

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

SUBCOMMITTEE ON ZONING AND FRANCHISES

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September 15, 2011
Start: 10:00am
Recess: 11:17am

HELD AT: Council Chambers
City Hall

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

COUNCIL MEMBERS:
Leroy G. Comrie, Jr.
Daniel R. Garodnick
Robert Jackson
Jessica S. Lappin
Diana Reyna
Joel Rivera
Larry B. Seabrook
James Vacca
Albert Vann
Vincent M. Ignizio

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

John Clifford
Architect
BJ's/Brooklyn Bay Center

Patrick Smith
Vice President of Real Estate
BJ's Wholesale Club

Ethan Goodman
Land Use Counsel representing Thor Equities
Law Firm of Wachtel & Masyr

Jesse Masyr
Land Use Counsel representing Thor Equities
Law Firm of Wachtel & Masyr

Adam Wolff
Deputy Director of the Manhattan office
NYC Department of City Planning

Gary DeBode
President
Edison Properties

Douglas Woodward
Edison Properties

Andrew Canter
Edison Properties

Kate McDonough
Chair of Land Use and Zoning Committee
Manhattan Community Board 5

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2 CHAIRPERSON WEPRIN: Alright. Good
3 morning. My name is Mark Weprin. I'm the chair
4 of the Zoning and Franchises Subcommittee. I'd
5 like to welcome you all here to the Zoning and
6 Franchises hearing. We are joined by the
7 following members of the Committee who are here:
8 Diana Reyna, Dan Garodnick, Leroy Comrie, Al Vann,
9 Jimmy Vacca and Larry Seabrook. Am I missing one
10 back there? No. We are also delighted to be
11 joined by the chair of the Finance Committee,
12 Domenic Recchia, who is here and Robert Jackson—I
13 apologize—Robert Jackson from Manhattan.

14 We are going to start. Just some
15 housing—the first issue on the cafes, Land Use
16 number 449, Mezzogiorno Associates—we have a
17 letter and there's a motion to file pursuant to
18 withdrawal, and we have a letter withdrawing this
19 application, so that will be withdraw. The second
20 café, Café Condessa is off the agenda for today.
21 It's laid over until our next meeting. Land Use
22 number 456, Boerum Hill [phonetic] rezoning—we are
23 not going to be voting on that today. We already
24 held the hearing. That will be held before the
25 Land Use meeting on Monday—Council Member Comrie's

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2 Committee at 10 o'clock. This will meet at 9:30.
3 No? Monday at 9:30. You're shaking your head at
4 me.

5 [background conversation]

6 CHAIRPERSON WEPRIN: I thought I
7 had a happy meal or something. 9:30 on Monday
8 morning we'll be having that hearing on this and
9 maybe another item. Alright, so now for the main
10 events. We are going to start with Land Use
11 number 469 through 474—the Brooklyn Bay Center
12 Thor Equities and I'm going to call John Clifford
13 [phonetic], Patrick Smith [phonetic] and Ethan
14 Goodman [phonetic] and Jesse Masyr [phonetic].
15 Please come up. Make sure, gentlemen, you all
16 have seats. Are we short? No. You could set up
17 your charts, and when you're all ready, please
18 before you speak, state your name for the record
19 into the microphone. Since there are four of you
20 just so you know, when we look at the record, we
21 want to know who's who when they speak, so as you
22 speak, always state your name before you speak so
23 we can keep the record straight. So whenever
24 you're ready, you can start.

25 JESSE MASYR: Thank you, Mr.

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2 Chairman and members of the Committee. My name is
3 Jesse Masyr. I'm a member of the law firm of
4 Wachtel & Masyr, and we're Land Use counsel to the
5 applicant in this matter, which is an entity owned
6 by Thor Equities. The matter before you is a
7 number of actions, including a rezoning and a
8 number of special permits that would facilitate
9 the development of a BJ's Wholesale establishment
10 on this site. With me today—to my left is John
11 Clifford, who is the architect of the project,
12 Ethan Goodman of my office and Pat Smith, a
13 representative of BJ's.

14 I wanted to start before turning it
15 over to them and giving greater detail on the
16 project, and of course, being available to answer
17 any questions you might have. To say that this
18 contaminated site which will be cleaned up at
19 great effort of over 20,000 cubic yards of
20 material that will have to be removed and replace
21 will then facilitate this important economic
22 development project in this section of south
23 Brooklyn. We wanted to make it very clear that we
24 are very, very happy and pleased to be doing
25 business with BJ's. We have a full executed lease

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2 with BJ's and we expect BJ's to not only be our
3 tenant, but in essence they are the developer of
4 the site. They will build their own store and the
5 parking that goes with it. We wanted to make very
6 clear 'cause we realize that there's a reality in
7 Brooklyn that this and - - circumstance will be
8 anything but a BJ's and under no circumstance will
9 this ever be a Wal-Mart. I know there's been some
10 concern about that. We want to make that clear
11 and put that on the records for clarity's sake.
12 With your permission, I'd like to ask Ethan
13 Goodman of my office, if he could briefly take you
14 through the actions, which there are 6, that would
15 be needed to facilitate this development.

16 ETHAN GOODMAN: Good morning,
17 Council Members, Chair Weprin. As Jesse Masyr
18 told you, we're in front of you for a number of
19 applications to build an approximately 214,000
20 square foot retail center. As you see by the
21 contacts [phonetic] map to my left, we are along
22 the Belt Parkway on the water at 1752 Shore
23 Parkway, for those of you familiar with the area.
24 We are actually nestled essentially between the
25 Caesar's Bay [phonetic] shipping center and the

1 Bayside Fuel Depot and probably about two blocks
2 or three blocks northwest of Nellie Bly. This is
3 actually a fairly developed retail area as you'll
4 notice by Caesar's Bay and the New York Sports
5 Club right next door to us. It is--however, all
6 those were built pursuant to variance; this is
7 still in an M3 zone, so we are seeking first a
8 rezoning to an M1 district, and that will allow us
9 to apply for a large retail special permit to
10 allow the proposed retail uses. We're also
11 seeking a number of other special permits; one of
12 which is to modify - - to build slightly higher
13 than the 30 foot height limit on a waterfront
14 block. The highest portions of the building will
15 be approximately 56 feet. We are also seeking to
16 modify signage slightly to put some illuminated
17 signage facing the northwest and southeast, not
18 facing east directly onto the residences, but
19 oblique angled to them. We're seeking a special
20 permit for a public parking garage, essentially
21 only so we can put rooftop parking in here and
22 keep the level of the parking garage low. It will
23 be a three level garage with ground floor, second
24 level and rooftop and will contain 690 parking
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1 spaces. We are seeking a minor authorization to
2 modify waterfront public access to allow one less
3 connection from the street due to the long
4 peninsular nature of the site. Otherwise the
5 public waterfront access will be entirely
6 compliant with zoning. It will be 2 ½ acres and
7 will be open from dawn to dusk. I'll just show
8 you the project briefly.

10 The project you'll see rendered in
11 front of me and a side plan to the left of me, it
12 will have a single entrance coming into and out of
13 the service road to Shore Parkway. This will be
14 great because it will prevent all conflicting
15 vehicular movements. The service road is a one
16 way road that goes essentially southeast or down
17 on the right side of the screen there—right side
18 of the board. People will come in a driveway
19 here, park in the parking garage and enter the
20 BJ's right from the nexus between the parking
21 garage and the BJ's. On the second level, there
22 is space for some additional smaller retailers.
23 We don't have leases for those smaller retailers
24 yet, but we're hoping we'll get leases in the
25 future for those retailers. The first level will

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2 be approximately 138,000 square feet for the BJ's
3 and we've got approximately 69,000 square feet on
4 the second level to house additional retailers.
5 Here's a rendering from the end of the peninsula
6 looking at the parking garage. It will be a nice
7 peninsula, a public waterfront esplanade with
8 benches throughout, some tables. It will be an
9 esplanade that will not be cut off from the water.
10 There will be a rocky slope going down to the
11 water, so people can access and get very close to
12 the water. In addition, there will be a large
13 public lawn at the end. With regard to access to
14 and from the site, we believe primary access will
15 probably be along Bay Parkway and along the Belt
16 Parkway and we have proposed a number of traffic
17 improvements along Bay Parkway and especially the
18 intersection of the Belt and Bay Parkway,
19 including special turning lanes, signals,
20 dedicated signals and additional signage to
21 clearly direct people to Caesar's Bay and our site
22 straight ahead or onto the Belt to the left.
23 We've done extensive analysis on this and we
24 believe we've achieved a solution that allows
25 traffic to still flow smoothly. With that I will

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2 close and open up to any questions you have for
3 anybody on the panel.

4 CHAIRPERSON WEPRIN: Thank you very
5 much. Now I understand there is discussion about
6 a letter regarding unions. Is that something you
7 want to discuss on the record?

8 JESSE MASYSR: Yeah, I have Mr.
9 Smith who is a representative of BJ's to my left,
10 but my understanding, and Pat, will stop me when I
11 go wrong, is that BJ's has always been committed
12 and has done all of its work in New York City with
13 union labor and has every intention to continue
14 that position and is ready to commit on the record
15 today. Correct?

16 PATRICK SMITH: Correct.

17 JESSE MASYSR: That they will build
18 this job entirely with union labor. We will
19 effort—and make sure that we have to you in a
20 timely manner before your vote, a letter from BJ's
21 putting that in writing and committing it, but
22 BJ's has always done their work in New York City,
23 even in projects where they were not developers,
24 but they were just merely the finisher of their
25 site, and in fact, in one instance where the site

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2 itself was not built with union labor, they
3 themselves with no obligation came in and did all
4 of their work only with union labor.

5 CHAIRPERSON WEPRIN: Okay, thank
6 you. For the benefit of the Committee I know that
7 Councilman Recchia is here and he wants to discuss
8 this project.

9 COUNCIL MEMBER RECCHIA: Yes, thank
10 you, Mr. Chairman—Council Member Weprin. If you
11 give me the opportunity to ask a few questions—I
12 just want to be very clear, Mr. Masyr, that this
13 BJ's not any BJ's they built before in the future,
14 but that this one will be built with union labor.
15 I'd like to hear that from you and from the
16 representative from BJ's.

17 JESSE MASYR: Let's get it right
18 from the horse's mouth, Mr. Councilman.

19 PATRICK SMITH: Thanks, Councilman.
20 My name is Pat Smith with BJ's Wholesale Club.
21 This project will be built with 100% union labor.

22 COUNCIL MEMBER RECCHIA: Okay, and
23 what's your position?

24 PATRICK SMITH: I'm the vice
25 president of real estate.

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2 COUNCIL MEMBER RECCHIA: And you
3 have the authority to speak on behalf of BJ's to
4 make this commitment—

5 PATRICK SMITH: [Interposing] I do.
6 Yes, I absolutely do. 100%

7 COUNCIL MEMBER RECCHIA: --'cause I
8 don't want to hear later on down the road that he
9 testified without having the authority because
10 building union is very important and I don't need
11 to have rallies in front of my house about
12 building union. That's number 1. The other issue
13 is the small retail. How many stores are there
14 going to be—that could possibly be rented out?

15 ETHAN GOODMAN: You know, however
16 it's subdivided. There's no division plan yet.
17 It's about 69,000 square feet. Realistically, we
18 think it wouldn't be more than probably about
19 three stores, but if a restaurant or another
20 smaller user wanted to come in and carve out a
21 small space, that's a possibility.

22 COUNCIL MEMBER RECCHIA: Okay, and
23 whose obligation is that? Is it BJ's or Thor
24 Equities?

25 JESSE MASYSR: BJ's is the developer

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2 of the site, just so not to get too deep into the
3 weeds, we are ground leasing the site to them, so
4 they will be the inheritor of the approvals, if
5 we're lucky enough to get them, and they will be
6 the developer of the entire site.

7 COUNCIL MEMBER RECCHIA: So it
8 would be up to BJ's to lease out those stores?

9 JESSE MASYSR: Correct.

10 COUNCIL MEMBER RECCHIA: Not the
11 equities?

12 JESSE MASYSR: Correct.

13 COUNCIL MEMBER RECCHIA: Okay. The
14 other issue is with the sign illuminating. I
15 understand you're going to try your best not to
16 affect the people across the Belt Parkway who live
17 there, but I need some commitment or that once the
18 sign goes up, if there is a problem that BJ's is
19 committed to working with myself and the community
20 board in resolving any issue. I don't want to
21 hear, "Well, we already spent thousands of dollars
22 putting up the sign. We can't do it. It's
23 impossible." 'Cause you never how a sign
24 illuminates until it's actually up.

25 PATRICK SMITH: Pat Smith again,

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2 Mr. Councilman, we will absolutely commit to work
3 with you and with the community. If that sign is
4 a nuisance, we'll move it. We'll do whatever we
5 have to do to make it work for the neighbors. The
6 neighbors are going to be our customers. They're
7 going to be our members, and we don't want to be
8 coming in as a bad neighbor.

9 COUNCIL MEMBER RECCHIA: Okay, and
10 of course, that would be at BJ's expense, right?

11 PATRICK SMITH: Yes.

12 COUNCIL MEMBER RECCHIA: Okay. Now
13 hiring local—that's very, very important. I'd
14 like to just put on the record that you're going
15 to hire local from the Coney Island, Bensonhurst,
16 Grave's End, Bay Ridge communities?

17 PATRICK SMITH: That's correct,
18 sir. We'll be working with Workforce one and the
19 career centers and we'll be working with your
20 office. We're going to be—what we'll be doing is
21 we'll be reaching out to the local community first
22 before we go out to the rest of New York for
23 hiring, so we're going to give all the local
24 people first chances at all the jobs.

25 COUNCIL MEMBER RECCHIA: Right.

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2 Okay, and would I be able to make some
3 recommendations to local workforce groups to work
4 with?

5 PATRICK SMITH: Absolutely.

6 COUNCIL MEMBER RECCHIA: Okay, and
7 just going down my list right here. I just want
8 to be very clear that this is going to be a BJ's
9 and Wal-Mart will not be coming in here. Is that
10 correct, Mr. Masyr?

11 JESSE MASYR: That is absolutely
12 correct, Councilman.

13 COUNCIL MEMBER RECCHIA: and how
14 long is this lease for?

15 JESSE MASYR: 25 years.

16 COUNCIL MEMBER RECCHIA: 25 years.

17 JESSE MASYR: If I could also offer
18 another issue that I know has always been on the
19 mind of this Council and frankly, has shown
20 extraordinary leadership was because of the
21 efforts of the City Council, BJ's became a
22 warehouse club in New York City that really was
23 one of the first to accept food stamps--

24 COUNCIL MEMBER RECCHIA:

25 [Interposing] Right.

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2 JESSE MASYSR: --and their policy
3 now, as it will be their policy here of course to
4 accept food stamps in all of their units in New
5 York City, and they currently do and rather
6 successfully and in some way, it was the
7 leadership of many of the members sitting here and
8 some of them who I'm looking at right now who
9 really pushed us to that direction and we think it
10 worked out really well for us corporately and we
11 will continue. That is our policy.

12 COUNCIL MEMBER RECCHIA: That's
13 greatly appreciated. The park that is going to be
14 open from dusk to dawn, whose responsibility is to
15 take care of that park?

16 JESSE MASYSR: That remains the
17 responsibility of Thor, correct?

18 MALE VOICE: No.

19 JESSE MASYSR: Our responsibility is
20 that we build it. Once we build it, we turn it
21 over to BJ's and they operate the entire site.
22 We're responsible to build it however.

23 COUNCIL MEMBER RECCHIA: I thought
24 BJ's was building it.

25 JESSE MASYSR: BJ's is building

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2 everything but the waterfront esplanade. We're
3 building the waterfront esplanade.

4 COUNCIL MEMBER RECCHIA: You say
5 we, that means Thor Equities?

6 JESSE MASYR: Thor Equities.

7 COUNCIL MEMBER RECCHIA: Okay.
8 Hold on for a minute. Mr. Masyr, do you think we
9 could have that in writing that Thor Equities will
10 be developing the promenade?

11 JESSE MASYR: You can have that in
12 writing before lunch.

13 COUNCIL MEMBER RECCHIA: And you're
14 going to upkeep it or BJ's?

15 JESSE MASYR: BJ's will be
16 responsible for the ongoing maintenance of the
17 esplanade. We will be responsible for the
18 development of the esplanade.

19 COUNCIL MEMBER RECCHIA: Okay, if
20 we could have that in writing, that would be an
21 issue—

22 [crosstalk]

23 JESSE MASYR: --have it in writing
24 today, Councilman.

25 COUNCIL MEMBER RECCHIA: Okay.

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Alright, you know, this is a-

JESSE MASYR: [Interposing] And Council Member, if I might, I would also like to- as part of the letter-to give you and your members the assurance that not only will we be building it, that we will be building it with union labor.

COUNCIL MEMBER RECCHIA: Of course. Greatly appreciated. I just want to-this is a very important project in my district. Once it passes, how long do you think before construction starts?

MALE VOICE: We have--our plans for the building are completed now, so once this passes, we will be filing for our building permit immediately. It's still going to take some time. There's a lot of work that has to be done on the site-the environmental cleanup-

COUNCIL MEMBER RECCHIA: [Interposing] Right. The cleanup.

MALE VOICE: --but that hopefully will start as soon as we get our building permit, we hope that that construction will start the next day.

COUNCIL MEMBER RECCHIA: And what

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is your expected date of opening?

JESSE MASYSR: We would hope within two years we would have a unit opened on the site.

MALE VOICE: From the time we start construction from when the building gets turned over to us, it will take us about a year to build it.

JESSE MASYSR: Council, this is Jesse Masyr again, as I said in my opening statement, we do have 28,000 cubic yards of material that first have to be removed.

COUNCIL MEMBER RECCHIA: I know that site that needs to be cleaned up. So would it be open before December of '13?

JESSE MASYSR: Oh yeah.

COUNCIL MEMBER RECCHIA: That's very important.

JESSE MASYSR: If not, there's going to be—

[laughter]

JESSE MASYSR: Well, I don't know about November. You said December, Councilman.

[background conversation]

COUNCIL MEMBER RECCHIA: You know,

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2 I'm out of office. I'm out of office. My
3 Republican colleague over here. Okay. Like I
4 said, this is very important to the community.
5 It's jobs. It's all about jobs, and that's why
6 it's very important to hire local. Local people
7 come in, they relate to each other, and it's a
8 really great opportunity. You know, I learned my
9 lesson once before. I was a city councilman; I
10 was on the community board. Home Depot came in
11 and begged the community to be allowed to come in,
12 and they made all these promises. They promised
13 the world to the Coney Island community, and on
14 opening day, the Assemblywoman Adele Carter
15 [phonetic] and myself went there 'cause I just got
16 elected, and there was like 200 people lined up
17 waiting for the mayor, and we went down and asked
18 each person where they came from. I could count
19 on one hand out of 200 people how many people come
20 from the Coney Island community. On one hand, I
21 could count those people. It was sad. And Home
22 Depot said they're going to do this in the
23 community; they're going to do that. They don't
24 even donate a can of paint for clean ups in Coney
25 Island. It's a disgrace. From then on, I wanted

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2 to make sure that when any new project that
3 they're going to be community-oriented and do I
4 have that obligation from BJ's that you'll be
5 community-oriented, participate in community
6 activities?

7 PATRICK SMITH: Yes, sir, and if
8 you look at our history in New York City with our
9 Adopt A School program and other things that we do
10 in the community, I think BJ's has been a great
11 corporate neighbor and will continue to be on this
12 project as well.

13 COUNCIL MEMBER RECCHIA: Thank you
14 very much. Alright, thank you, Mr. Weprin. I
15 think I've taken up enough time. I encourage all
16 my colleagues to vote aye. This is very
17 important, and it'd be hundreds of jobs.

18 CHAIRPERSON WEPRIN: Thank you.
19 Thank you, Mr. Recchia. Just before I get to the
20 other questions, I see in the City Planning Report
21 that at one point the Commission cites a letter
22 that was written to the borough president from
23 June 16th, 2011 agreeing to work with the community
24 board, elected officials, DOT on traffic
25 mitigation—do you know the letter I'm referring

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2 to? We don't have a copy of that. - - doesn't
3 need it now, but if we can get it for later—a copy
4 of that letter from June 16th. I'd like to call on
5 Council Member Seabrook who has some questions.

6 COUNCIL MEMBER SEABROOK: Thank
7 you, Mr. Chairman. Just one question—this is
8 fantastic in terms of what you've done, but there
9 was always a question that I raise when you're
10 building these large complexes in these
11 communities—this issue of parking that people have
12 to pay to shop, and I've had a real problem, and
13 I've always said that to you. I got a real
14 problem with that people have to pay to shop—this
15 parking.

16 JESSE MASYR: This parking lot is
17 designed and it is the intention not to be
18 charging for parking. I'm getting tired of
19 getting beat up by you, Councilman.

20 COUNCIL MEMBER SEABROOK: Okay,
21 that's a big issue that I had—that people have to
22 pay to shop. Okay.

23 CHAIRPERSON WEPRIN: Thank you.
24 Mr. Comrie? Chair Comrie?

25 COUNCIL MEMBER COMRIE: Good

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2 morning. Can you detail the clean up—you said you
3 have to clean up toxic materials. Can you detail
4 how that's going to be done and what type of
5 materials are at the site and whether or not
6 you've had the proper EPA or review processes to
7 determine what that is at the site?

8 ETHAN GOODMAN: Sure, as Jesse
9 said, it's approximately 20,000 cubic yards of
10 material. This is the material that was illegally
11 dumped by a prior owner on the site forming
12 essentially a - - around a lot of the perimeter of
13 the site, especially on the end of the site. The
14 site is under a consent order with DEC that
15 existed prior to the applicant's purchasing the
16 site. And the site is being cleaned up in
17 conjunction with both the city and the state
18 regulations and that consent order. There are or
19 will be restrictive declarations signed and
20 recorded against the property to bind the owner to
21 clean up the site pursuant to those agreements.
22 All of this work will be done under the watchful
23 eyes of the city and the state. Most of the
24 materials—it's not—I know you mentioned were toxic
25 materials; not a lot of the materials rise to the

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2 level of hazardous materials, but they are
3 contaminated and a lot of them cannot be reused on
4 the site and have to be removed, so they will all
5 be removed. We need to both get a notice to
6 proceed from the city and state, saying that we
7 have submitted to them a protocol for cleaning up
8 the site, and it has to be in accordance with all
9 their approvals. And then before we can actually
10 build the store and open the store, we have to get
11 a closure notice from them, which basically
12 certifies that we've done everything pursuant to
13 the - - .

14 CHAIRPERSON COMRIE: Once this berm
15 [phonetic] is removed, will that be part of the
16 esplanade area? What's going to be done to make
17 sure that whatever was there doesn't either have
18 leached into the ground or has a permeable smell
19 or anything that would come back to... ?

20 ETHAN GOODMAN: Sure, what's being
21 planned for this site is both a vapor barrier to
22 protect any residual vapors from coming up into
23 the store. Outside, you don't have the issue of
24 vapors as much because it doesn't get enclosed; it
25 can actually be released. There will be some

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2 vents around the site to make sure any methanes go
3 out into the air and don't get stuck anywhere, and
4 also, there will be—how many feet?

5 MALE VOICE: Two feet.

6 ETHAN GOODMAN: Two feet of clean
7 fill throughout—basically in all areas that are
8 not paved. The grade will be brought down—two
9 feet of clean fill pursuant to city and state - -
10 we brought on to basically perform a protective
11 layer.

12 JESSE MASYSR: Councilman, as you
13 know—Jesse Masyr—none of this work can begin
14 unless a health and safety plan is approved to
15 ensure that people working on the site are not in
16 any jeopardy from the methodology used to remove
17 whatever the materials are.

18 COUNCIL MEMBER COMRIE: And that
19 plan has already been developed and approved?

20 ETHAN GOODMAN: Yes, it has. The
21 health and safety plan is already in.

22 COUNCIL MEMBER COMRIE: Okay. And
23 then, just one other question. Council Member
24 Recchia was detailed in assuring about local
25 hiring and you mentioned working with the

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2 workforce in the community and also another group
3 to ensure local hiring. Does BJ's have those
4 relationships now or are they developing those
5 relationships?

6 PATRICK SMITH: We mentioned
7 Workforce One, and the Councilman has some other
8 people in mind, and we're going to work with his
9 office to make sure that we get the widest
10 possible net cast in the local neighborhood to
11 make sure that the local people get the jobs.

12 COUNCIL MEMBER COMRIE: And can you
13 just explain for the public--I know that we met
14 earlier--how you'll do the parking mitigation and
15 the truck traffic moving in and out of the
16 building, so that the public can know - - at the
17 hearing?

18 ETHAN GOODMAN: Sure, and if you
19 need even further details than what I'm talking
20 about, we can--John Clifford, the architect can
21 talk about it. You'll see on the right side of
22 the top image that blue area--those are all loading
23 berths, and what the trucks will do is they'll
24 come--the trucks will come down here along the
25 service road. They will come in this entrance

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2 here. They'll come in and back into these loading
3 berths entirely in the enclosed area, not on the
4 street, and when they're done, they can pull right
5 out, and there's a second curb cut to allow them
6 to come out. So there's no conflicting with the
7 cars, and there's no conflicting with inbound and
8 outbound trucks, and they'll all be entirely
9 within the site when they unload.

10 COUNCIL MEMBER COMRIE: And will
11 you be working with DOT to do stop signs or
12 traffic lights, so that the trucks can get in and
13 out or the traffic can get in and out—the turns?

14 ETHAN GOODMAN: Yeah, DOT right now
15 because of the flow of that street, we're not
16 planning to put additional stop controls—stop or a
17 traffic light over there, but we do believe
18 because the width of the curb cuts and the ability
19 for them to just pull right in just like the cars,
20 that they'll be able to go in and out pretty much
21 and still retain a free flow of traffic there. If
22 in the future, there is any problem with traffic
23 either here or anywhere else in the neighborhood,
24 we have committed to one year after the store is
25 open to go back out and have our traffic

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2 consultant do a follow up study to see where there
3 are any problems and recommend improvements if
4 there are any.

5 COUNCIL MEMBER COMRIE: What's the
6 width of accessory road? Do you know?

7 ETHAN GOODMAN: This road-

8 COUNCIL MEMBER COMRIE:
9 [Interposing] The main road that connects the
10 shopping center and BJ's.

11 [background conversation]

12 ETHAN GOODMAN: Right, so it's
13 essentially the total width of three travel lanes;
14 they use on street parking for one of them, so
15 there's always fully two travel lanes, and
16 obviously to get in and out right in front of our
17 store, we would have to remove--there wouldn't be
18 on street parking there 'cause we'd need to get in
19 and out and clear that area.

20 COUNCIL MEMBER COMRIE: Okay. I
21 would strongly suggest you try to get as much
22 traffic mitigation as possible so that you can get
23 an unimpeded flow of traffic in and out of the
24 facilities just to encourage folks. Folks are
25 driving faster and driving distracted more than

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2 ever, and the more you can assist them with
3 getting in and out safely would be probably better
4 for you actually. I want to thank you for
5 describing that for the committee, and then you
6 said that the second floor would be retail or
7 could it be a community facility if a retail
8 doesn't work or are you focused on retail?

9 ETHAN GOODMAN: Well, right now
10 with the M1-1 zoning, there is some community
11 facilities that are permitted there as of right.
12 They're fairly limited, so it's not the full range
13 of community facilities would be able to put there
14 as of right; we would have to go for further
15 actions to get community facilities in that second
16 floor.

17 COUNCIL MEMBER COMRIE: Okay.
18 Alright. No further questions.

19 CHAIRPERSON WEPRIN: Thank you very
20 much, Mr. Comrie. I didn't mention that we were
21 joined by Council Member Vincent Ignizio and
22 Council Member Jessica Lappin. Does anyone on
23 this side have a question? No? Anyone else?
24 Anybody else? Well, thank you very much,
25 gentlemen. We are going to close this hearing,

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2 but we are not going to be voting today. We are
3 going to be waiting to receive the follow up
4 documents. Right, Mr. Recchia? And we'll
5 probably be also voting on this item on Monday
6 9:30 before Council Member Comrie's Land Use
7 meeting. So thank you very much, gentlemen.

8 JESSE MASYSR: Thank you.

9 CHAIRPERSON WEPRIN: Okay. As they
10 clear away, we are going to move up to our next
11 item, which is Land Use numbers 475 to 477
12 inclusive. This is the 28th Street rezoning, which
13 we have a PowerPoint presentation queued up, I
14 see, so we'd like to call the City Planning
15 representative, Adam Wolff, Brenda Levin
16 [phonetic] is representing them, Douglas Woodward
17 [phonetic] representing Edison Property, Douglas
18 Woodward, Gary DeBode and Andrew Canter [phonetic]
19 from Edison. If you have enough seats there—you
20 may have to... This is a rare joint presentation of
21 City Planning and a private developer, a public-
22 private partnership. Yes. And operating the
23 slideshow is Carolyn Grossman [phonetic].
24 Whenever you're ready, make sure again like I told
25 the other panelists, please state your names

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2 before you speak each time you speak just to keep
3 the record straight. So however you want to
4 organize this public-private partnership, go
5 ahead.

6 ADAM WOLFF: Thank you, Mr.
7 Chairman, members of the committee. My name is
8 Adam Wolff. I am the deputy director of the
9 Manhattan office at the Department of City
10 Planning and I'm here to present the Department of
11 City Planning's application for a Zoning text
12 amendment to create a new Zoning District—what
13 we're calling M1-6D. I'm also joined here by
14 Carolyn Grossman, our director of governmental
15 affairs, who is going to be helping me with the
16 slide presentation. Thank you very much, Carolyn.

17 So next slide please. Just to be
18 clear from the start, as I mentioned I'm going to
19 be presenting this first application. I am joined
20 at the table by representatives from Edison
21 Properties, who will be discussing two separate,
22 but related applications. Essentially the
23 Department's creating this new Zoning District.
24 Edison Properties is the first applicant to
25 utilize this—or proposing to utilize this new

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2 Zoning District, M1-6D, and they would be going
3 for this Zoning Map amendment and will discuss
4 this in further detail after I complete the
5 presentation, and they also are proposing a
6 special permit for a public parking garage.

7 Next. So to get right into this, I
8 think that the background will also help explain
9 some of the relationship between the Department
10 and the applicant here. The origins of this
11 district really start from a general understand of
12 some of the larger trends that have been going on
13 and some of the existing manufacturing zoning
14 districts, which are located generally in the
15 Midtown south area of Manhattan in Community
16 District 5. These areas are outlined in red here.
17 They're generally located between 5th and 8th
18 Avenues between 23rd Street and 31st Street.
19 There's another little pocket further up as you
20 can see here—just north of Empire State Building.
21 And they sit generally between the Midtown office
22 and entertainment and shopping core and also, some
23 growing residential communities to the south of
24 Chelsea in the 6th Avenue corridor here. They are
25 manufacturing districts today. Although, they

1
2 don't really function anymore as the traditional
3 manufacturing districts as they were originally
4 created for—mostly they're really become a
5 reservoir—an important one at that—of class B and
6 C or affordable office space, and yet, because of
7 the zoning, they don't allow for other compatible
8 uses, such as residential uses or the vast
9 majority of community facility uses today. This
10 is just a slide showing some of the—the trends
11 shown in... Carolyn, can you go back please? Just
12 on the right hand side, this is just highlighting
13 2000 to 2009. On the right hand side, you can see
14 employment kind of the decrease from the blue to
15 the red in industrial sector employment, and then
16 on the left hand side is the non-industrial
17 sector, commercial employment, increasing, and
18 this is a trend that's been ongoing. Actually,
19 the area has done quite well. This is also just
20 for the manufacturing zoning districts that I
21 showed on the previous slide. In fact, over this
22 period of time, the employment actually increased
23 7.3%, so it's doing quite well. At the same time,
24 we have some what we think are some issues with
25 the current zoning—next slide—which is kind of

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2 epitomized by a lack of investment in these
3 manufacturing districts. You have a prevalence—
4 you have a very old building stock [phonetic] for
5 one. You have a prevalence of surface parking
6 lots, lack of retail services, streets are
7 relatively desolate and kind of chopped up with a
8 lot of curb cuts, and especially at night, the
9 area can feel relatively desolate. What you do
10 see happening actually and what we have seen is a
11 number of hotels being developed in these
12 manufacturing districts—kind of a byproduct of the
13 zoning, which allows for hotels, but not other
14 compatible uses, and these hotels are often really
15 set back from the street—15 and 20 feet. They
16 rise vertically without setbacks and really are
17 out of character with the existing built context,
18 which is more of this high street wall and
19 articulated - - that you can see here on that
20 slide. There are some good things, we think,
21 going on here that we want to preserve and
22 protect. This is the affordable office space
23 district - - M districts. At the same time, we
24 think the zoning can be looked at again and really
25 improved to allow for potentially new compatible

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2 uses, and sensitively do that in the sense of
3 protecting kind of the existing resources that we
4 have there.

5 It was against this backdrop that
6 we were approached by Edison a few years back.
7 They control a property, which is the small yellow
8 rectangle here between 28th and 29th Streets, and
9 between 7th and 8th Avenues and requested and wanted
10 us to request ability to have residential uses on
11 that site. And again, against the backdrop I just
12 discussed, we agreed to look more closely at it,
13 and quickly realized we didn't have a zoning
14 district off the shelf that we could just put in
15 place that would accomplish multiple goals and be
16 sensitive to the fact that there is something here
17 that is worth protecting and providing special
18 regulations for. So we went into a more in depth
19 study of the two mid blocks between 7th and 8th
20 Avenue from 28th Street to 30th Street and looking
21 into what was there on the ground and kind of how-
22 what the character was like and how we could craft
23 the outlines of district based on analysis of that
24 particular area. Just to show you on the Zoning
25 Map, the area we're looking is an existing M1-5

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2 district. It's 5 FAR [phonetic], medium density,
3 manufacturing district. And the goals that came
4 out of that study really are highlighted here on
5 this slide; first and foremost, protecting the
6 concentrations of existing class B and C office
7 uses and light industrial uses. We also wanted to
8 allow for the targeted residential development as
9 we're doing that and where new residential uses
10 would be allowed. In addition, promoting the
11 creation of affordable housing was a goal of this
12 district and clearly, where new development was
13 going to happen, make sure that the development
14 fit in with the existing context that was already
15 there in this area, which is well-established and
16 has some pretty significant buildings that we
17 wanted to make sure were respected. And then
18 overall, the goal was really about supporting a
19 vibrant mixed use district, mixed use area,
20 office—a live/work environment that is 24-7 in
21 character, and you'll see that as we go through
22 the use regulations of this district.

23 I'll just highlight the main ones -
24 - really about creating this mixed use
25 environment. Okay. So again, highlighting the

1
2 mix of uses, it will allow for a wide variety of
3 uses in this district similar to MX districts.
4 We'll get into the specific protections for
5 existing concentrations of commercial light
6 industrial uses, talk about how it will allow for
7 residential development. Ground floor retail and
8 transparency requirements and there is a special
9 permit for larger hotels. I'll get into that,
10 okay. So this is just a land use map of this two
11 mid block area, showing—and it's pretty busy,
12 precisely because there are a lot of different
13 uses here. And so you can see already in this
14 district there are a lot of uses. The zoning
15 district would support this mix that's currently
16 there that would still allow for commercial light
17 industrial uses to locate in this area and it
18 would also allow for targeted residential areas.
19 Just to note that the gray represents surface
20 parking lots; the red, commercial office, and then
21 there's a mix between some of the others generally
22 characterized as really a commercial office
23 district, a class B and C office district with a
24 secondary presence of residential and light
25 manufacturing uses and surface parking lots. So

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2 in order to provide the protections for non-
3 residential uses and the regulations would
4 actually require that for zoning lots that have
5 buildings with more than 40,000 square feet of
6 floor area, those non-residential uses in those
7 buildings would have to essentially be one for one
8 replaced if any floor area in that building was
9 converted or if the building was actually
10 demolished. The 40,000 number was actually—I'll
11 get to it later. It was originally 50,000, but it
12 was modified during the process at the commission
13 level, and the community board and borough
14 president had a major comment that that be
15 changed. By protecting those non residential uses
16 in this two midblock area, we got approximately 80
17 to 85% of all the commercial floor area and
18 employment [phonetic] in those areas actually
19 having protections on them. On the flip side for
20 residential use, everywhere that's not shown in
21 purple here... And sorry, the purple lots are shown—
22 those are the ones that are more than 40,000
23 square feet. Where it's not purple, that's where
24 residential uses would be allowed as of right.
25 Other uses would also still be allowed, as well as

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2 community facilities would all be allowed on the
3 other lots.

4 Quickly, about the ground floor
5 retail would be required for 50% of the frontage
6 for lots that have greater than 50 feet of
7 frontage, and so this is just an example showing a
8 70 foot wide new development. - - zoning lot, 50%
9 of that or 35 feet would have to have a ground
10 floor retail use. The other 50% could be other
11 things, such as lobby and community facility uses.
12 Also transparency would be required—50%
13 transparency for the full frontage of the
14 building.

15 And then finally, the special
16 permit for hotel use. As I mentioned, there are
17 quite a--what we do see is there are quite--a lot
18 of hotels have been developed. Here's a couple on
19 West 28th Street between 5th and 6th—actually, 6th
20 and 7th Avenues. And this special permit was
21 really written into the regulations in order to
22 make sure that hotels don't preclude residential
23 development on those sites that are most suitable
24 for such use.

25 So, you can move on to the next

1 slide. This is now going into the bulk
2 regulations of the district. And so starting with
3 FAR, the FAR for this proposed M1-6D district
4 really reflects the densities that we see in this
5 two mid block area. You can also see that we're
6 just south of Penn Station here and the Midtown
7 office buildings along 7th Avenue into the north.
8 It's a relatively high dense area. On the
9 previous slide, the green buildings—the dark
10 green—showed all buildings that were above 11.4
11 FARs. We're talking about a pretty dense area.
12 The FARs proposed would be 10 FAR for
13 manufacturing, 10 FAR for commercial, 10 FAR for
14 community facility and for new residential, this
15 area would be included within a inclusionary
16 housing designated area, so you would have 9 FAR
17 base for residential, which could be increased to
18 12 through the inclusionary housing bonus. And
19 that bonus is essentially the same that we have
20 for many other rezoning that the Department has
21 proposed in the past and the Council has approved
22 33% floor area bonus for providing essentially 20%
23 of the floor area for affordable housing. Again,
24 units are required to be permanently affordable,
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2 and they can be on-site or in the general vicinity
3 of the area. Sorry, Carolyn. Move on to building
4 - - . That's fine.

5 In terms of building form again the
6 idea here was to make sure that new development
7 fit in with the existing context, which you can
8 see from the slide on the right here having high
9 street walls and strong bases and setbacks and
10 articulated tops. And the regulations are quite
11 complex to try to recreate in some manner in a
12 modern building, but some of the features that you
13 see in these slides here... It's just a couple more
14 examples. This is actually a shot through the
15 applicant's property looking to some of the
16 buildings in the study area here in the proposed
17 rezoning area—an image of the articulated tops.
18 Go ahead, Carolyn. Thanks. Here's an image
19 showing how the regulation would work. You would
20 have an 85 minimum base height. Buildings would
21 have to lineup at the street line. You'd have a
22 maximum 125 foot base height. These are for
23 narrow streets; these are the narrow street
24 regulations. Above that, you'd have a sky
25 exposure plane [phonetic] that requires buildings

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2 to basically be developed within that sky exposure
3 plane up to a maximum of 15 foot setback and then
4 it could rise to a maximum of about 210 feet. The
5 top two floors would actually be required to be
6 further articulated through what we call a
7 "penthouse rule" and essentially pinched in on the
8 sides. This was actually the lowest building
9 height given the proposed density of 12 FAR—
10 fitting 12 FAR into this envelope was very tight,
11 and so it actually is a fairly tight envelope, and
12 we expect buildings built out to 12 FAR to utilize
13 some of these multiple setbacks and dormers
14 [phonetic] and so forth. For wide streets, here's
15 just another image showing what the regulations
16 would allow on wide streets—maximum building
17 height of 290 feet, 10 foot setback is required on
18 wide streets and a little bit higher base heights.
19 Also the text just to be comprehensive here has a
20 provision for the existing M1-6 district that
21 would require buildings to be developed to the
22 street line and rise to a minimum base height of
23 125 feet and a maximum of 150 feet. This is a
24 couple of images just showing how that rule would
25 affect the west side of 7th Avenue between 28th and

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30th Street.

The rest of it is about the public process to this point. There was unanimous approval from the Community Board 5. Also, the Manhattan Borough President approved this project. The main issue was really reducing the threshold for which protections for non-residential uses kick in. That was originally certified at 50,000 square feet and was modified at the commission to 40,000 square feet. There were some other modifications that were really proposed to strengthen the district regulations with an eye towards the goals of the district and furthering those goals. So I think that concludes my part of the presentation.

CHAIRPERSON WEPRIN: Council Member Garodnick has a question on the City Planning portion.

ADAM WOLFF: Okay.

COUNCIL MEMBER GARODNICK: Very quickly—thank you—it looked like from your presentation that you were only looking to do M1-6D for that particular block. You're not proposing this for any other blocks in the area,

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is that correct?

ADAM WOLFF: We are not proposing to map the actual district in any of the areas. That - - be proposing the map and in these two mid blocks. Conceptually, I think--and the origins of the district come from more of a conceptual idea and understanding of what's happening in the other M districts as well--the M1-6 areas, which are further to the east and which were kind one of the first slides. It's not contemplated at this time to think about mapping M1-6D in those areas. Further study would probably have to happen in order for that to occur, but I think it's contemplated that it's a district that may have some applicability in some of those areas.

COUNCIL MEMBER GARODNICK: And in terms of these two mid blocks between 28th and 30th Streets, Edison does not own all of it? It impacts others sites as well. What will be the practical impact of a zoning change here? I understand that there's a specific proposal that we're going to hear about, but for the non-Edison properties that exist in this zone.

ADAM WOLFF: Well, I mean there are

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2 other sites that are essentially surface parking
3 lots, and I think Edison could talk to this as
4 well. They prepared the AIS [phonetic] for this
5 proposal, but it's likely that over time, many of
6 those sites or some of those sites could be
7 developed with residential uses as of right.
8 There would be, again, protections. We don't
9 expect, especially with the protections put in
10 place, for the non-residential uses that those
11 uses would remain. Hopefully, it actually creates
12 an environment where investment into the existing
13 buildings continue knowing that in fact those
14 commercial office uses will be required to remain
15 - - to the future. I do think you'll start to see
16 an introduction of some residential uses; perhaps,
17 some community facility uses, but you'll retain
18 the existing kind of commercial presence that you
19 have there, so the idea is at the end of the day
20 you get kind of a mix of uses and a balance
21 between the two.

22 CHAIRPERSON WEPRIN: Last question
23 from me, and I'm sorry to interrupt all this, but
24 you picked 40,000 square feet as the amount—the
25 threshold—

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ADAM WOLFF: [Interposing] Yeah.

CHAIRPERSON WEPRIN: --for the protection of the non-residential uses. Why did you pick that number specifically?

ADAM WOLFF: Well, I think a couple of reasons; first, the idea was to capture the vast majority of the existing non-residential uses and especially the concentrations of those uses, so where you have large buildings for example that really can function as office buildings as a whole--and it contained today a concentration of those uses--wanted to protect those. Those buildings generally were above--the breaking point was around 40,000 square feet. By putting it at 40,000 and by creating that threshold there, you capture about 80 to 85% of all the existing commercial uses and about 85% of the existing employment. At the same time, we have other goals that we're trying to achieve, so we wanted to also allow for new investment and residential uses in areas and it'll make that some of the underutilized sites able to accommodate new uses such as residential uses.

COUNCIL MEMBER GARODNICK: Thank

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you.

CHAIRPERSON WEPRIN: Thank you, Mr. Garodnick. Alright, we're going to move to Edison now. I'd ask them, if you could just do it as quickly as you can 'cause we are running up against the clock a little bit. Thanks.

GARY DEBODE: Okay. Thank you. Good morning, Chair Weprin, council members. My name Gary DeBode and I'm the president of Edison Properties. You may know us as Edison ParkFast or perhaps, Manhattan Mini Storage. We're also the developers of the Ludlow [phonetic], which is a rental apartment building with both affordable and market rate units down in the Lower East Side. In addition, we're the owners of the Hippodrome Building, which recently achieved LEED's Silver status after a significant renovation. We're excited to be the first applicants to be in M1-^D district. We believe it's a comprehensive and thoughtful designation, which makes great sense in this neighborhood in creating an innovative live/work environment. It will allow us to make a significant investment in this neighborhood and we believe will create vitality on the streetscapes

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2 on both 28th and 29th Street. We're very happy to
3 have received the unanimous approval of the
4 community board, the City Planning Commission, as
5 well as the support of the Borough President.

6 Aside from these good outcomes, we've had very
7 comprehensive and productive meetings with the
8 Land Use staff as well as the Speaker's district
9 office staff, which has helped inform our plan.

10 We truly appreciate everyone's support in this
11 application and I'd like to introduce Douglas
12 Woodward, who leads our planning team, and will
13 present the details of this application. I
14 respectfully request the approval of this
15 application.

16 DOUGLAS WOODWARD: Thank you very
17 much. My name is Douglas Woodward. I will be
18 very quick. Adam was very comprehensive, and I
19 don't think you need a lot of detail on the
20 background here. We did a substantial outreach,
21 went to many elected officials, lots of community
22 groups over the last couple of years and received
23 fairly positive comments from just about
24 everybody.

25 If we could turn to page 3 in the

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2 handout in front of you, what that identifies in
3 the red is the Edison site; it's a through block
4 [phonetic] site between 28th and 29th Streets
5 between 7th and 8th Avenues. It's a parking lot now
6 with a parking garage on it; there are 130 spaces
7 in the existing lot, 240 in the parking garage,
8 which would be demolished for the construction of
9 2 new buildings. On page 4, you can see an
10 artist's rendering—an architect's rendering—of an
11 illustrative scheme for what those two buildings
12 might look like. We're not sure exactly that this
13 is what they're going to be, but the City Planning
14 design controls are fairly tight, so we have a 210
15 foot envelope with 9 other height and setback
16 controls, which mimic the full coverage commercial
17 loft buildings in the area, so we will building
18 very much in context with what exists. The next
19 page, page 5, is something Adam went over. This
20 is the M1-5 district existing and the changes that
21 are on 7th Avenue for the other bulk controls. On
22 page 6 you can see a very brief preliminary
23 description of our development plan. We have
24 about 30,000 square feet in this site, 210 feet
25 for 2 buildings, M1-6D 407 units of which 82 would

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2 be affordable, so this is adding considerably to
3 the stock of affordable housing in the area.

4 Ground floor retail 4,500 square feet in part—
5 that's due to requirement by City Planning to have
6 an active streetscape on 28th and 29th Streets. You
7 can see that in the rendering here, which you'll
8 see later in your packets as well. That retail
9 will be adjacent to a lobby and to garage exits
10 and entrances. We're also offering—there will be
11 an amenity space in the middle for the building,
12 which could also be commercial space, and that's
13 about 11,000 square feet. The parking will be 325
14 spaces in two levels below grade; we currently
15 have 371 spots on the lot.

16 Page 7, this actually speaks a
17 little bit to Council Member Garodnick's question
18 about what the effect might be on other properties
19 in the area. We identified seven projected
20 development sites for potentials sites to
21 conversions, so there could be a fair amount of
22 activity in these two mid blocks, and we studied
23 these comprehensively as the reasonable worst case
24 development scenario, which is what the AIS calls
25 it, with a build year of 2019, so we think that

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2 these developments could occur in 2019. I did
3 extensive work with the community and with our
4 consultants to make sure that there would be no
5 traffic congestion, no issues with blocking the
6 sidewalks or anything when these started to be
7 built. One page 8, you can see what a build out
8 of the development might be on the southern block.
9 That's our development in gray with the yellow
10 lettering on it. The developments in red are
11 simply illustrative for what the other buildings,
12 if they got built out, would look like. And
13 again, this is purely illustrative. There are no
14 plans for those as far as we know. We're the only
15 project that actually is assembled and ready to be
16 approved. And for the northern block, you can see
17 that on the next page on page 9. There were some
18 questions about the context of the area. We think
19 that the 210 feet, which we worked on with City
20 Planning actually fits in very nicely with the
21 general character of the area and you can see in
22 the elevations on page 9 from 28th and 29th Streets
23 that both buildings fit in terms of context,
24 setbacks and overall height with the existing
25 fabric. On page 11, there's just a detail of what

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2 those height and setback controls would be. Page
3 12 shows a ground floor plan of what we would be
4 doing. There is an entrance on 28th Street for the
5 garage--here are currently ins and outs on both
6 streets--and an exit and an entrance on 29th Street
7 and a through block lobby from 28th to 29th that
8 would be connecting the two sites through a
9 podium. There would be open space in the middle
10 of the block, as well, 60 feet wide. Page 13
11 you've seen before. And just a very brief
12 description of the parking facilities, as I said,
13 we have 371 spaces now under an agreement with
14 City Planning we asked for 325 and entrances on
15 28th and 29 Streets, but we're reducing the number
16 of exits. We'll have only one at this point. And
17 we're reducing the curb cuts significantly from
18 202 feet to 41, so that's an 80% reduction of curb
19 cuts on the street. And then, we don't need to go
20 into detail for the bicycle parking, but under the
21 new City Planning rules, there have to be a lot of
22 bicycles here. So those are the next three pages.
23 That's the parking garage, which we studied
24 extensively with City Planning. We think this
25 will work well with the development and with the

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other developments in the area.

As you know, we're across from the future FIT project, so we're very much looking forward to what FIT and we will do for the streetscape in this area once we get built. And then, before we take questions, just take a look at pages 18 and 19, where you can see how these buildings would conceivably fit into the overall context here.

CHAIRPERSON WEPRIN: Have there been any discussions with Madison Square Garden about the parking situation?

DOUGLAS WOODWARD: No direct discussions. No.

CHAIRPERSON WEPRIN: I mean, just those of us who live far away and don't have public transportation easily accessibly even though this is a very accessible site, what happens to parking around Madison Square Garden? What is the final calculation of how much parking we end up losing around the Garden and in that area?

DOUGLAS WOODWARD: Well, there are several lots—the only ones that we really know are

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2 these two blocks where there would be conversions
3 of several parking lots conceivably to new
4 construction, but as with us, they could all do
5 parking under this, if they went for a special
6 permit, so there could conceivably be a fairly
7 gradual loss or a fairly small loss. We're only
8 losing 50 some odd spaces on our lot.

9 CHAIRPERSON WEPRIN: But you are
10 building a bunch of units where some of these
11 people are going to have their own cars--

12 DOUGLAS WOODWARD: [Interposing]
13 Right. Exactly.

14 CHAIRPERSON WEPRIN: --that will be
15 parking there full-time. I'm sure it will be
16 permanent parking--they'll just leave their car
17 there, so--

18 DOUGLAS WOODWARD: [Interposing]
19 Right.

20 CHAIRPERSON WEPRIN: It's a little
21 different on behalf of the outer Queens delegation
22 over here...

23 DOUGLAS WOODWARD: And as a parking
24 company, we're all in favor of that.

25 CHAIRPERSON WEPRIN: Thank you.

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Mr. Vacca?

COUNCIL MEMBER VACCA: Can I ask just quickly what is affordable housing? What are the income guidelines for the affordable housing apartments?

ANDREW CANTER: Hi, Andrew Canter with Edison Properties. It's assumed to be a 50% AMI for 20% of the building units, so it's a standard 80/20 program.

COUNCIL MEMBER VACCA: So what does that come to for a family of four? What do you computer? What does that mean?

ANDREW CANTER: It's just under \$40,000.

MALE VOICE: Yep. 36.

COUNCIL MEMBER VACCA: So a family of four who makes \$40,000 or less could get an apartment here?

ANDREW CANTER: 36,000.

COUNCIL MEMBER VACCA: 36,000 would be the tops?

ANDREW CANTER: Yes.

COUNCIL MEMBER VACCA: So a family would have to make 36,000 or more--A family of

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four?

ANDREW CANTER: Or less.

COUNCIL MEMBER VACCA: Or less for
20% of the apartments.

ANDREW CANTER: Yes.

COUNCIL MEMBER VACCA: Okay. Thank
you.

DOUGLAS WOODWARD: And the
apartments would be the same mix as the rest of
the building.

CHAIRPERSON WEPRIN: Mr. Comrie?

COUNCIL MEMBER COMRIE: Um, I just
wanted to comment on the parking issue again from
a different aspect, and this is the second project
that City Planning has sent to us where they have
reduced the amount of available parking spots at a
property that would be able to take additional
spots, and I'm concerned as their philosophy and
practice. As you've seen from Edison's
presentation, this area will become more dense.
The surrounding city, the access to Madison Square
Garden allows the need to have the maximum amount
of parking available, but yet the City Planning
has sent us this proposal without the Council's

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2 ability to restore parking. I think that that's a
3 process and a practice that needs to stop from the
4 City Planning level because we need to make sure
5 that outer borough residents, people from around
6 the NYC metropolitan area can come and park at
7 some place in the city. They can ride bikes after
8 they get here, but they're not riding from
9 Westchester or the Bronx or southern Queens. I
10 did when I was 16 and 17, but I'm sure not going
11 to do it now. I don't mind sharing a bike when I
12 get here, but I'm not riding from south Queens
13 here even after we get in shape. We only had one
14 member that did that—he lived in Flushing. He did
15 it for about a week and quit. I just think that—
16 and I don't mean to be flippant here, but I'm
17 actually very upset because the Gotham Center
18 project in Long Island City, where we needed
19 parking for other residents in Queens to park in
20 Long Island City, City Planning sent us the
21 envelope without us having an ability to change
22 it. Now this project where clearly Edison has
23 been parking 371 cars and they would mind
24 continuing that, they're forcing them to—they said
25 it politely during the presentation—but they're

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2 forcing them to take 325 spots when they were
3 clearly parking 371 cars. They're doing more
4 density in an area where more people are coming
5 in. There's going to be a real opportunity for
6 more density to come into that area, but you're
7 eliminating parking. It doesn't make sense to me.
8 I think it's bad City Planning, and I think we
9 need to look at it as a committee and also as a
10 Council to try to push back on this issue because
11 they're going to cut off their nose to spite their
12 face. I appreciate Manhattan residents wanting
13 safe streets, but we need to allow commerce and
14 tourism to fully take flight, and we need enough
15 parking for people to come in, so that they can
16 appreciate the city. Thank you.

17 CHAIRPERSON WEPRIN: Thank you,
18 Chair Comrie. Does anyone else have any comments
19 or questions for this panel or City Planning?
20 Okay. Thank you, gentlemen and lady. We have one
21 other person who wants to testify on this matter,
22 so as soon as they clear out, I'd like to call up
23 Kate McDonough from Community Board 5, who's here,
24 and she is going to be testifying in favor of this
25 change as well. Thank you. Ms. McDonough, you

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2 have a choice of seats there, and whenever you're
3 ready, push the button and state your name and how
4 you feel.

5 KATE MCDONOUGH: Is it on now?

6 Yes, it is. Yes. Good morning and thank you,
7 Chair Weprin, for this opportunity to speak to you
8 and the committee members. I am Kate McDonough, a
9 member of Manhattan's Community Board 5 and chair
10 of its Land Use and Zoning Committee. I am here
11 today to speak in support of the applications
12 pertaining to the M1-6D rezoning in midtown
13 Manhattan. At its June 9, 2011 meeting, CB5 voted
14 unanimously to approve the three applications that
15 are before you at this hearing. Our support is
16 based on our long held and long voiced concern for
17 the protection of class B and C office space for
18 the city's small, growing and creative businesses
19 and the M1-6D's district's explicit protection of
20 these uses in buildings with more than 40,000
21 square feet. We also endorse the kind of mixed
22 use development the M1-6D zoning district will
23 facilitate, which we believe to be an important
24 way to create and maintain economically vital and
25 stable neighborhoods or as we often say, "having

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2 the chance to turn parking lots into buildings
3 instead of the other way around."

4 Recent years have seen a disturbing
5 amount of Manhattan's class B and C office space
6 either replaced with new class A office
7 construction or converted into luxury residential
8 development, but if small, growing and creative
9 businesses, businesses where residents from all
10 five boroughs come to work--if they cannot find
11 affordable office and industrial space, they will
12 either no longer thrive or else they will leave
13 the city. Our small businesses fuel our city's
14 economy and create new jobs, but we need a place
15 to turn on the lights and without some protection,
16 that will be harder and harder to do. It already
17 is. This is why CB5 has endorsed these proposals.
18 They strike a thoughtful balance between
19 encouraging mixed use and residential development,
20 including affordable housing, while continuing to
21 safeguard both commercial and light industrial
22 use. It is notable I should point out that this
23 zoning district will continue to have M status.
24 The new M1-6D district will also give these blocks
25 urgently needed contextual height and setback

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2 regulations. We encourage the Department of City
3 Planning to continue to investigate in close
4 consultation with CB5 other areas in our district
5 where this approach might be appropriate.

6 If these applications are approved,
7 we support plans by Edison Properties to construct
8 a new residential development with approximately
9 407 residential units, one that Community Board 5
10 hopes will be constructed so to achieve LEED
11 Silver certification. CB5 also supports the
12 provision of a below grade public parking garage
13 in the development and applauds Edison's
14 commitment to pursue the inclusionary housing
15 bonus that will set aside 20% of the building's
16 floor area to affordable housing.

17 But despite our support, CB5 is
18 concerned that by enabling as of right residential
19 development, new M1-6D districts will create
20 demand for and add to Manhattan's already
21 overcrowded public schools and other stressed city
22 services. We're particularly concerned that with
23 the larger policy issue of school overcrowding.
24 According to the EAS, this action is projected by
25 2019 to increase school utilization for elementary

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2 schools to 218.4% up from an already projected
3 extraordinary 213.5%. While the metrics used by
4 the EAS mean that the project's impact remains
5 below actionable thresholds, it will still add
6 residential development to a neighborhood where
7 schools and other city services are seriously
8 overburdened. The incremental effects of multiple
9 rezoning, even if each is small and discreet, can
10 have the same impact as huge single projects.

11 While there are no simple solutions, we should
12 still try to improve the EAS process as well as
13 find a way for the relevant city agencies to
14 better coordinate to collectively address demands
15 for services before residential units are added,
16 not after.

17 CB5 is eager to play a constructive
18 role in any such efforts. Thank you again for
19 this opportunity to speak in support of these
20 applications.

21 CHAIRPERSON WEPRIN: Thank you very
22 much, Ms. McDonough. Does anyone have a question?
23 Mr. Garodnick? Nobody? Mr. Comrie, Chair Comrie?

24 COUNCIL MEMBER COMRIE: I don't have
25 a question. I just want to congratulate Ms.

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2 McDonough for her service and her thorough
3 presentation. I had an opportunity to talk to her
4 last week when she called the office and I
5 answered the phone, and she fainted when I
6 answered my own phone, but we had a good
7 conversation and I just want to congratulate her
8 for her service and her concern to the community.
9 Thank you.

10 KATE MCDONOUGH: Thank you very
11 much.

12 CHAIRPERSON WEPRIN: Okay. Mr.
13 Garodnick?

14 COUNCIL MEMBER GARODNICK: Not to
15 be shown up by my colleague since Ms. McDonough is
16 a former constituent of mine and is a great leader
17 in the community board, I also wanted to recognize
18 her work and thank her for—

19 KATE MCDONOUGH: [Interposing] I
20 should come here more often.

21 COUNCIL MEMBER GARODNICK: Yes, you
22 should. Yes, you should.

23 KATE MCDONOUGH: Thank you.

24 CHAIRPERSON WEPRIN: Does anyone
25 else want to compliment Ms. McDonough? We have

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2 unanimous consent. Mr. Jackson, I notice, did
3 compliment you as well. Anybody else want to run
4 for Manhattan borough president here or anything?

5 [laughter]

6 CHAIRPERSON WEPRIN: With that in
7 mind, thank you very much, Ms. McDonough. So,
8 let's recap. We're going to close this hearing,
9 and here's what we're doing now. Just again to
10 recap on the two cafés. Mezzogiorno Restaurant
11 was withdrawn--motion to file pursuant to
12 withdrawal. The Land Use number 468, Café
13 Condessa, is laid over to our next meeting. We
14 will be voting on Monday at 9:30 in this room for
15 the Boerum Hill rezoning, which is Land Use number
16 456 and other numbers, Boerum Hill rezoning. And
17 on the Brooklyn Bay Center, which is BJ's
18 Wholesale Club, which we heard today, we will be
19 voting on Monday, which is Monday 9:30 and again,
20 in this room. Now the only item we are voting on
21 today is the one we did the items... Alright, so we
22 will be voting on allowing Mezzogiorno, submitting
23 their letter pursuant to withdrawal and coupling
24 that with the items we just heard on the 28th
25 Street rezoning, Land Use numbers 475 through 477,

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2 so those two items are coupled for right now for
3 our vote. The Chair will recommend an aye vote on
4 these two items, which have been couples, and I'm
5 going to call on the counsel, Christian Hilton, to
6 please call the roll.

7 COUNSEL: Chair Weprin?

8 CHAIRPERSON WEPRIN: Aye.

9 COUNSEL: Council Member Comrie?

10 COUNCIL MEMBER COMRIE: Aye.

11 COUNSEL: Council Member Jackson

12 COUNCIL MEMBER JACKSON: I vote aye

13 on all.

14 COUNSEL: Council Member Seabrook?

15 COUNCIL MEMBER SEABROOK: Aye on

16 all.

17 COUNSEL: Council Member Vann?

18 COUNCIL MEMBER VANN: Aye on all.

19 COUNSEL: Council Member Garodnick?

20 COUNCIL MEMBER GARODNICK: Aye.

21 COUNSEL: Council Member Reyna?

22 COUNCIL MEMBER REYNA: Aye.

23 COUNSEL: Council Member Vacca?

24 COUNCIL MEMBER VACCA: Aye.

25 COUNSEL: By a vote of eight in the

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2 affirmative, none in the negative and no
3 abstentions, LU 475, 476 and 477 are approved and
4 LU 449, a motion to file pursuant to withdrawal,
5 is approved and referred to the full Land Use
6 Committee.

7 CHAIRPERSON WEPRIN: Thank you very
8 much, Mr. Hilton. A reminder, we are now going to
9 recess the Subcommittee on Zoning and Franchises
10 until Monday at 9:30 in this room before the Land
11 Use meeting, so please arrive promptly and we will
12 vote on the two remaining items on that day.
13 Thank you very much and everybody enjoy their
14 weekend.

C E R T I F I C A T E

I, Kimberley Uhlig 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 _____9/28/11_____