?

17

MR. HAMMOND: That's a great

18

question. No, the Railroad CSX currently owns the

19

High Line; they own the other part. They donated

20

the southern part to the city as a donation and

21

they've indicated their willingness to donate the

22

remainder of the line to the city. So it would be

23

a donation, they're open to that. Again, it's the

24

first step. Even if it's donated, the city still

25

has a lot of flexibility in what they do with it

1
2 and who's going to run it and who's going to pay
3 for it. It's just the first step.

4 It took us almost three years of
5 legal issues at the federal level, at the state
6 level, at the city level to get that ownership and
7 that's why we want to start that process now.

8 COUNCIL MEMBER JACKSON: All right.
9 Thank you.

10 CHAIRPERSON AVELLA: Thank you for
11 your testimony.

12 MR. HAMMOND: Thank you.

13 CHAIRPERSON AVELLA: Next panel,
14 panel in favor. Kathleen Crowell, Patrick Hazari,
15 Ruth Lowell. Is everybody here? No? Jeffrey
16 Kline, Jeffrey are you here? No? Stephanie
17 Schuman, Stephanie. Joanna Smith, Joanna, Joanna,
18 Joanna's not here. Marina Hung. Okay. Did I
19 pronounce it right?

20 MS. CROWLEY: My name is Kathleen
21 Crowley. I came as a Friend of the High Line. I
22 also live in West Chelsea and as a health care
23 worker I'm just for parks. I think they're good
24 for health. I just wanted to note that the
25 overflow room, as a supporter of preserving the

1
2 entirety of the High Line that the overflow room
3 was packed to capacity before we all got in here.
4 All the chairs and people, it was standing room
5 only so I just wanted to note that.

6 In the last public review process
7 that was actually speaking about the Western
8 Railyards, I can't give proper credit, I can't
9 name the person that said this. I didn't get
10 their name but it's true today, too. No one walks
11 into a public park and says this would be so much
12 greater if it was just a little bit smaller. Too
13 true.

14 STEPHANIE SCHUMAN: My name is
15 Stephanie Schuman and I'm a West Village Resident
16 and a Friend of the High Line and want to second
17 the team in thanking you all for your continued
18 support of the project and for the opportunity jus
19 to say a few words.

20 As a resident and an art historian
21 by training, my relationship to the structure is
22 very personal and its very professional. I study
23 and work with artists who have used this city and
24 the sort of historical structures over time, mind
25 the city for its resources continually. And it's

1
2 something that I look to in my own work. And so
3 the High Line for me is both a visual and symbolic
4 reference not only to New York's cultural passage
5 but really to the creative minds who make New York
6 the wonderful place that it is to live.

7 I think that it would be a travesty
8 not to preserve it in its entirety, including the
9 Spur both historically and culturally. Thanks.

10 MARINA HUNG: Hello, good morning
11 and thank you for the opportunity to testify. I'm
12 Marina Hung. I'm a Brooklyn resident. I am a
13 volunteer and a supporter of the Friends of the
14 High Line. I have followed its progress through
15 the years and I have conducted walking tours of
16 the High Line twice now, two years in a row during
17 the New York open house weekends. Everyone who
18 sees the High Line is just blown away by it. I do
19 believe that the section that we're talking about,
20 which is the upper section including the 10th
21 Avenue Spur, is really the exclamation mark on the
22 High Line. It is where the High Line takes a
23 sweep. It is the flourish that adds to the beauty
24 of the High Line and to not preserve it, I think,
25 would be a tragic mistake.

1
2 People have talked about the
3 history and this is a historic occasion when we
4 must do something to preserve something that is
5 not ever going to be duplicated in the City of New
6 York. It's not a once in a lifetime issue, it's
7 really a historic issue. It's once forever. And
8 I would really urge the City Council to do what's
9 necessary to preserve it. Thank you very much.

10 CHAIRPERSON AVELLA: Thank you.

11 Next panel is the last panel in opposition, Terri
12 Kullemore and Rosie is it Malone? She's gone?

13 TERRI KULLEMORE: Hi, my name is
14 Terri Kullemore and I live in Chelsea. I am for
15 the total preservation of the High Line. The High
16 Line is a treasure. I truly mean that, it is a
17 treasure. I've walked on it in 2005, I think.
18 It's more of a treasure to me now and a lot of my
19 neighbors because of the development that's going
20 on, on the West Side. That will proceed, that
21 will go ahead but it is huge, huge, huge
22 development. And so the High Line is so needed
23 just for anybody that wants. It's for everybody
24 and everybody can walk there so that's what I have
25 to say today. Thank you so much.

1

CHAIRPERSON AVELLA: Thank you.

2

3

COUNCIL MEMBER JACKSON: Tony, I thought you said this was a panel in opposition.

4

5

CHAIRPERSON AVELLA: That's what she indicated.

6

7

COUNCIL MEMBER JACKSON: So you're in favor not in opposition.

8

9

MS. KULLEMORE: I'm in favor of the High Line.

10

11

CHAIRPERSON AVELLA: But you indicated opposition.

12

13

MS. KULLEMORE: I didn't indicate anything. They asked the question [off mic]

14

15

CHAIRPERSON AVELLA: That's all right.

16

17

COUNCIL MEMBER JACKSON: Okay. That's why you threw me a curve there.

18

19

CHAIRPERSON AVELLA: The next panel is Suzanne Davis, Suzanne? Matthew Betmalik. Did I pronounce it right, Matthew? Gone? Chris Wood? Chris? Going once, going twice, gone. Lois Roos, R-O-O-S, Enero Cruz, Jonathan is that Feldmen or Geldman? Oh, Goldman, okay.

20

21

22

23

24

25

SUZANNE DAVIS: Hello, thank you

1
2 very much for the chance to speak. My name is
3 Suzanne Davis. I've been involved with the High
4 Line back in the days of the 80s when Peter
5 Oglewitz was there and it was called the West Side
6 Railyards. I am former Executive Director of the
7 JM Kaplan Fund and in that capacity I've been
8 involved in projects for over 20 years to improve
9 the quality of life in New York City, like the
10 Central Park Conservancy, the Prospect Park
11 Alliance. And in my opinion the High Line Park is
12 one of the most exciting developments to come
13 along in decades. I think it's going to be an
14 extraordinary treasure to add to this, the
15 reputation of New York City as a world class city.

16 I think it's incredibly important
17 that we preserve the entire park, the northern
18 park, which is the most spectacular views, really
19 breath taking. It would be a real missed
20 opportunity if we cut off the park two-thirds of
21 the way up. And I think we'd never forgive
22 ourselves just like losing Penn Station. So I'm
23 speaking and urging you to please assure that the
24 entire High Line area will be preserved as you go
25 forward with your plans to develop the Railyards

1

2 site. Thank you very much.

3

4 LOIS ROOS: Hi, my name is Lois
5 Roos. I'm just one of the public. I lived on
6 10th Avenue and 24th Street back in the 60s when
7 there wasn't any thought of the High Line. I wish
8 it had been there then. I moved out to the
9 suburbs, raised my family, recently retired and
10 moved back into the city. I live on West 55th and
11 I can't wait to be able to walk on the High Line.
12 I look forward to it and I urge you to please
13 preserve the entire thing.

14

15 JONATHAN GOLDMAN: Hello, good day.
16 My name is Jonathan Goldman. I'm a grad student
17 from New York University and I also work in the
18 hotel industry. And I support and endorse this
19 preservation project. It is an icon of New York
20 City and the western side of Manhattan.

21

22 I first found out about it through
23 reading news articles and I saw the nice little
24 photos on Facebook and got all the invitations and
25 saw some group postings to support this. So I
26 believe there's a lot of potential for it.

27

28 However I'm a little bit skeptical about the
29 future of this site because it's a tough economy

30

1
2 but I also believe that there is a lot of
3 potential.

4 I would like to know has the
5 developers and the owners of this site thought
6 about the maintenance and the quality of the
7 appearance of the site in say, five, ten years
8 down the road. It's going to be expensive but I
9 want to make sure that they're aware it takes a
10 lot of time and effort to maintain this site. We
11 don't want to see a site that goes idling after a
12 certain amount of time. Don't take that for
13 granted.

14 But I do support the site and I
15 hope to see it flourish. It would make a nice
16 potential tourism attraction, too. Thank you.

17 CHAIRPERSON AVELLA: Thank you.
18 Seeing no one else signed up to speak on this
19 item, I'd like to call Related back. You
20 basically heard the concerns that have been
21 brought up. I want to know what your opinion is
22 because I think the community has very legitimate
23 concerns in to the preservation of the High Line
24 and the acquisition of the additional land.

25 MR. TRAKABARDY: Sure. What I'd

1
2 like to do Chairman is first turn it over to
3 Melanie to talk about the technical issues in
4 terms of where we are with the text amendments
5 because I think that's important. And then I'd
6 like to then come back on the substantive issues.

7 MS. MYERS: Thank you. I think
8 both Peter and Robert pointed out that what we are
9 here today on are some very narrow text amendments
10 related to the Eastern Yards. The High Line as a
11 structure in terms of how to go about preserving
12 it, from a technical matter in terms of what would
13 need to be required is frankly a much more complex
14 matter. It's owned by CSX, which is not Related.
15 It's on property owned by the MTA, which is not
16 Related. The city would have to also be in a
17 position to acquire the property, which is not
18 Related.

19 So we certainly understand the
20 concerns but from a technical standpoint this is a
21 nice forum for talking about the issues but from a
22 text amendment standpoint it's really not
23 something--the text itself is not what's going to
24 establish the High Line. It's going to be a whole
25 host of things. So from that standpoint, it's not

1

2 I think a matter that's really before you in a
3 substantive manner today. So that's just what I
4 wanted to talk about from a technical standpoint.

5

MR. TRAKABARDY: Okay. And that
6 said, despite that, I agree with you. I think
7 there are very significant issues here and they're
8 substantive issues. I personally have a very
9 strong personal relationship with the Friends of
10 the High Line. I served on the board, full
11 disclosure.

12

COUNCIL MEMBER JACKSON: You were
13 supposed to disclose that earlier.

14

MR. TRAKABARDY: Right, right. I
15 don't think there's any conflict there.

16

COUNCIL MEMBER JACKSON: Any more
17 stuff after the fact?

18

MR. TRAKABARDY: I'm sure we'll
19 find something. I'm sorry, I'm going to try not
20 to. But the point is many of us have been working
21 on the state of the High Line for a long time back
22 now. Related has a very strong corporate
23 commitment to the High Line. We built the first
24 building along the High Line, a residential
25 building. It's a very successful building. And

1
2 so we've had an ongoing series of meetings with
3 the Friends of the High Line and are two design
4 teams have met. I think those have been extremely
5 productive meetings.

6 There are complex issues. This is
7 a very complex site, trains operate on it, there's
8 a lot of different issues that happen with the
9 site. I think the most difficult part is this
10 idea that there's going to be a resolution of this
11 now. These are detailed technical issues that
12 tend not to be really within the purview of zoning
13 and so we feel we have a strong collaborative
14 relationship. We think we've proven that effort
15 and collaboration and we're going to continue to
16 do that with the Friends of the High Line.

17 But we're also trying to do this
18 consistent with the process that's before us,
19 which includes these text amendments now and then
20 a ULURP on the Western Railyards. So with that in
21 mind, we want to continue to collaborate and see
22 what we can figure out.

23 CHAIRPERSON AVELLA: Thank you.
24 Again, I see no one signed up to speak on this
25 item so the public hearing is closed and we are

1
2 trying to--some of my colleagues are coming back
3 so we will be taking a vote.

4 MS. MYERS: Thank you very much.

5 CHAIRPERSON AVELLA: I'll ask
6 counsel to call the vote on the 504 427 West 53rd
7 Street which is in Speaker Quinn's district. As
8 you remember she is in favor. And we are laying
9 over the bicycle parking application until
10 Thursday morning and we are laying over the three
11 sidewalk applications in Council Member Mendez
12 district, Mark-Viverito's district and Council
13 Member Gardonick's district.

14 And we will be voting on the
15 Eastern Railyards text amendment which includes
16 the High Line issue. Chair recommends approval of
17 those two items and I'll mention with the caveat I
18 think we all recognize the testimony from the
19 community and the need to move ahead to acquire
20 the rest of the High Line area and make sure that
21 there is some future text amendment to preserve it
22 so that it is part of the city skyline, in effect,
23 and that it will be preserved for future
24 generations and not be at, I guess, the will of a
25 developer. So Chair recommends approval of those

1

2

two items.

3

4

COUNSEL: Christian Hilton, Counsel
to the Committee. Chair Avella.

5

CHAIRPERSON AVELLA: Aye.

6

COUNSEL: Council Member Felder.

7

COUNCIL MEMBER FELDER: Yes.

8

COUNSEL: Council Member Jackson.

9

10

COUNCIL MEMBER JACKSON: May I be
excused to explain my vote?

11

CHAIRPERSON AVELLA: Yes, sir.

12

COUNCIL MEMBER JACKSON: Thank you.

13

After listening to all of the testimony of the

14

developers and the community board chair and the

15

co-chair of the land use committee and listening

16

to all the residents and knowing that the Council

17

Member for both projects, which are Council Member

18

Christine Quinn, our Speaker, and listening to the

19

recommendations of the board and the borough

20

president and considering that Related has

21

attempted to try to address the issues and

22

concerns, I would have to say that I vote yes on

23

all items.

24

COUNSEL: Council Member Sears.

25

COUNCIL MEMBER SEARS: I vote aye

1

2 on all.

3

COUNSEL: Council Member Vann.

4

COUNCIL MEMBER VANN: Aye on all.

5

COUNSEL: Vote currently stands

6

five in the affirmative, none in the negative and

7

no abstentions LU 1037 and 1039 will be approved

8

and referred to the full Land Use Committee.

9

CHAIRPERSON AVELLA: Thank you

10

everyone. This meeting of the sub committee will

11

be recessed--wait. I'm just informed that Land

12

Use is meeting before my next meeting so that this

13

meeting will be closed and the meeting on Thursday

14

will be a separate meeting where we will take up

15

the bicycle text vote. Now what? I'm keeping the

16

vote open for a few minutes for another colleague

17

who is on their way since we're closing this

18

meeting. The meeting on Thursday will be at 9:45.

19

We hope. It will probably be in this building.

20

Where it's going to be, I don't know; pretty sad,

21

pretty sad. Go ahead.

22

COUNSEL: By a vote of five in the

23

affirmative, none in the negative and no

24

abstentions LU 1037 and 1039 are approved and

25

referred to the full Land Use Committee.

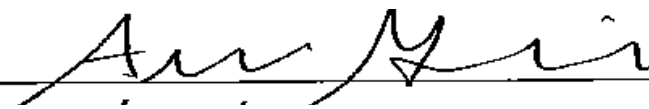
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRPERSON AVELLA: Thank you
everyone. That closes this meeting of the sub
committee on Zoning and Franchises.

C E R T I F I C A T E

I, Amber Gibson, 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



Date _____ April 23, 2009 _____
