

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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January 31, 2013  
Start: 10:37 a.m.  
Recess: 10:45 a.m.

HELD AT: 250 Broadway  
Committee Room, 16th Floor

B E F O R E:  
MARK WEPRIN  
Chairperson

COUNCIL MEMBERS:  
Diana Reyna  
Leroy G. Comrie, Jr.  
Ruben Wills  
Daniel R. Garodnick  
Joel Rivera  
Vincent Ignizio  
Peter Koo

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2 CHAIRPERSON WEPRIN: All right, if  
3 we could have everyone's attention, please. Good  
4 morning, my name is Mark Weprin and this is the  
5 Zoning and Franchises Subcommittee of the Land Use  
6 Committee. I'd like to introduce the members of  
7 the subcommittee who are here with us this  
8 morning: Council Member Diana Reyna, Council  
9 Member Leroy Comrie, Council Member Ruben Wills,  
10 Council Member Dan Garodnick--

11 [Crosstalk]

12 CHAIRPERSON WEPRIN: --Council  
13 Member Joel Rivera, Council Member Vincent  
14 Ignizio, and we are also joined by--

15 FEMALE VOICE: [Interposing]  
16 Council Member Lappin.

17 CHAIRPERSON WEPRIN: --a member of  
18 the Land Use Committee Peter Koo--

19 FEMALE VOICE: Hi.

20 CHAIRPERSON WEPRIN: --who we're  
21 always happy to see.

22 COUNCIL CLERK: The vote now stands  
23 for Land Use items 749, 750, 751--

24 CHAIRPERSON WEPRIN: I guess that's  
25 it.

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COUNCIL CLERK: --8 in the

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affirmative, zero--

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CHAIRPERSON WEPRIN: We are here

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today to continue--

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COUNCIL CLERK: --negative, zero

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abstentions.

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CHAIRPERSON WEPRIN: --on an action

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which we had the hearing on the other day and

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closed on three Land Use numbers for the Durst

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West 57th Street project, which we heard lots of

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issues on. And it's Land Use number 749, 750, and

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751--

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COUNCIL CLERK: Council Member

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Jackson.

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CHAIRPERSON WEPRIN: --in Council

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Member Brewer's district. Council Member Brewer

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could not be here this morning 'cause she--

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COUNCIL MEMBER JACKSON: I vote

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aye.

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CHAIRPERSON WEPRIN: --has a

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conflict of the meeting--

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COUNCIL CLERK: Vote now stands

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nine in the affirmative--

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CHAIRPERSON WEPRIN: --but she did

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want us to read--

COUNCIL CLERK: --zero negative,  
zero abstentions--

CHAIRPERSON WEPRIN: --for the  
record a correspondence--

COUNCIL CLERK: --for Land Use  
items 749, 750, and 751 are referred--

CHAIRPERSON WEPRIN: --which is a  
little lengthy so I want everyone--

COUNCIL CLERK: --to the full Land  
Use Committee.

CHAIRPERSON WEPRIN: --to bear with  
me here, which is from the Durst organization, the  
developer in this matter, to Council Member  
Brewer, and I'm going to read it--

[Crosstalk]

CHAIRPERSON WEPRIN: --Gale  
actually was nice enough to try to go get me a  
larger fonted letter, but I'm going to read it  
anyway and try, but I apologize if my eyes make it  
difficult.

So Dear Council Member Brewer, this  
letter is in response to concerns raised--well  
here she comes, I'm going to take a little break

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2 and go with the bigger fonted letter, there you  
3 go, wow, look at this.

4 [Crosstalk]

5 CHAIRPERSON WEPRIN: I am, I am, I  
6 should have brought glasses. Dear Council Member  
7 Brewer, this letter is in response to concerns  
8 raised by Community Board 4, Council Member  
9 Brewer, Community Board members, and other Council  
10 Members during the public review process,  
11 including the hearing before the City Council  
12 Subcommittee on Zoning and Franchises January 17th  
13 in connection with the 625 West 57th Street  
14 project which includes a newly-constructed mixed-  
15 use building which will contain approximately 750  
16 dwelling units. The Durst Development, LLC, has  
17 agreed to the following commitments to address  
18 some of these concerns.

19 Number one, affordable housing  
20 fund. The applicant recognizes the need for  
21 affordable housing in the community. In  
22 recognition of this need and in addition to the  
23 affordable housing commitments contained within  
24 the project as more particularly described below,  
25 the applicant will contribute \$1 million to the

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2 affordable housing fund maintained and  
3 administered by the New York City Department of  
4 Housing Preservation and Development upon issuance  
5 of a temporary Certificate of Occupancy by the New  
6 York City Department of Buildings for any portion  
7 of the building.

8                   Number two, affordable housing  
9 restrictive declaration. The applicant recognizes  
10 the need for affordable housing in the community,  
11 and in response to this need, is committed to  
12 ensure that 20% of the dwelling units constructed  
13 as part of this project will be affordable through  
14 the 80/20 housing program. Pursuant to that  
15 program, these units would be rented to occupants  
16 with incomes of no greater than 50% of the area  
17 median income, the AMI, as determined by the U.S.  
18 Department of Housing and Urban Development, and  
19 these units must remain in the program for at  
20 least 35 years to ensure that this commitment  
21 remains a legally binding obligation for the  
22 project, regardless whether the applicant applies  
23 to be part of the 80/20 program or the applicant  
24 is eligible to avail itself of the program. At  
25 the applicable time, the applicant will execute a

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2 restrictive declaration that requires the 35 years  
3 of affordability outlined above and record same  
4 against the project's property. A draft of this  
5 restrictive declaration is attached hereto as  
6 Exhibit A.

7           Number three, determination of  
8 community facility use. Although the applicant  
9 has suggested that the community facility used--  
10 planned use planned for the project site may be  
11 used as a daycare facility, the applicant  
12 understands that Community Board 4 may prefer an  
13 alternative community use. In response to this  
14 concern, the applicant is willing to consult  
15 regularly with the Community Board as the tenant  
16 selection process continues and to consider other  
17 mutually preferred community facility uses.

18           Number four, project design West  
19 58th Street. Council Member Brewer requested that  
20 more trees be planted along West 58th Street  
21 closer to the 11th Avenue and in front of the  
22 loading area towards 12th Avenue. The applicant  
23 is pleased to accept this recommendation and will,  
24 subject to legal and City requirements, seek to  
25 plant more trees closer to the 11th Avenue site.

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2 However, planting additional trees in front of the  
3 loading docks will not be possible because the  
4 trees would impede vehicle access to the loading  
5 areas. The applicant will look into expanding the  
6 tree pits along the West 58th Street so that  
7 plantings can be placed around the trees.

8 Council Member Brewer further  
9 suggested that the display areas along West 58th  
10 Street be continued to the other mechanical space  
11 further east after the Con Edison vaults. The  
12 applicant would like to clarify that lit ground  
13 floor display areas will be located as feasible  
14 where mechanical space is required, except where  
15 Con Ed vaults would be located.

16 In addition to the commitments  
17 outlined above, the project continues to offer  
18 significant benefits to the New York City and the  
19 local area, including an innovative addition to  
20 the city's skyline, a new paradigm for  
21 environmentally sustainable design, and the  
22 activation of pedestrian life around and through  
23 an unused block. A substantial increase to the  
24 city's housing stock, including much needed  
25 affordable housing units, local retail shops, and

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2 a community facility use that will support the  
3 surrounding neighborhood, and a design that will  
4 significantly improve the pedestrian experience  
5 along West 57th and West 58th Streets.

6 And this says sincerely from the  
7 Durst organization. Members of the committee are  
8 CC'd. And thank you for bearing with me on that  
9 long reading. I will like to add on this project  
10 that we did hear a lot of positive features that  
11 were discussed here today and the community seemed  
12 very pleased with the aspects of the project, and  
13 I'm very glad that they were able to come together  
14 on some of these outstanding issues that the  
15 community was concerned about.

16 With that in mind, does anybody on  
17 the panel have anything they want to add or say?  
18 Does anybody want me to read the letter again? I  
19 didn't think so.

20 With that in mind, I am going to  
21 call on counsel to please call the roll on this  
22 vote. I would add that we did recess the last  
23 meeting, so those--a couple of members may have to  
24 vote on those items that we heard the other day,  
25 on the café that we heard the other day, and they

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2 may do so when their name is called. So, Ann,  
3 please, Counsel, whenever you're ready.

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COUNCIL CLERK: Chair Weprin.

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CHAIRPERSON WEPRIN: I vote aye.

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COUNCIL CLERK: Council Member

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Rivera.

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COUNCIL MEMBER RIVERA: I vote aye

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on today's calendared item, and I ask permission

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to vote aye on the previous items on the calendar.

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[Off mic]

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CHAIRPERSON WEPRIN: Permission

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granted, I'm sorry.

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COUNCIL MEMBER RIVERA: Thank you.

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I vote aye.

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COUNCIL CLERK: Council Member

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Reyna.

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COUNCIL MEMBER REYNA: I vote aye.

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COUNCIL CLERK: Chair Comrie.

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COUNCIL MEMBER COMRIE: I vote aye.

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COUNCIL CLERK: Council Member

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Garodnick.

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COUNCIL MEMBER GARODNICK: Aye.

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COUNCIL CLERK: Council Member

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Wills.

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COUNCIL MEMBER WILLS: Aye.

COUNCIL CLERK: Council Member  
Ignizio.

COUNCIL MEMBER IGNIZIO: Yes, I  
vote aye. And just want to point out, only Gale  
could get you to read a letter that lengthy into  
the record. I vote aye.

COUNCIL CLERK: Anybody else?  
Okay. One, two, three--

[Pause]

COUNCIL CLERK: By a vote of 7 in  
the affirmative, zero in the negative, and no  
abstentions, Land Use item number 749, 750, 751  
are approved and referred to the full Land Use  
Committee. And the vote on Land Use item 753 now  
stands at--four, five--

[Pause]

COUNCIL CLERK: --nine in the  
affirmative, zero abstentions, zero negatives, and  
is likewise approved to the full Land Use  
Committee.

[Pause]

CHAIRPERSON WEPRIN: Okay. Well I  
want to thank the members for their cooperation in

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2 this matter and also member of the audience for  
3 their patience. I--

4 COUNCIL CLERK: [Interposing] Hold  
5 the vote open, I guess.

6 CHAIRPERSON WEPRIN: --will hold  
7 the vote open for a couple of members who had a  
8 conflict who are on their way here. But with that  
9 vote being held open until the next meeting  
10 starts, I am going to adjourn this meeting with  
11 those votes included in that vote. Okay? Thank  
12 you very much, and the meeting is now adjourned.

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[Gavel]

C E R T I F I C A T E

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

Signature *Tammy Wittman*

Date February 13, 2013