

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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April 23, 2015  
Start: 10:25 a.m.  
Recess: 10:46 a.m.

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

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

COUNCIL MEMBERS:  
Daniel R. Garodnick  
Jumaane D. Williams  
Donovan J. Richards  
Antonio Reynoso  
Ritchie J. Torres  
Vincent M. Ignizio  
Vincent J. Gentile  
Ruben Wills

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

Shlomo Wygoda  
SWA Architecture PLLC,  
Representing PCAP, LLC

Rick Cook  
Architect  
COOKFOX Architects

Paul Travis

2 CHAIRPERSON WEPRIN: Ray; we're ready?

3 [background comment]

4 Okay. Good morning everyone. My name is  
5 Mark Weprin; I am Chair of the Zoning and Franchises  
6 Subcommittee. I am joined this morning by the  
7 following members of the Subcommittee, Council Member  
8 Dan Garodnick, Council Member Ruben Wills, Council  
9 Member Antonio Reynoso, Council Member Ritchie  
10 Torres, and Council Member Vincent Ignizio. We have  
11 a... [interpose, background comment] oh and Council  
12 Member Jumaane Williams. [background comments] She  
13 said.. She said Williams; I'm like if.. believe me, if  
14 Jumaane was here I'd notice, but sure enough, Jumaane  
15 Williams.

16 Just one piece of housekeeping before I  
17 get started. We are laying over One Vanderbilt,  
18 which we had the hearing on already, Land Use Nos.  
19 197-201; we are not voting yet at this time. And  
20 also, Land Use No. 211, the Cherry Hill Gourmet Text  
21 Amendment, which was on today's agenda, is being put  
22 off until our next meeting.

23 So the first item on our agenda is a  
24 café.. [background comments] First item is a café,  
25 Monte-Carlo in Council Member Dan Garodnick's

1 district; we have Shlomo Wygoda who's here to discuss  
2 the discussions with Mr. Garodnick and what  
3 resolution they have. Mr. Wygoda.

4 SHLOMO WYGODA: Good morning; thank you,  
5 Council Member Weprin and Council Member Garodnick  
6 and all council members. I am here.. [crosstalk]

7 CHAIRPERSON WEPRIN: Shh, quiet please.  
8 Yeah.

9 SHLOMO WYGODA: I'm here as an authorized  
10 representative and I have a letter that I'd like to  
11 read into the record.. [crosstalk]

12 CHAIRPERSON WEPRIN: Please do.

13 SHLOMO WYGODA: and as well as they had a  
14 comment and commentary after I read the letter.

15 CHAIRPERSON WEPRIN: We'll hold off on  
16 the commentary until we hear the letter. Okay; no  
17 problem; go ahead.

18 SHLOMO WYGODA: Okay. So this letter is  
19 addressed to City Council Member Daniel Garodnick  
20 dated today.

21 "Dear Council Member Garodnick, SWA  
22 Architecture PLLC is an authorized representative of  
23 PACAP, LLC in connection with their application for  
24 an unenclosed sidewalk café, and on behalf of PACAP  
25

2 LLC hereby commit to the City Council in light of the  
3 concerns of the Community Board: 1. we agree to  
4 comply with Community Board 8 comments and the  
5 application is for four tables and eight seats. If  
6 there are any questions, please contact my office,"  
7 and it's signed by me, Shlomo Steve Wygoda.

8 CHAIRPERSON WEPRIN: 'Kay. Should we let  
9 him make a comment? [background comments]

10 COUNCIL MEMBER GARODNICK: Will I be able  
11 to make a comment or... [crosstalk]

12 CHAIRPERSON WEPRIN: Well do you wanna go  
13 first and then let him comment?

14 COUNCIL MEMBER GARODNICK: Yeah. Well my  
15 comment is, this is satisfactory, thank you, and I  
16 recommend approval.

17 CHAIRPERSON WEPRIN: You may wanna wait  
18 until you hear his comments though.

19 COUNCIL MEMBER GARODNICK: Alright, go  
20 ahead... [crosstalk]

21 CHAIRPERSON WEPRIN: Go ahead, Steve.

22 COUNCIL MEMBER GARODNICK: make your  
23 comment first; I'll my fire.

24 SHLOMO WYGODA: Okay. I may withdraw my  
25 comment, but I...

[laughter]

COUNCIL MEMBER GARODNICK: Good choice.

[background comments]

CHAIRPERSON WEPRIN: Alright, I love when a plan comes together.

SHLOMO WYGODA: However.. [crosstalk]

CHAIRPERSON WEPRIN: Okay. Okay.

SHLOMO WYGODA: for informational purposes only, I accept your agreement; however, this.. [background comment] my comment is strictly to do with the fact that this location, we worked on this for, I think the last 15 years; it was previously approved as a café as Van Dough [sic] and the issue has to do with tree gratings that were installed at some point in the history of this location; originally it had no tree gratings; tree gratings were put in; the current layout has tree gratings in it, so I just wanna make that clear that this was a café once; all the way across we've now modified it to accommodate the existing tree grating that came into being at some point in time.

CHAIRPERSON WEPRIN: Okay. Thank you, Mr. Wygoda. Anyone wanna make comments or questions? I see none. Thank you. We're gonna close this

1 hearing. And members of the Committee, we are gonna  
2 vote on two items; we're gonna vote on this item,  
3 which is the Monte-Carlo Café; we are also gonna vote  
4 on Land Use No. 205, which was the Stairwells Text  
5 Amendment, which we heard at our last meeting. So we  
6 are gonna couple those two into one vote, Land Use  
7 No. 205 and Land Use No. 208. And I'm gonna call on  
8 Ann McCoy to please call the roll.

10 ANN MCCOY: Chair Weprin.

11 CHAIRPERSON WEPRIN: I vote aye.

12 ANN MCCOY: Council Member Garodnick.

13 COUNCIL MEMBER GARODNICK: Aye.

14 ANN MCCOY: Council Member Williams.

15 COUNCIL MEMBER WILLIAMS: Pass. [sic]

16 ANN MCCOY: Council Member Wills.

17 COUNCIL MEMBER WILLS: Aye.

18 ANN MCCOY: Council Member Reynoso.

19 COUNCIL MEMBER REYNOSO: I vote aye.

20 ANN MCCOY: Council Member Torres.

21 COUNCIL MEMBER TORRES: I vote aye.

22 ANN MCCOY: Council Member Ignizio.

23 COUNCIL MEMBER IGNIZIO: Aye.

24 [pause]

25 ANN MCCOY: Council Member Williams.

2 COUNCIL MEMBER WILLIAMS: Aye.

3 ANN MCCOY: You voted aye. Okay. By a  
4 vote of 7 in the affirmative, 0 abstentions; no  
5 negatives, Land Use Items 205 and 208 are approved  
6 and referred to the Full Land Use Committee.

7 CHAIRPERSON WEPRIN: Super. Okay. We  
8 are now gonna move on to the next item on our agenda  
9 for a hearing -- [background comments] -- [pause]

10 Alright, as I mentioned, we're gonna move  
11 on to Land Use No. 209 and 210, 39-41 West 23rd  
12 Street in Council Member Corey Johnson's district.  
13 [background comments] Oh, okay. I have five pieces  
14 of paper here; this is all your group? [background  
15 comments] Alright. So I'll call the following  
16 people; please come up to the table. Paul Travis,  
17 Rick Cook, Michael Sillerman, is it, [background  
18 comment] that it? Oh, three of them. Okay. Well we  
19 have more, [background comments] and assistants. No  
20 problem.

21 Okay. If we could have everyone's  
22 attention, please. Gentlemen, just for the record,  
23 please when you speak, state your name so [background  
24 comments] a transcribed record will be clear as to  
25 who is talking. Whenever you're ready; I see you



2 have some charts and graphs here, so we're anxious to  
3 hear this application. [background comments]

4 MICHAEL SILLERMAN: Good morning, Mr.  
5 Chairman and Committee members; Michael Sillerman of  
6 Kramer Levin, counsel to the applicant Anbau  
7 Enterprises, seeking two special permits; I wanna  
8 summarize my testimony, which is submitted in full.

9 As shown on the above site plan in an  
10 M1-6 zoning district on a through lot extending from  
11 23rd to 24th Street. The first special permit is for  
12 74-711, which is a landmarks context special permit  
13 for use in bulk waivers for now a 43-story, 24-story  
14 residential building of approximately 105,000 square  
15 feet designed by COOKFOX and also a parking special  
16 permit for an automated 50-space accessory garage  
17 restricted to monthly parking on a site currently  
18 approved with a 42-car parking lot, as illustrated.  
19 And this is the key slide in the presentation. There  
20 is an existing 74-711 special permit approved in 2006  
21 for a very different and controversial design that  
22 was only approved at Landmarks with a split vote,  
23 which is unusual for them. It was approved with  
24 similar but slightly greater bulk waivers and the  
25 same use waivers as are now requested here. That

1 special permit is currently in effect and is being  
2 renewed through January 2017.

3  
4 Our client proposes to build instead the  
5 COOKFOX design which is more rectilinear, more  
6 sustainable and it believes more respectful of the  
7 surrounding context and appropriate to the historic  
8 district and I think fits the classic rock tune,  
9 "Just One Look, That's All It Took." [laughter,  
10 background comments]

11 The current site is slightly larger by  
12 the addition on 24th Street of Lot 60; it adds 15,000  
13 feet; that was a demolished building that once housed  
14 Stanford White's Girl on a Swing studio.

15 The requested bulk waivers -- and we show  
16 you also the look on 24th Street; we think in both  
17 cases the current design is highly preferable. The  
18 requested bulk waivers are minimal and less than in  
19 the 2006 special permit building; height and setback  
20 waivers to match the taller street walls, a technical  
21 40 rear yard equivalent waiver because it's not  
22 within five feet of the center line of the block and  
23 a small rear yard waiver.

24 In approving this special permit, the  
25 City Planning Commission concluded that the use

1  
2 modifications would have minimal adverse effects on  
3 the conforming uses within the building and in the  
4 surrounding area because of market trends in the  
5 area; there really isn't manufacturing here; further,  
6 the site is narrow and given the required rear yard  
7 equivalent, the Commission believed it would be  
8 impossible for the site to have a building with a  
9 sufficiently large floor plate for office or  
10 manufacturing use and since the site is a parking  
11 lot, there's no displacement of either commercial or  
12 manufacturing use.

13 The applicant has agreed to include four  
14 affordable rental units in the building, a total of  
15 3800 square feet; this represents an approximately 25  
16 percent affordable commitment based on the additional  
17 floor area added to the proposal; there would be two  
18 2-bedroom units to be located on the fourth floor at  
19 24th Street, one 1-bedroom unit; one studio; those  
20 are located on the second floor of the 23rd Street  
21 portion. The 2-bedroom units would be at 80 percent  
22 of AMI; the others would be at 40 percent of AMI;  
23 there would be no separate entrance for the  
24 affordable units; they would be accessed by the same  
25 building entrance as all other units and the

1  
2 affordable tenants would have access to the same  
3 building amenities as the other tenants.

4 That is the zoning actions involved; I'd  
5 like to turn to Rick Cook, the project architect to  
6 explain to you the design.

7 [background comments]

8 RICK COOK: Thank you, Commissioners. My  
9 name is Rick Cook from COOKFOX Architects. We were  
10 blessed with the opportunity to study the redesign of  
11 the project on this site; you can see in the area  
12 it's a fascinating, wide street, more like an avenue,  
13 23rd Street with skyscrapers surrounding it; very  
14 variegated street wall and that, as designers, was  
15 very interesting to us. Directly across the street  
16 is the Stern Brothers Department and you can see,  
17 very unique situations where the front wall and the  
18 side wall are both red from the street. Our own  
19 office is in this neighborhood; we were the first  
20 LEED Platinum project of any kind in New York City;  
21 we designed The Caroline building down the street  
22 quite some time ago.

23 The basic mapping of this is that there  
24 are very tall buildings on the end and a very  
25 variegated street wall with landmarks; we looked at a

1  
2 massing that we thought was appropriate here, so we  
3 set the initial street wall at 196 feet and the  
4 overall building height at 278, one foot shorter than  
5 the 279-foot-tall Masonic Lodge on 6th Avenue and  
6 23rd Street.

7 From the streetscape, the image that  
8 Michael showed you again, for us and in our own love  
9 of this district, was a much more appropriate  
10 proposal for the streetscape and the project includes  
11 the restoration of the 1879-1880 building on part of  
12 the same zoning lot; that makes it a 74-711 and we  
13 think that the building will sit very well with the  
14 depth, the façade on the streetscape.

15 And this image is a cutaway section of a  
16 typical portion of the wall; one of the issues that  
17 happens with modern apartment buildings is they lack  
18 depth and texture and shadow and this is a blowup of  
19 the façade detail that we think will connect people  
20 to this neighborhood and to nature and the client has  
21 committed to also doing this project as a LEED-rated  
22 project.

23 And then on 24th Street we wanted a  
24 building that sat quietly on the streetscape and was  
25 a good neighbor. Thank you very much.

2 CHAIRPERSON WEPRIN: I do love listening  
3 to architects; somehow they romanticize it so nicely,  
4 you know, I do say that. Lawyers use terms like  
5 rectal linear but, you know. Is there anybody  
6 testifying? [background comment] Okay. [background  
7 comments]

8 Okay. I know I have had conversations  
9 with Corey Johnson; you have had ongoing  
10 conversations with Corey Johnson and I know those  
11 discussions are, like I said, ongoing, but let me  
12 just ask a question before I get to Council Member  
13 Williams.

14 So the Community Board had expressed some  
15 concerns; could you describe what those concerns were  
16 and whether any of them have been addressed?

17 MICHAEL SILLERMAN: The Community Board  
18 concern had to do with the issue of the use change in  
19 the manufac... and this is a manufacturing district; at  
20 that point there was not an affordable component to  
21 reflect the additional floor area in the building and  
22 I think the Planning Commission correctly focused on  
23 the fact that there is a prior approval here that  
24 allowed the use change to residential for a building  
25 that was only 15,000 square feet smaller and the

1 point of 74-711 is to provide relief for a landmark  
2 owner because of the constraints here. That has to  
3 be balanced by land use concerns and I think the  
4 Commission correctly focused on what I mentioned in  
5 my testimony, that this really wasn't an issue of  
6 threatening either manufacturing or second-class  
7 office buildings in this district because it's a very  
8 narrow site; it has to have a rear yard, and the  
9 middle, it's a parking lot now; it really wasn't a  
10 site where you could practically build either an  
11 office building or a manufacturing use.  
12

13 CHAIRPERSON WEPRIN: I see. Let me call  
14 on Council Member Jumaane Williams.

15 COUNCIL MEMBER WILLIAMS: Thank you,  
16 Chair. I'm a little confused by the pictures. So  
17 what lot is actually being built on? [background  
18 comment] Just the orange? [background comments]  
19 The blue is the historic district? [background  
20 comments]

21 RICK COOK: Council Member Williams, the  
22 shaded area -- my name is Richard Cook, the architect  
23 -- the shaded area is the historic district, the  
24 orange is the zoning lot and the building lot is this  
25 area right here, the shaded orange area is the

1 existing building from 1879-1880, which is currently  
2 residential.  
3

4 COUNCIL MEMBER WILLIAMS: I see. Thank  
5 you. Yeah. [background comments] Yeah. [laugh]  
6 So my concern is always about the affordability in  
7 the units; I understand that there -- I guess there's  
8 four affordable units; two at 80 percent and two at  
9 40 percent, if I was told correctly, which -- that  
10 sounds like a 90/10, for the purposes of just  
11 explaining, which I think is usually too low. I am  
12 sympathetic; one, because I wanna make sure we  
13 encourage building on odd-shaped lots and I know that  
14 historic districts are notoriously difficult to get  
15 affordability and some of the opposition that people  
16 give to the landmarking is that it actually prevents  
17 some of the lower-income bands. But I just wanted to  
18 understand, if you feel you can go any deeper into  
19 it, 'cause that's only four units out of 43.

20 PAUL TRAVIS: Sure... [background comment]  
21 Paul Travis. So Council Member, as you stated, this  
22 building has many constraints, both because of the  
23 nature of the site and the rear yard requirement,  
24 which makes the fullest [sic] very, very constrained;  
25 in fact, most of the floors are single-floor units,



1 which are obviously very hard to then transform into  
2 affordable units, and so... [crosstalk]

3  
4 COUNCIL MEMBER WILLIAMS: Say that again;  
5 so most of the floors there's one unit on the same  
6 floor...? [crosstalk]

7 PAUL TRAVIS: Yeah, one or two and so  
8 it's very hard to get affordable units to work...  
9 [crosstalk]

10 COUNCIL MEMBER WILLIAMS: One or two? Is  
11 it one or two?

12 PAUL TRAVIS: There are some... some have  
13 two; some have one.

14 COUNCIL MEMBER WILLIAMS: Okay.

15 PAUL TRAVIS: So these units tend to be  
16 large because of the nature of the building, where  
17 you mostly have windows on two sides. And secondly,  
18 the cost of building the building on this site is  
19 extremely high, given the requirement of the landmark  
20 façade and again, the floor plate. So we found a way  
21 to fit affordable units on two of the floors and to  
22 meet the 25 percent requirement from HPD.

23 COUNCIL MEMBER WILLIAMS: Alright, thank  
24 you. I just... and I really am sympathetic with the  
25 constraints, but I also know that because of space

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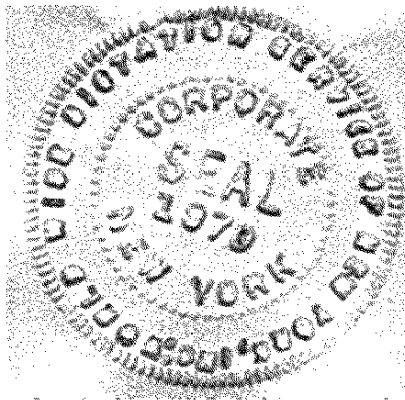
availability, a lot of development's gonna start happening on these irregular-shaped lots and we have to find a way to get affordability in there as well. But thank you very much.

CHAIRPERSON WEPRIN: Thank you Mr. Williams. I guess that's it, gentlemen. Thank you very much. We're gonna close this hearing; we're not voting on this today. [background comment] Oh sorry. Is there anyone else here to testify on this? I didn't believe so. Sorry. [background comments] No, no other, no other people here to testify? So we're gonna close this hearing, we thank you very much, gentlemen. We are gonna have ongoing discussions on this, just to make sure we can put it all together and so we won't be voting today. With that in mind, thank you; we're closing this hearing and I think that's it for the agenda. So with that in mind, the meeting is now adjourned.

[gavel]

C E R T I F I C A T E

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



Date April 30, 2015