

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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November 16, 2011
Start: 1:25 p.m.
Recess: 3:00 p.m.

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)

Robert Zirelli
Vice President
Venieros Pastry Shop

Jerry O'Donovan
President
Ryan's Irish Pub

Robert Callahan
Representative
Mezzogiorno Restaurant

Richard Lobell
Legal Representative
Life Quality Motors

Andrew Kimball
President and Chief Executive Officer
Brooklyn Navy Yard Development Corporation

Maritsa Silva-Farrell
Concerned Citizen

Stephanie Yazgi
Representative
Wal-Mart Free NYC Coalition

Lisa Kersavage
Senior Director of Preservation and Sustainability
Municipal Arts Society of New York

Lucas Shapiro
Organizer
Families United for Racial and Economic Equality

Ed Brown
President
Ingersoll Tenants Association

Pat Purcell
Assistant to the President
UFCW Local 1500

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

Scott Witter
Curator
Brooklyn's Other Museum of Brooklyn

Marty Markowitz
Brooklyn Borough President

Purnima Kapoor
Director
Brooklyn Office of NYC City Planning

Anna Slatinsky
City Planner
Brooklyn Office of NYC City Planning

CHAIRPERSON WEPRIN: Alright.

We're going to get started now. I'd like to welcome everybody to the Zoning and Franchises Subcommittee of the Land Use Committee. We are joined today by Council Member Vincent Ignizio-- these are the members of the Committee--Council Member Joel Rivera, Council Member Leroy Comrie, Council Member Al Vann and Council Member Jimmy Vacca. I am Council Member Mark Weprin, the chair of the Committee. We also have guests here with us today who are interested in these matters; Council Member Leticia James from Brooklyn and Council Member Rosie Mendez from Manhattan.

We're going to get started. We have three cafes we're going to take first. The first one is Land Use No. 508, Venieros Pasticceria and Cafe. I'd like to call on the applicant to come up. Who do we have for that?

[crosstalk]

CHAIRPERSON WEPRIN: We need you to fill out a slip. Okay. If you haven't filled out a slip and you're going to testifying or presenting, please see Jerry [phonetic]. He will grunt at you, but he will help you get your slip

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2 filled out. Thank you, and what I'd like you to
3 do... Is it working 'cause it's sometimes
4 opposite of what you think. Try--push it again.

5 [background conversation]

6 CHAIRPERSON WEPRIN: See, it was
7 on.

8 ROBERT ZIRELLI: Hello.

9 CHAIRPERSON WEPRIN: There you go.
10 Now what I'd like you to do is please state your
11 name and then discuss what you're asking. Okay?

12 ROBERT ZIRELLI: My name is Robert
13 Zirelli [phonetic], vice president of Venieros
14 Pastry Shop, and I'm discussing a sidewalk permit.

15 FEMALE VOICE: Did you bring
16 samples?

17 ROBERT ZIRELLI: Unfortunately No.
18 [laughs] Next time, I promise.

19 [background conversation]

20 ROBERT ZIRELLI: So, yeah, I was
21 told about the change that I have to remove some--
22 I have a garbage container and a sign that has to
23 be removed, and it will be removed, but the other
24 thing is I have to revise my plans with my
25 architect in regards to a fire escape that's

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2 aggressing [phonetic] on an awning right in the
3 entrance of my building. This was always I guess-
4 -it didn't show on the first plan, so I plan to
5 amend that and get that taken care of ASAP.

6 CHAIRPERSON WEPRIN: That's great.
7 I see we're joined by Council Member Jessica
8 Lappin, a member of the Committee. Thank you. I
9 know Council Member Mendez who represents this
10 area wanted to make a statement and ask some
11 questions, so Council Member Mendez, please.

12 COUNCIL MEMBER MENDEZ: I want to
13 thank you. I'm a frequent visitor of Venieros,
14 and it's a shame that Ticia James is not, but I'll
15 take you there - - .

16 COUNCIL MEMBER COMRIE: Only Ticia?

17 COUNCIL MEMBER MENDEZ: You're all
18 welcome. It's been around for like 100 years. I
19 don't know why you haven't been there yet--

20 ROBERT ZIRELLI: [Interposing]
21 Yeah, 117 years.

22 COUNCIL MEMBER MENDEZ: Right.

23 ROBERT ZIRELLI: I've been working
24 30 of these years - - .

25 COUNCIL MEMBER MENDEZ: And so we

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2 just--you run a really great business. We were
3 just concerned about some of those issues, and we
4 just wanted the changes to be made and reflected
5 and then as I understand you're going to make the
6 changes and then you're going to give us something
7 that will be submitted in our file, and I look
8 forward to seeing you soon.

9 ROBERT ZIRELLI: Great. Thank you
10 very much.

11 CHAIRPERSON WEPRIN: Mr. Zirelli,
12 just one thing. Any changes you make to the plan,
13 you need to submit to the Committee--

14 ROBERT ZIRELLI: [Interposing] I
15 heard the 28th I have to--

16 [crosstalk]

17 CHAIRPERSON WEPRIN: As soon as you
18 can, you could even do it before then. We need
19 that in writing. Okay?

20 ROBERT ZIRELLI: Okay, I'll have
21 that in writing and I'll have it submitted right
22 away.

23 CHAIRPERSON WEPRIN: And also the
24 Department of Consumer Affairs as well.

25 ROBERT ZIRELLI: A copy to Consumer

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Affairs?

CHAIRPERSON WEPRIN: And a copy to us. Okay. Thank you. Okay. That was easy. Next is Land Use No. 509, Ryan's Irish Pub also in Council Member Mendez's district. Do we have someone here from there? Yeah? Did you feel out a slip? Do we have his slip?

[background conversation]

CHAIRPERSON WEPRIN: So, see if you can solve the mic problem, and what I'd like you to do is please state your name and discuss what Ryan's Irish Pub is asking for.

JERRY O'DONOVAN: My name is Jerry O'Donovan [phonetic]. I'm president of Ryan's Irish Pub. I did an alteration two years ago, and I didn't realize I had to submit a new revised set of plans for the sidewalk cafe. I had been in business there 19 years, and I just talked to - - and I'll be going to the architect and revising their plan to show the differences in it - - for the setup.

CHAIRPERSON WEPRIN: I see - - that's pretty good. I'd like to call on Council Member Mendez once again to discuss some issues.

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2 COUNCIL MEMBER MENDEZ: I want to
3 thank you. Another business that's been in my
4 neighborhood for a long time--not as long as a
5 hundred and something years.

6 JERRY O'DONOVAN: Well, hopefully
7 we get there.

8 COUNCIL MEMBER MENDEZ: And so I
9 know you've been in touch with my staff. I want
10 to thank you for working with us and revising the
11 plans.

12 JERRY O'DONOVAN: Thank you very
13 much.

14 CHAIRPERSON WEPRIN: Do any other
15 members of the Committee have any questions or
16 comments? Well, thank you very much. We
17 appreciate you coming down and speaking. Okay.
18 We're moving right along. We're going to move to
19 Land Use No. 510, Mezzogiorno Restaurant in
20 Speaker Quinn's district. Gail [phonetic], - - ?
21 You filled out a card, right?

22 ROBERT CALLAHAN: Yes.

23 CHAIRPERSON WEPRIN: Okay. Well,
24 push the button. Please state your name for the
25 record, and we will start again.

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2 ROBERT CALLAHAN: My name is Robert
3 Callahan [phonetic] of Michael Kelley [phonetic]
4 Inc., and I'm here representing Mezzogiorno
5 Restaurant.

6 CHAIRPERSON WEPRIN: Okay. Thank
7 you. I know that there was some issues--an
8 agreement made between you and discussions with
9 Speaker Quinn's office and others. Do you have a
10 copy of the letter? Do you want to read it into
11 the record?

12 ROBERT CALLAHAN: Yes, I do. Thank
13 you.

14 CHAIRPERSON WEPRIN: Thank you.

15 ROBERT CALLAHAN: Dear Council
16 Member Quinn, this letter serves as our agreement
17 with the Chair, Council Member Mark Weprin, and
18 the encompassing members of the Subcommittee on
19 Zoning and Franchises that we will commit to the
20 following: 1) We will set up the sidewalk cafe on
21 both Sullivan and Spring Streets according to the
22 approved plans. A copy of the plans will be
23 posted inside of the restaurant for employee
24 reference and daytime managers, Lorenzo and Nicola
25 [phonetic] Vittorio [phonetic] will ensure daily

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2 that the cafe is set up properly. 2) There will
3 be no service from the public sidewalk. All
4 service will be from within the cafe, utilizing
5 the waiter aisle. 3) Service to the cafe on
6 Sullivan Street will be from the restaurant's side
7 door. 4) We will remove the three planters
8 located on the Sullivan Street side of the cafe,
9 as they have not been indicated on the plans
10 approved by the New York City Department of
11 Consumer Affairs. 5) The size of our tables will
12 not be any larger than the approved 24 inches by
13 24 inches. All tables and chairs on Sullivan
14 Street will be directly against the facade of the
15 building--that's number six. 7) There will be no
16 benches on the Spring Street side of the cafe.

17 CHAIRPERSON WEPRIN: Thank you
18 very, Mr. Callahan. I understand from the staff
19 person at Speaker Quinn's office that they are in
20 agreement with this, and this does address some of
21 the concerns that were raised.

22 [background conversation]

23 CHAIRPERSON WEPRIN: Anyway, well,
24 we thank you, Mr. Callahan. Does anyone else have
25 any questions or comments they want to make here?

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Is your first name Robert or Michael?

ROBERT CALLAHAN: Yes, Robert.

CHAIRPERSON WEPRIN: Robert. Okay.

Thank you very much. Okay. We're going to just shift the order a little bit 'cause we have nobody else testifying on this besides the applicant, and we're going to skip to Richard Lobell [phonetic] on behalf of Life Quality Motors, which is Land Use No. 521. [off mic] Just see if Sara Gonzalez next door--I didn't know if she was here on this one or 4th Avenue. And we're joined by Council Member Diana Reyna, member of the Committee.

[background conversation]

[pause]

CHAIRPERSON WEPRIN: Alright, we'll get started. Oh, you have charts and graphs. Alright, Mr. Lobell. Whenever you're ready state your name again for the record.

RICHARD LOBELL: Good afternoon.

My name is Richard Lobell from the law firm of Sheldon, Lobell PC. Thank you for hearing our application today. What we have today quite simply is an application for a modification of a restrictive declaration. The subject property is

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2 a 14,000 square foot building and is located on a
3 lot with a much larger building--the Arsenal
4 Building between 64th Street and 2nd and 3rd
5 Avenues. The modification would simply correct a
6 condition and allow the smaller building--this
7 14,000 square foot building--to have automotive
8 repair on the site. The original restrictive
9 declaration was entered into back in the '70s
10 during a time when there was a lot of conflict
11 about the use of the property, and at the time,
12 there was a manufacturing designation. There were
13 restrictive declarations in - - to change the
14 property to residential. That was unsuccessful
15 because there was no residential that could be
16 really supported in that area. It was changed
17 back to manufacturing at which time the
18 restrictive declaration was entered into to
19 prohibit certain uses. We are now seeking to
20 modify that restrictive declaration to allow Life
21 Quality Motors to operate there. The site would
22 be "dealer prep of cars," which would not involve
23 heavy tools or machinery, but would merely involve
24 preparation of automobiles prior to the
25 distribution to different dealerships. Life

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2 Quality is a long time commercial resident of
3 Brooklyn, has several locations and is responsible
4 for employing many residents from the surrounding
5 area, particularly in Brooklyn, and is hopeful
6 that the Committee and the full Council will
7 approve what is a relatively minor application.
8 We were approved unanimously by City Planning,
9 went through our full environmental review and of
10 course, certain modifications were requested. One
11 of them was at the noxious use for automotive
12 spray painting would not be allowed. We were
13 happy to enter into that. Also what I know is
14 important to Council Member Gonzalez is that a
15 tree planting plan will be filed as part of the
16 restrictive declaration, which will require that
17 the applicants surround the area with a
18 significant amount of greenery, thus beautifying
19 the area, which I know is a concern of Council
20 Member Gonzalez in this district. Again, we're
21 hopeful that the Committee will support the
22 efforts of Life Quality and we'd be happy to take
23 any questions.

24 CHAIRPERSON WEPRIN: Great. Thank
25 you very much. Speaking of Council Member

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2 Gonzalez, we are joined by the Council Member, who
3 wanted to make a statement on this matter.

4 Council Member Gonzalez?

5 COUNCIL MEMBER GONZALEZ: Thank
6 you, Chair. First of all, welcome Robert, right?

7 RICHARD LOBELL: Richard.

8 COUNCIL MEMBER GONZALEZ: How are
9 you? I have spoken to Life Quality Motors and am
10 confident that they will continue to be good
11 neighbors for our community. I appreciate part of
12 your statement in respect to the greenery, and I
13 know that the work will be made permissible under
14 this modification will take place indoors and I
15 have been assured that will have no negative
16 impact on nearby residents. We've always been
17 concerned about that. In our neighborhood we have
18 a lot of different issues with health issues and
19 things and that becomes a big issue for us. So
20 I'm very supportive of L.U. 521 and urge my
21 colleagues to vote in favor. Thank you.

22 CHAIRPERSON WEPRIN: Thank you,
23 Council Member Gonzalez. Does anyone else on the
24 panel have any questions for this applicant?
25 Seeing none, you can take your posters and be

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2 excused. Thank you, Mr. Lobell. We appreciate
3 you coming down. Okay. Moving right along again.
4 We're now going to go back to the Admiral's Row,
5 which is--

6 COUNCIL MEMBER JAMES:

7 [Interposing] Yeah, yeah.

8 CHAIRPERSON WEPRIN: Okay.

9 [laughter]

10 CHAIRPERSON WEPRIN: We're going to
11 not let Tish [phonetic] back here. That is Land
12 Use No. 511 through 518 inclusive and we're
13 calling up... Andrew Kimball [phonetic], Anna
14 Slatinsky [phonetic], and Purnima Kapoor
15 [phonetic].

16 [background conversation]

17 CHAIRPERSON WEPRIN: Anna too is
18 here for 4th Avenue?

19 FEMALE VOICE: Yes.

20 CHAIRPERSON WEPRIN: Of course, so
21 just Andrew? Who else is with you, Andrew?

22 ANDREW KIMBALL: There's some folks
23 who are going to testify in favor.

24 CHAIRPERSON WEPRIN: Right, but no
25 one else is presenting with you?

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2 ANDREW KIMBALL: - - nobody else
3 presenting.

4 CHAIRPERSON WEPRIN: Okay. You're
5 a one man show.

6 ANDREW KIMBALL: Would you rather I
7 sit, or is it okay if I stand?

8 CHAIRPERSON WEPRIN: Well, we need
9 you on the microphone so you're going to have to
10 wait on the Oprah thing. Use the microphone and
11 then you can...

12 [crosstalk]

13 CHAIRPERSON WEPRIN: Andrew, please
14 state your name for the record again and start and
15 talk about the great work you're doing at the
16 Brooklyn Navy Yard and about the Admiral's Row
17 plan.

18 ANDREW KIMBALL: Thank you very
19 much, Mr. Chairman. My name is Andrew Kimball.
20 I'm president and chief executive officer of the
21 Brooklyn Navy Yard Development Corporation. It's
22 a pleasure to be here. I want to recognize
23 Council Member James, who along with Council
24 Member Levin, have adopted us both of you, and so
25 many members of the Brooklyn delegation who have

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2 so strongly embraced our mission of creating good-
3 paying industrial jobs. I wanted to orient you
4 first to the Brooklyn Navy Yard, which is the
5 first site plan there--a 300 acre site. We've
6 experienced explosive growth in the recent years
7 thanks in large measure to strong support from the
8 administration and from the Council and other
9 elected bodies to create good-paying industrial
10 jobs. We've gone from 3600 jobs to close to
11 6,000. This year from 230 businesses in 2001 to
12 275. When the City acquired the site in 1966,
13 there were three parts of the 300 acre parcel that
14 did not come along with it, and one of them is the
15 six acre Admiral's Row site, which you see at the
16 lower left hand corner, which is in the gray. So
17 I am really here along with Ashley Cotton
18 [phonetic] from the Mayor's Office, who
19 technically is putting forward this request for a
20 zoning change. For 25 years we have struggled to
21 acquire this site, and when I say we, I mean both
22 the navy yard and the City. The community had
23 advocated for a positive reuse of the site, more
24 specifically for a large format supermarket, and
25 we have embraced their call. So really, while the

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2 entire navy yard is industrial, this will be one
3 exception where we will have retail space facing
4 out combined with industrial. There are three
5 main actions that we're seeking your approval on.
6 One is for the City to acquire the site from the
7 federal government. Two is for the City to put it
8 in the Brooklyn Navy Yard's master lease, which we
9 will manage, and three is a series of technical
10 actions related to the use of the site--the most
11 important of which is allowing for retail of over
12 10,000 square feet, so that we can have a very,
13 very significant supermarket. What you see in the
14 second two boards, first is a site plan of the
15 layout of the site, and then the last board a
16 rendering of what we plan to do there. We think
17 it's a very, very unique combination of historic
18 preservation, sustainability, industrial jobs and
19 retail jobs. Of course everything we do will be
20 focused on local job creation and community
21 hiring. We expect 500 permanent jobs to be
22 created on the site--300 retail, 200 industrial.
23 We have a strong track record through our
24 employment center of placing folks locally. For
25 the supermarket specifically, we'll be looking to

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2 build on the success of the Fairway Market and
3 placing folks from the NYCHA houses and we have
4 Farragut [phonetic] right across the street as
5 well as Walt Whitman and Ingersoll [phonetic]. Ed
6 Brown [phonetic] is here--the president of the
7 Ingersoll. We've appreciated his support along
8 with other community members on this. What you
9 see in the pink box and in the far right hand
10 corner of the rendering is a footprint for a
11 74,000 square foot supermarket. We put this site
12 out on the market a couple of years ago and for
13 various reasons had to end the relationship with
14 the developer we chose at that time, but we had
15 very, very strong interest from supermarkets, from
16 Shop Rite to Stop and Shop and many others and we
17 expect that they are going to eagerly bid on this
18 site again when we put it back out on the market
19 in December. On top of the supermarket, we're
20 going to build out 120,000 square feet of
21 industrial space. You typically do not see this
22 on a retail site, but we're so confident about
23 filling up that space on upper floors with good-
24 paying industrial tenants that we're going to
25 partner with a selected developer on doing that,

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2 about 90,000 square feet of other community
3 oriented retail and most very significantly and
4 very expensively, the rebuilding of two of the
5 historic sites on the site--the Timber Shed
6 [phonetic], which is probably the oldest building
7 in the Brooklyn Navy Yard, which is at the corner
8 of Navy and Flushing. You see it in the rendering
9 and Building B--the white building about halfway
10 down on the site, which was a three-story home,
11 which we will rebuild both of those. We think
12 that we've created a retail site that's very
13 unique with the historic preservation. With the
14 industrial we'll have a wall behind it, so it's
15 separated from the Brooklyn Navy Yard, but the
16 industrial space can be accessed from behind. In
17 addition to our local hiring commitments the
18 developer will be required to meet a goal of 30%
19 MWBE [phonetic] contracting. On project after
20 project in the navy yard, we've met that goal or
21 beyond--40% on the last couple that we've done, so
22 we're very confident about that. All the
23 buildings will have to be built to LEEDS Silver
24 Standards, so we want it to be a very green, very
25 community friendly site. I'd be happy to answer

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any questions.

CHAIRPERSON WEPRIN: Thank you, Mr. Kimball. I would praise you about how great you're doing down in the navy yard, but we have other people here who even know it better and-- better spokespeople. We're delighted we were just joined by the Chair of the Subcommittee on Planning and Dispositions, Steve Levin, who represents this area, and then we will hear from everyone's favorite--Tish James, who wanted to make some statement, who is across the street from the site. Well, the Chair is using his prerogative and is going to go before Mr. Levin to make a statement.

COUNCIL MEMBER COMRIE: I'm sorry - - but I have an appointment back in the district I can't miss, and I just want to say I'm fully in support of this project. I thank you for the briefing that you did give me, and I want to congratulate the navy yard on everything they're doing to be such a progressive site. I hope that this will stimulate other folks to think about small business and industrial activity as well. Thank you.

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2 CHAIRPERSON WEPRIN: Thank you,
3 Chair Comrie. Mr. Levin?

4 COUNCIL MEMBER LEVIN: Thank you,
5 Mr. Chairman. I just want to briefly acknowledge
6 the tremendous amount of work that has gone into
7 this project. I'm thrilled that it is before us
8 today and that we will be voting on it today. I
9 want to acknowledge Mr. Kimball, Richard Druckart
10 [phonetic] who is here, their entire team at the
11 navy yard, Ashley Cotton who is here and the
12 entire team at Deputy Mayor Steele's office--this
13 project going back to Deputy Mayor - - maybe even
14 before that with Deputy Mayor - - . It certainly
15 predates my tenure as a Council Member, and I do
16 want to really acknowledge Council Member Tish
17 James' work on this and in a lot of ways, the
18 politics of it, she really got the ball rolling on
19 this project politically and put a lot of effort
20 into this, making sure that this comes to
21 fruition. I think that this has been a really
22 great example of people coming together and where
23 there are issues that could easily be sources of
24 controversy, having everyone come together and
25 find a workable solution that is acceptable to

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2 everyone in particularly with regards to the
3 historic preservation and I want to acknowledge
4 the Historic Districts Council and everybody in
5 the preservationist community that fought so hard
6 to have these really truly wonderful historic
7 resources preserved where they could be. It's
8 been again a long road, but this is going to be an
9 example where we're maintaining a lot of what
10 makes the history of the navy yard so exciting and
11 so informative for us as we kind of move forward
12 into the 21st Century, but kind of looking at the
13 heritage there. Last week we cut the ribbon on
14 Building 92, which is really a testament to that
15 or kind of highlighting that history and making
16 that it is preserved and acknowledged for many
17 generations. With this project with the historic
18 preservation aspect to it, it's going to
19 complement that very nicely, and then on the
20 substance of the project as it's going to be
21 coming into fruition as a retail center that will
22 provide jobs for local residents, that will
23 provide a tremendous community asset for local
24 residents. It is really in a lot of ways a
25 wonderful thing, but it didn't happen overnight

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2 and it could have very well have not been as easy
3 as it was, but I think that that is a testament to
4 the leadership that everybody played in this--
5 particularly Mr. Kimball, Council Member James and
6 the administration and Deputy Mayor Steele's
7 Office. I want to thank everybody involved for a
8 job well done. Thank you, Mr. Chair.

9 CHAIRPERSON WEPRIN: Thank you, Mr.
10 Levin. I'm going to now call on Council Member
11 James, and then I know there's some questions from
12 the panel. Tish?

13 COUNCIL MEMBER JAMES: Thank you,
14 Mr. Chair and thank you to my partner, Council
15 Member Levin. Thank you for your kind remarks.
16 It's been wonderful working with you in regards to
17 this project and so many others. I wanted to
18 thank obviously Andrew Kimball and Mr. Druckart
19 and Ashley Cotton and to Mr. Brown, the president
20 of Ingersoll Public Houses as well as Purnima
21 Kapoor, City Planning, who I work with quite often
22 on a number of issues in the district that I
23 represent. So the accolades have been said, now
24 let's get to some commitments and some hard
25 questions that I would like for you to make

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2 publically, and that is the commitment that when
3 we go forward with the supermarket that we'll make
4 great efforts to hire individuals from Ingersoll,
5 Whitman and Farragut in communities where there's
6 structural unemployment.

7 ANDREW KIMBALL: Absolutely, and
8 you know that we'll be working with you every day
9 of the week on that. We're very excited that we
10 just doubled the size of our employment center.
11 We've placed a thousand people in jobs in the last
12 ten years--10% of them formerly incarcerated,
13 about 15% from the NYCHA houses, but we know we
14 can do more, and we just got a grant from the
15 Robin Hood Foundation. We're going to double the
16 size of our employment center. We're going to
17 double those commitments. That's just in general
18 in the yard and specifically on this project the
19 job training program that we will work through
20 with the chosen developer and come and brief you
21 and your colleagues on. We'll very specifically
22 focus on the local housing.

23 COUNCIL MEMBER JAMES: And I
24 apologize for not being the ribbon cutting at
25 Building 92, but thank you for the recent tour

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2 this week. I look forward to working with all of
3 the entities in that building and throughout the
4 yard as well. Will we put some sort of question
5 with respect to individuals who have criminal
6 justice histories? It's a major issue and
7 obviously I do know that it is illegal to
8 discriminate people with convictions, but
9 unfortunately, it does happen as you know, and
10 that is one of the barriers to employment, and so
11 hopefully whoever is successful in winning the bid
12 will take that into consideration, and is that
13 part of your consideration in who the ultimate
14 applicant is?

15 ANDREW KIMBALL: Absolutely, and
16 those will be questions that will be asked. They
17 were the first time we went through this process,
18 and we are very comfortable that whoever we end up
19 selecting to be our partner will work hand in
20 glove with what we do already, which makes that
21 population a priority. One of our--we've brought
22 in as a job training partner Brooklyn Workforce
23 Innovations led by Aaron Schiffman [phonetic] - -
24 best not for profit job trainers in the city.
25 They are bringing in with them to work

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2 specifically on this CEO that works with that
3 population as well.

4 COUNCIL MEMBER JAMES: Thank you.

5 As you know we recently cut the ribbon on the
6 supermarket on Myrtle Avenue that was managed and
7 built by John Catsimatidis [phonetic] of Red Apple
8 and working with my office and district leader,
9 Lincoln - - , we were able to--most of the jobs
10 that were being created by that supermarket were
11 individuals who live in public housing. 75% of
12 the jobs as a result of our hard work were from
13 residents of public housing, and I hope that that
14 is the model going forward.

15 ANDREW KIMBALL: That's great.

16 COUNCIL MEMBER JAMES: The navy
17 yard obviously one of the reasons why I love the
18 navy yard is because it provides living wages to
19 individuals to sustain families and it's probably
20 the most diverse workforce that I know of in the
21 city of New York, and I applaud you for that. My
22 second question is--third question and fourth and
23 fifth Thank you, Council Member Vann, for
24 counting--is the issue with regards to WMBEs and
25 local businesses. What is the commitment to

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2 ensure that WMBEs are involved in preconstruction
3 and post construction as well as professional
4 services?

5 ANDREW KIMBALL: Again, the
6 commitment necessary will be a goal of 30% MWBE
7 hiring--I think 25% local contracting, local
8 businesses. On Building 92 and the Perry
9 [phonetic] Building we did before that, we met 40%
10 of the dollar value going to MWBEs and that local
11 hiring commitment. We will also have prebid
12 conferences as we did a few years ago for the
13 small business and MWBE community to brief them on
14 the opportunities coming down the pipe
15 specifically on this project and on other ones in
16 the yard.

17 COUNCIL MEMBER JAMES: And there
18 will be a consultant specifically hired to address
19 those issues?

20 ANDREW KIMBALL: We make it very
21 clear that one of the selection criteria for any
22 developer or CM or anybody we work with one of the
23 top things that we're going to rank them on in
24 deciding is their track record on MWBE. Most of
25 them tend to bring in a sub-consultant. There are

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2 a couple that do it in house, and I think do it
3 solidly, but really what matters is what have they
4 delivered on on past projects, and that's what we
5 really look at.

6 COUNCIL MEMBER JAMES: Fourth
7 question that has come up is a number of
8 individuals they've asked me--as you know members
9 of the City Council have expressed concerns with
10 respect to Wal-Mart coming into New York City.
11 We're concerned about their employment practices
12 et cetera, and a number of individuals have
13 expressed concern that this would be a suitable
14 site for a Wal-Mart. What can you do to assure me
15 and others that Wal-Mart will not be located in
16 the navy yard?

17 ANDREW KIMBALL: What I can do is
18 tell you what our site plan is, what kind of
19 supermarket we're targeting and what our
20 experience has been to date going through one
21 competitive process, and what we've been hearing
22 since then about those types of markets that
23 remain interested in this kind of site, and those
24 markets, again, are Shop Rite, Stop And Shop and a
25 number of other supermarkets.

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2 COUNCIL MEMBER JAMES: Last
3 question is--that red wall which is a barrier
4 which mystifies the navy yard, which I absolutely
5 hate because it's an institutional wall, when is
6 that damn red wall coming down?

7 ANDREW KIMBALL: It is federally
8 owned property, and it will come down as soon as
9 we possibly can take it down.

10 COUNCIL MEMBER JAMES: I thank you,
11 Mr. Kimball. All of these answers and all the
12 questions and answers we've gone through before--I
13 just wanted to publicly put it on the record and
14 to let everyone know that I love the navy yard.
15 The navy yard is a model throughout the city of
16 New York and so I just thank you for your
17 leadership and thank you for all that you have
18 done for the constituents that I serve. Thank
19 you, Mr. Kimball.

20 ANDREW KIMBALL: Thank you for your
21 leadership.

22 CHAIRPERSON WEPRIN: Thank you,
23 Council Member James. Now we have some questions
24 from the panel. I'd like to call on Council
25 Member Diana Reyna.

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2 COUNCIL MEMBER REYNA: Thank you
3 very much, Mr. Chair. To my colleagues who have
4 worked on this particular plan along with the
5 Brooklyn Navy Yard, I just wanted to take a moment
6 to understand the public benefits package. I know
7 much has been said on the MWBE goal, and you have
8 been very successful in your MWBE goals from
9 previous records as far as the Brooklyn Navy Yard
10 contracts are concerned. Is that not correct?

11 ANDREW KIMBALL: Yes, we've been
12 very successful, both with local contracting and
13 MWBE. The last two projects that we specifically
14 developed; it was close to 40% of the dollar value
15 went to MWBE.

16 COUNCIL MEMBER REYNA: So 30% would
17 be a conservative number you hope to exceed and
18 we're looking forward to seeing you--

19 ANDREW KIMBALL: [Interposing]
20 Absolutely.

21 COUNCIL MEMBER REYNA: The LBE
22 goal--the overall percentage--at least the
23 language that I'm reading here says overall LBE
24 goal within designated zip codes 10%. What are
25 the designated zip codes?

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2 ANDREW KIMBALL: I'll have to
3 follow up and get you those exact ones, but
4 typically we look at the communities right around
5 the Brooklyn Navy Yard, so--

6 COUNCIL MEMBER REYNA:
7 [Interposing] Right.

8 ANDREW KIMBALL: So Fort Green
9 [phonetic], Clinton Hill, Bed-Stuy, Greenpoint,
10 Williamsburg, and I will get you those exact
11 numbers. I don't have them in my head. When we
12 look at local hiring, we also look at those, so a
13 third of all the people who work in the Brooklyn
14 Navy Yard for instance come from those
15 communities. 50% come from Brooklyn and we'd like
16 to have that mirrored on the contracting on
17 Admiral's Row.

18 COUNCIL MEMBER REYNA: Fantastic,
19 and the monitoring of the community development
20 percentage goals--how is the overall performance
21 going to be evaluated? Is there an independent
22 auditor for this?

23 ANDREW KIMBALL: Not per se. We
24 haven't in the past. What we have done is
25 required monthly reporting on those figures and

1
2 then briefed our local stakeholders as we go
3 through the project, and I'd be delighted to do
4 that on this project. I know that we're going to
5 meeting on a regular basis on the hiring both
6 during the construction period and contracting and
7 then also once the supermarket and other retail
8 open.

9 COUNCIL MEMBER REYNA: Sure. As
10 far as the MWBE program and part of the GC
11 [phonetic] commitments within the RFP, the Block
12 Building Mentor Program--is there a model that you
13 right now utilize as part of your practices to
14 reach MWBE goals. During construction I'm
15 referring to.

16 ANDREW KIMBALL: Right. When I
17 started at the navy yard about six years ago, we
18 studied very closely what the School Construction
19 Authority was doing on mentorship and other
20 programs and brought in some of those folks into
21 the discussion. We decided that since there are
22 so many individual projects in the yard, each one
23 we had to look at separately and work with
24 different consultants on each. so for instance on
25 Building 92, which you saw last week, Crescent was

1
2 the sub-consultant. They worked with some
3 mentoring programs to bring in folks to that job.
4 In the past, we've gone to City Tech to try to
5 find folks who would work on the construction
6 project and successfully placed a number, so
7 there's not a specific mentoring program that we
8 do each one. Each different project is a little
9 bit different.

10 COUNCIL MEMBER REYNA: I just
11 wanted to just share with you why I ask. I've had
12 recent conversations with the GC Association and
13 part of their difficulties in trying to bring in
14 what would be opportunities for MWBEs is that most
15 of the time, they're not union, and if they're not
16 union, you can't utilize that particular MWBE, and
17 so you go through the list and your back is
18 against the wall. We want to make sure that where
19 there's an opportunity to have this dialogue that
20 we are able to do so and where we have holes to be
21 able to fill them, and so if there's an
22 opportunity here that we can engage on figuring
23 out where the holes are for us as your advocates
24 and stewardships of making sure that it happens to
25 facilitate that, that would be fantastic. To end,

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2 I just wanted to congratulate all of your work and
3 much success and continue forward with the rest of
4 the Brooklyn Navy Yard. Lord knows we need the
5 manufacturing industrial jobs. I personally like
6 the wall. I don't see it as a barrier--

7 ANDREW KIMBALL: [Interposing]

8 There will be a new wall. It will just be behind
9 it.

10 COUNCIL MEMBER REYNA: I appreciate
11 the fact that there's no illegal conversions here,
12 and so this wall has probably protected unlike
13 other areas that have not been protected. Thank
14 you very much.

15 ANDREW KIMBALL: Thank you.

16 [background conversation]

17 CHAIRPERSON WEPRIN: And now I'd
18 like to call on Council Member Levin.

19 COUNCIL MEMBER LEVIN: There's a
20 couple of questions I just want to ask you about
21 kind of the--if you could give us a brief overview
22 of where we are in terms of the preservation on
23 the two buildings and what we're going to be able
24 to do as a result now of this action that we
25 weren't able to do--aren't able to do at this

1
2 exact moment, but will be able to do once we vote
3 on it at the full Council.

4 ANDREW KIMBALL: Thank you for the
5 question. Our goal should we successfully have
6 the ULEP approved--and I think the Stated Meeting
7 is on the 29th--is to move very, very quickly
8 within the next two weeks to be able to have a
9 closing with the feds on actually acquiring the
10 property, putting it on our master lease. We've
11 been working with Bob Sellman [phonetic], one of
12 the most preeminent historic preservation
13 engineering firms in the city on developing a
14 stabilization plan, designing a stabilization plan
15 as best he can without having site access, with
16 just having visual inspections, so that day 1 we
17 can have him on the site beginning stabilization
18 on Building B and the Timber Shed at the same time
19 that we have our RFP out to find a new development
20 partner. So that when that new development
21 partner comes on board a couple of months after
22 that, we are already in stabilization and don't go
23 through another full winter with those buildings
24 being in danger.

25 COUNCIL MEMBER LEVIN: I'll

1
2 editorialize for a second here. In your
3 presentation, you mentioned 20 plus years of
4 negotiation after--was it in 1987 the
5 congressional authorization for the sale of
6 Admiral's Row, the City of New York... I think
7 it's frankly shameful that the federal government
8 let this happen at this site for as long as it
9 did. I think that what you have been able to do
10 is admirable, and I think what you and your team
11 have been able to do in kind of working in the
12 face of kind of intractable bureaucracy and
13 governmental territorialism, but I kind of put it
14 squarely on the federal government that the rest
15 of the buildings are unable to be saved, so that's
16 my opinion. I wanted to ask real quickly the City
17 Council has worked a sponsor program called
18 Grocery Works. It's part of the Food Works
19 Program, - - maybe we can work on together, which
20 specifically trains individuals in grocery retail
21 and has had a lot of success this past year and
22 it's been an initiative that the Speaker of the
23 City Council has really put a lot of force behind
24 and so maybe we could work together moving forward
25 so that this program could be utilized because it

1
2 has been very successful. It's very popular both
3 with the retailers that utilize it and the
4 individuals that benefit from it.

5 ANDREW KIMBALL: Great. I'd like
6 to do that.

7 CHAIRPERSON WEPRIN: Thank you, Mr.
8 Levin. Does anyone else have any comments or
9 questions? Mr. Vann? We are running a little
10 behind schedule, so we'll try to move this along
11 as fast as we can.

12 COUNCIL MEMBER VANN: Why did you
13 mention that after you called my name?

14 [laughter]

15 CHAIRPERSON WEPRIN: Nothing
16 personal.

17 COUNCIL MEMBER VANN: Okay. I'll
18 be so warned. I just wanted to actually commend--
19 add to the commendation for you, Mr. Kimball, and
20 Mr. Druckart and company for the outstanding work
21 and leadership you've been showing at the navy
22 yard. When I first met you six years ago, despite
23 your resume your usefulness, I said, "I wonder if
24 this guy is ready for this job?" You have more
25 than proven how worthy you are of it and excellent

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2 leadership that you have brought to it. I would
3 only say that you began your comment you indicated
4 that you were being adopted by Council Member
5 Levin and Council Member James, and I just want
6 you to know that at any point when you want to
7 report child abuse, call me. I'll be there for
8 you. Thank you, Mr. Chairman.

9 [crosstalk]

10 ANDREW KIMBALL: - - adopted us over
11 the years, so I apologize for the oversight.

12 CHAIRPERSON WEPRIN: Thank you, Mr.
13 Vann. We are delighted and honored to have been
14 joined in the room by the borough president of
15 Brooklyn, Marty Markowitz, who is here on the next
16 item, but he wanted to express to you, Mr.
17 Kimball, how happy he is with the work you've been
18 doing at the Brooklyn Navy Yard, how much he loves
19 the Brooklyn Navy Yard and everywhere in Brooklyn.

20 [background conversation]

21 CHAIRPERSON WEPRIN: I want to
22 thank you, Mr. Kimball. If you could leave us the
23 charts for a minute in case we need them. Now we
24 have six people to testify in favor of this. I'd
25 like to bring them all up. Jerry, if you could

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2 work this out. I'd like to see if we could limit
3 more remarks to two minutes. I know it's
4 difficult 'cause we have a number of people, and
5 then we have one gentleman who is going to testify
6 afterwards in opposition. So we have some seats
7 up here. I'm going to call these people up.
8 Three you can take the chairs. We can put the
9 other three in a holding room over there on the
10 first row, and then we'll bring them up one at a
11 time. Is that alright, Jerry?

12 MALE VOICE: We have four chairs.

13 CHAIRPERSON WEPRIN: We have four
14 chairs, so we're only going to have to put two of
15 you in the holding room. Okay. The following
16 people I'd like to call up: Maritsa Silva-Farrell
17 [phonetic], Ed Brown from Ingersoll Tenants
18 Association, Stephanie Yazgi [phonetic] from Wal-
19 Mart Free NYC, Lucas Shapiro [phonetic] from FUREE
20 [phonetic], Pat Purcell [phonetic] from UFCW 1500
21 and Lisa Kersavage [phonetic]. So the last two,
22 if you could just sort of sit there. Mr. Purcell
23 and I and Mr. Markowitz too 'cause he's friends
24 with the people who own Fairway. We're all
25 opening a Fairway in Douglaston [phonetic], Queens

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today, which went enormously well.

[background conversation]

CHAIRPERSON WEPRIN: I saw you had a goody bag too. of things they were giving away. You guys can fight over who goes first, but again, if we could try to keep it to two minutes, I'd appreciate it. I know that's late notice on that, but I promised the Borough President I'd move this along and other people as well--not to put the pressure on him.

MARITSA SILVA-FARRELL: Well, thank you for giving me the opportunity to speak today in support of the rezoning of the Brooklyn Navy Yard for certain retail, industrial community and nonprofit uses. My name is Maritsa Silva-Farrell. I work at - - . There are - - for - - New York. We are a nonprofit labor community coalition that works to create good jobs, vibrant communities and a - - democracy for all New Yorkers. Align [phonetic] works with the building blocks called - - which - - to bring good food and good jobs to all New Yorkers. We help with - - responsible business standards, greater affordability and increased community participation in the city's

1
2 FRESH Program, which provides zoning and financial
3 incentives to fresh food grocers who are located
4 with city's designated food deserts [phonetic].

5 The Brooklyn Navy Yard falls into a designated
6 food desert as we know, and it is exciting that we
7 will now be moving a step closer to providing
8 accessible fresh food in the neighborhood, but we
9 know that food deserts are all job deserts. The
10 lack of access to fresh food will not be resolved
11 simply by providing fresh food if residents have
12 no money with which to purchase this food.

13 Accordingly we support high - - grocers moving
14 into Brooklyn Navy Yard that will provide jobs to
15 the residents of the Walt Whitman, Farragut, and
16 Ingersoll Housing, as well as providing them with
17 family supporting wages. There are many
18 businesses that have a proven track record of
19 providing quality food and quality jobs to local
20 residents--Shop Rite is foremost amongst them and
21 we recommend moving forward with that grocer. At
22 the same time, there are grocers that have a
23 proven track record of undermining access to fresh
24 food by reducing the purchasing power of local
25 residents. They do this by forcing local

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2 businesses to close resulting in a net loss of
3 jobs for the local community and by lowering wages
4 among all retail workers; foremost among this - -
5 grocers is Wal-Mart. The city and the Brooklyn
6 Navy Yard would be doing the surrounding community
7 long term harm by allowing such a low - - retailer
8 to locate in Admiral Row. Just to finish, we
9 recommend that the community develop a binding
10 agreement such as community benefits agreements
11 that sets high - - standards both in terms of job
12 quality and local hiring. Thank you very much.

13 CHAIRPERSON WEPRIN: Thank you, Ms.
14 Silva-Farrell. Who is next? Make sure to state
15 your name and if you could try to keep that two
16 minutes, that would be great.

17 STEPHANIE YAZGI: Sure. My name is
18 Stephanie Yazgi. I'm with the Wal-Mart Free NYC
19 Coalition. I appreciate being able to speak
20 today. Wal-Mart Free NYC supports the Brooklyn
21 Navy Yard Development and believes that its new
22 industrial and retail space can bring significant
23 opportunity to the surrounding neighborhood.
24 Further. we support the initial attempt to work
25 the developer who would bring in a union grocery

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2 store chain as affordable groceries and good jobs
3 that pay livable wages and offer benefits are
4 essential to neighborhood friendly commerce. We
5 are concerned however that the developer may try
6 to bring in Wal-Mart as a tenant, a move that
7 would have serious consequences for the
8 communities, residents and small businesses. As
9 we know Wal-Mart spending millions of dollars in
10 its campaign to enter New York City and other
11 cities having saturated rural and suburban
12 markets, the company views New York City and other
13 large cities as its last best opportunity to
14 expand. Should this expansion occur throughout
15 our city, it could threaten the livelihoods of New
16 York's hundreds of thousands of wage earners.
17 Several studies have shown that the presence of a
18 Wal-Mart store tends to reduce earnings for retail
19 workers and for wage earners generally and those
20 are just the workers who manage to keep their
21 jobs. In fact, if a Wal-Mart were to open, the
22 number of stores in New York City needed to match
23 its national grocery market share of 21%, the city
24 could stand to lose as many as 3,900 jobs. an
25 impact of this magnitude to the city's small

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2 businesses and their employees would drastically
3 change the face of New York's diverse retail
4 landscape. The city could also contend with a
5 host of environmental issues, such as increased
6 traffic, carbon emissions and crime. For these
7 reasons, Wal-Mart Free NYC would encourage the
8 Committee to ensure that any developer awarded the
9 project enter into an agreement that would ensure
10 they not choose Wal-Mart as a tenant. The
11 agreement at Gateway Bronx Terminal Market could
12 serve as a model for the measures that could be
13 taken to prevent Wal-Mart's entry into a
14 development. Similar agreements have been struck
15 throughout the country where developers were
16 required to lease parcels to responsible community
17 partners. One such partner, Shop Rite, a union
18 grocer with a strong track record of paying its
19 employees a livable wage and providing affordable
20 benefits, has expressed an interest in being
21 considered - - site developer awarded to the
22 project. So in closing, contrasted with Wal-Mart
23 a company that funnels many of its employees to
24 public aid programs, Shop Rite is clearly a more
25 attractive entrant to the Brooklyn Navy Yard, one

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2 that satisfied the short term need for more
3 grocery options and the long term need of
4 sustaining the neighborhood's economic and
5 cultural vitality. Thank you.

6 CHAIRPERSON WEPRIN: Thank you.

7 Are you guys sticking with ladies first or are you
8 going to go--Ms. Kersavage want to come over? I
9 don't know. I know you guys were being gentlemen.
10 I didn't know if you wanted to continue. Okay,
11 Ms. Kersavage, why don't you go next then?

12 LISA KERSAVAGE: My name is Lisa
13 Kersavage. I'm the senior director of
14 Preservation and Sustainability at the Municipal
15 Arts Society of New York. I'm very pleased to be
16 here to speak in favor of this proposal. MAS has
17 been advocating for the preservation of the
18 historic Admiral's Row buildings in earnest since
19 2007. Throughout that time, we have been a
20 consulting party in the National Guard Section 106
21 process. In 2008, MAS gathered neighborhood and
22 tenant organizations, architects and civic groups
23 at - - with the Pratt Center to develop ideas for
24 how to accommodate the navy yard's proposal and
25 preserve the historic buildings and address

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2 community needs. The community at that time made
3 it very clear in the - - that they need a good,
4 affordable grocery store and we produced plans
5 that showed it is possible to have preservation
6 and produce. We are pleased that over time the
7 navy yard has modified their proposal to improve
8 the site plan and preserve two of the most
9 important buildings--the Timber Shed and Quarters
10 B [phonetic] and have as consultants premier
11 experts in engineering and preservation. The
12 beauty and uniqueness of these historic buildings
13 will make this development a neighborhood amenity
14 instead of just another big box development
15 [phonetic]. Over the last few years unprecedented
16 consensus has developed among a wide range of
17 preservation organizations, civic groups and the
18 Brooklyn Navy Yard about the future of Admiral's
19 Row. All agree that it is in the best interest of
20 these buildings and the community to get this land
21 out of the hands of the federal government and
22 into the city's. It's an outrage that the
23 National Guard Bureau has allowed these buildings
24 to deteriorate to their current condition and have
25 dragged out their 106 and land disposition

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2 processes for as long as they have. Heavy snows
3 are a great threat to these buildings and there is
4 real urgent need to allow the navy yard to - - up
5 and secure these buildings before winter. We
6 therefore respectfully urge the City Council to
7 move expeditiously to approve this application.
8 Thank you.

9 CHAIRPERSON WEPRIN: Thank you.

10 Next?

11 COUNCIL MEMBER LEVIN: Sorry, Mr.
12 Chairman. Can I just add something very quickly
13 to that?

14 CHAIRPERSON WEPRIN: Sure, Mr.
15 Levin.

16 COUNCIL MEMBER LEVIN: Thank you.
17 I just wanted to apologize for not acknowledging
18 Municipal Arts Society before in my remarks. I
19 just want to do that officially.

20 CHAIRPERSON WEPRIN: He did it on
21 purpose.

22 LUCAS SHAPIRO: Good afternoon,
23 everyone. My name is Lucas Shapiro. I'm an
24 organizer at FUREE, which stands for Families
25 United for Racial and Economic Equality. We're a

1
2 community based organization that's run by our
3 members, many of whom are residents in the public
4 housing developments adjacent to Admiral's Row.
5 We're very much in support of the project--
6 although a little nervous about it going forward
7 without an assigned developer and grocery store.
8 We wanted to reiterate some of the other comments
9 that were made about the need for targeted local
10 hiring and are pleased to hear that that means
11 explicitly public housing residents, where there
12 is chronic underemployment and also the need for
13 good paying jobs. A union store, a store like
14 Shop Rite, would definitely be preferable. We
15 worked a lot on the Red Apple supermarket ever
16 since it was torn down by John Catsimatidis, when
17 the last supermarket that was there. I look
18 forward to the ribbon cutting of this new store.
19 One thing that we are planning to do with our
20 members as we're doing with the Red Apple
21 supermarket is having a team of local residents
22 who go and compare prices just to ensure that over
23 a long term whatever supermarket is chosen is
24 genuinely affordable to the low-income families in
25 the neighborhood. We've been working as part of

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2 the Clinton Hill, Fort Green Community Food
3 Council to get those prices and that's one thing
4 that we'll be monitoring over the coming months
5 and obviously when this development gets underway
6 in the years to come. So this looks like a great
7 model and as much community participation can be
8 brought on board in the further planning would be
9 much appreciated. Thank you.

10 CHAIRPERSON WEPRIN: Thank you, Mr.
11 Shapiro. I'm sure there's no need to be nervous.
12 Mr. Brown, you're going?

13 ED BROWN: Ed Brown, president of
14 the Ingersoll Tenants Association. I come here to
15 speak on behalf of my colleagues, Ms. Lee
16 [phonetic] over in Whitman who is the president at
17 Whitman Houses and also Ms. Andrews, the president
18 of Farragut Houses. As Mr. Kimball said, it's not
19 Farragut Houses for me because I'm always
20 allocated to go speak on behalf of all three, it
21 can get confusing sometimes. Basically there's
22 really nothing to be said after all of the people
23 who spoke before me, but we are fully in favor of
24 the supermarket. We support the navy yard,
25 Council Member James, Council Member Levin and

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2 Borough President Marty Markowitz and all the
3 efforts that have been in place to make sure that
4 the public housing residents benefit from not just
5 the navy yard, but the overall Brooklyn
6 renaissance that's taking place. Long before the
7 economic downturn, residents of Whitman, Ingersoll
8 and Farragut have been suffering from high
9 unemployment and issues of disconnection from the
10 rest of the downtown Brooklyn community, so this
11 only goes along the process of bringing us back
12 into the loop and allowing us to be a part of this
13 new downtown Brooklyn and the new Manhattan as
14 they like to say. Actually Brooklyn is the place
15 to be according to the Borough President, so there
16 you go.

17 [background conversation]

18 ED BROWN: I concur. With that
19 being said, I ask that you please approve the
20 necessary processes that need to take place to
21 make this happen as soon as possible. Lastly, in
22 reference the hiring and the MBWE process, I just
23 want to say that to make this thing go according
24 to the way that it's said that it should go and
25 not allow Wal-Mart to even have a way into the

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2 community is to make sure that there are people
3 like myself directly involved in that process to
4 make sure that we are actually hiring actual
5 residents from the three public housing
6 developments around in the community 'cause we're
7 most effected and that way, Wal-Mart wouldn't even
8 have an in because residents would be working.

9 CHAIRPERSON WEPRIN: Thank you, Mr.
10 Brown.

11 ED BROWN: Thank you.

12 CHAIRPERSON WEPRIN: Mr. Purcell?

13 PAT PURCELL: Good afternoon, Mr.
14 Chairman and members of the Subcommittee. It's a
15 pleasure to see so many--I think every single one
16 of you have been a tremendous friend to our union
17 and to our members, and I want to thank all of you
18 as we try to bring more union jobs to New York
19 City and good supermarkets. As you know, I'm
20 assistant to the president for UFCW Local 1500.
21 We have 23,000 members. We are the largest local
22 grocery workers union in the state of New York.
23 Our members are employed by Shop Rite, Stop and
24 Shop, Pathmark. As you heard the Chairman
25 mentioned, today we were at Fairway. We were very

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2 excited in Douglaston to be a part of the new
3 56,000 square foot Fairway. We were with the
4 Borough President, all who did a wonderful job
5 today bringing 350 jobs to that store. As you
6 know, Fairway's opening a lot of stores, but our
7 job is to continue to open hopefully more and more
8 supermarkets like this. From day one, I would say
9 to you that we are first to be very clear we are
10 in support of the Brooklyn Navy Yard Development
11 Corporation's application. Andrew Kimball has
12 worked with us very early on in the process.
13 Council Member James has worked with us. Council
14 Member Levin. I believe that from the beginning
15 it's been a productive partnership. I believe the
16 footprint here is clear--that this will result in
17 a supermarket, and I believe it's designed to
18 result in a union supermarket. Everyone says Shop
19 Rite; that would be great. My job is to be
20 impartial. Stop and Shop would be fine. Whatever
21 works for the community works for us as long as
22 it's a union store.

23 [laughter]

24 PAT PURCELL: But let me just say
25 this; obviously anyone who knows me knows I'm

1
2 going to say something about Wal-Mart. If you
3 don't, then I obviously haven't done my job over
4 the last several years. We are confident with all
5 of our conversations that we've had with the
6 Council Members, that we've had with the Speaker's
7 Office and with the administration. This will not
8 be a Wal-Mart. I would never sit up here in front
9 of you unless I was confident of that. Those of
10 you who know me know that to be true. I want to
11 add also that it's our union's expectations and we
12 hope obviously that this is built union because
13 obviously there's a lot of building trades
14 [phonetic] folks out of work, and we'd like to get
15 those jobs going as quick as possible. So again,
16 we support the application and I thank you all for
17 your time and patience.

18 CHAIRPERSON WEPRIN: Thank you, Mr.
19 Purcell. I want to thank this panel for being
20 here. We appreciate it. You're all excused. Now
21 we have one person who is here in opposition. I
22 want to call him up, Scott Witter [phonetic]. You
23 have a fan club, Scott. Come on up. Please take
24 any seat you want and work out the microphone.
25 State your name for the record. I apologize as I

1
2 have to--here, give it to Jerry and he'll pass out
3 what he needs to pass out. Mr. Witter, we're
4 going to try to keep you to two minutes if you
5 can. Mr. Witter, can you keep it to two minutes
6 you think?

7 [background conversation]

8 CHAIRPERSON WEPRIN: You distracted
9 our timekeeper, so it's good.

10 SCOTT WITTER: Hello. Okay. My
11 name is Scott Witter. I'm curator of Brooklyn's
12 Other Museum of Brooklyn. I would like the hand
13 out entered into the record. I will prepare
14 something for this meeting as I only found out at
15 1:15 today that it was happening. You have to do
16 something better with your public meetings.
17 Anyhow, I'd like to show the panel what these
18 buildings looked like when they were new. You
19 look over here. Hello? That's the Timber Shed.
20 That's one that's scheduled to be saved. This one
21 sits next it, and of course, it's not intended to
22 be saved. This one sits next to that. There's
23 actually two in this picture, and this is two
24 building C was said to have collapsed. It was
25 actually demolished by the New York City Fire

1
2 Department. No, it didn't. It collapsed. It was
3 collapsed, and it was hosed to the ground over an
4 8 hour period. This is Building B. It's
5 scheduled for preservation, possibly. This is
6 building D, which is of course as historic as
7 Building B, and here's E, F and G and finally, I.
8 There is also a building J, which is the grounds
9 officer's house next to the flagpole. It has
10 never ever been looked at. The City Council has
11 an opportunity to include these buildings for land
12 marking and still have the commercial development
13 at the Admiral's Row site. Each building
14 qualifies for the National Register, the State
15 Register and as a landmark in the city of New
16 York. The Landmarks Commission has been gagged by
17 the mayor. You should have a meeting with them.
18 Everyone has said they qualify; they qualify
19 individually, as a row and as a compound. They
20 should be landmarked first and then fit the
21 commercial development in. There's six acres--the
22 equivalent of two and a half city blocks. There's
23 more than enough room for both developments. On
24 the grocery store, 75,000 square feet. The
25 largest in the city of New York. Does that type

1
2 of grocery store need to be the solution for fresh
3 produce? Most grocery stores are under 5,000
4 square feet. Over 10,000 and they have to go
5 through - - . There's 160,000 square foot retail
6 development besides that. This is going to be one
7 of the most highly dense developments in the city
8 of New York, and I think you have to take a look
9 at it.

10 CHAIRPERSON WEPRIN: Thank you, Mr.
11 Witter. We appreciate it. Thank you very much
12 for coming. We will look at your testimony and
13 your information. Thank you very much. Okay.
14 What I'd like to do now we're going to close this
15 hearing, and I'm going to quickly move to the next
16 item, but we're going to have--as I mentioned
17 before Borough President Markowitz is here, along
18 with Richard Barack [phonetic] from his office.
19 Marty, are you able to stay to speak briefly?

20 BOROUGH PRESIDENT MARKOWITZ: Yes.

21 CHAIRPERSON WEPRIN: So, Borough
22 President Markowitz, I'd like to call you up
23 before we start the hearing 'cause I know you're
24 pressed for time, and I know you wanted to make a
25 statement on the next item, perhaps the other item

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as well. I'd like to call you up.

BOROUGH PRESIDENT MARKOWITZ: Thank you, Mr. Chairman.

CHAIRPERSON WEPRIN: Our please. If you could just make sure the microphone is on, Mr. Borough President--

BOROUGH PRESIDENT MARKOWITZ: [Interposing] It's on indeed. Thank you very much and it certainly was good to see our chairman a little earlier today at Fairway, and of course, I went there pitching them for another store in Brooklyn. Anyway--

[crosstalk]

BOROUGH PRESIDENT MARKOWITZ: Anyway, and certainly the members of the City Council Land Use Subcommittee for Zoning and Franchises for allowing me to share a few words with you this afternoon. Before I discuss my views on 4th Avenue, I just want to add the item that you just heard; Admiral's Row Plaza. The project in my opinion respects the historic character of the area, while also providing opportunities for growth. It provides industrial and retail employment opportunities and also

1
2 provide access to fresh and affordable foods in a
3 neighborhood that truly, truly needs it. This is
4 a great project, one that deserves to be approved
5 by the City Council. Under Andrew Kimball's
6 leadership, really, the navy yard is one of the
7 biggest success stories we have in our city. I
8 also hope that the Council also joins me in
9 appealing to the MTA to evaluate the future
10 weekend service on the B69 [phonetic] bus to
11 provide better access to Admiral's Plaza for
12 residents of Fort Green and Clinton Hill.

13 As for 4th Avenue, I feel strongly
14 that a percentage of ground floor space on all
15 future buildings along the street should include
16 retail; an idea that I shared with the Department
17 of City Planning earlier this year. This
18 requirement would foster lively mixed use
19 neighborhoods and a positive streetscape
20 experience for pedestrians and prevent future
21 developments from adding to what's sadly the
22 experience--unattractive corridors of blank
23 masonry walls that exist on some of our newer
24 buildings. The result would be a key component in
25 the transformation of 4th Avenue into what I call

1
2 a vibrant Brooklyn boulevard, stretching from
3 Atlantic Avenue to the Atlantic Ocean, a grand
4 thoroughfare worthy of unique neighborhoods - -
5 by the way downtown Brooklyn is not the new
6 Manhattan. I want to clarify that. Manhattan is
7 beautiful and it's gorgeous and we're doing it our
8 way, and each borough has its uniqueness. We all
9 share that.

10 This summer at Borough Hall, I was
11 pleased to host a long term planning meeting
12 regarding the transformation of 4th Avenue--
13 something first proposed in my 2009 State of the
14 Borough Address. We announced the formation of a
15 taskforce chaired by my senior advisor, Carlos
16 Asorta [phonetic] to oversee the details of the
17 project, including tree planting and the use of
18 newly expanded Times Plaza, which is the
19 intersection of 4th Avenue and Atlantic Avenue and
20 Flatbush Avenue. We also allocated \$2 million in
21 capital funding to contribute toward the effort to
22 restore the historic facade of the 4th Avenue/9th
23 Street subway reopening entrance to the station
24 that has been closed for decades and open retail
25 space. Last night in fact the taskforce convened

1
2 its first town hall meeting. I'm happy to say at
3 least 100 folks showed up, at which members of the
4 public presented their ideas regarding what the
5 subway station and the area should look like.
6 These suggestions will be valuable as we move
7 forward.

8 The creation of the special
9 enhanced commercial district will go a long way
10 towards helping our taskforce take what is now
11 just a plan on paper and transform it into an
12 exciting new reality for the future growth of 4th
13 Avenue. By guaranteeing more retail and requiring
14 developers to incorporate enhanced streetscapes
15 and landscaping with each new project. We
16 bringing together all of the elements needed to
17 make 4th Avenue what it was always intended to be,
18 which is a magnificent, majestic, user-friendly,
19 economically viable and safe thoroughfare for all
20 Brooklynites, New Yorkers and visitors. Task
21 force members are looking forward to gathering
22 creative ideas and approaches from all interested
23 parties. I urge the City Council to adopt the
24 proposal by the Department of City Planning as
25 amended by the City Planning Commission as part of

1
2 their contribution to the overall plan. There
3 were two changes that I recommended based on the
4 application from the Department of City Planning.
5 One of my recommendations I'm pleased that the
6 City Planning Commission agreed and that we should
7 take a page from the special downtown Brooklyn
8 district and require that the maximum sill height
9 of transparent show windows be 2 1/2 feet above
10 the curb, rather than four feet. I know it sounds
11 crazy, but that foot and a half makes a big, big
12 difference. That was part of the City Planning
13 proposal. I now seek for the Council to embrace
14 the Commission's support for these recommendations
15 that having a sill height of not more than 2 1/2
16 feet would allow better views--especially when
17 you're my height--of merchandise for pedestrians
18 walking down the avenue, resulting in a more
19 engaging experience. Our other recommendation was
20 to prohibit trade schools and business schools and
21 medical and dental labs--not that we're against
22 any of this, but from being located within the
23 mandatory commercial use of portion of the ground
24 floor retail. We believe these users don't lend
25 themselves to a lively and engaging environment

1 and are not necessarily even pedestrian friendly.

2 Unfortunately, the Planning Commission reported
3 that such a modification is not in scope.

4 Although the Commission did not embrace such a
5 recommendation because they thought it would be
6 too restrictive for the property owner. I

7 disagree with respect with the Commission and

8 believe it's important for the Council to send a

9 message even if a mere technicality precludes

10 exclusion of these users at this time. And doing

11 so, the Council could set the ground rules, by the

12 way, not just with 4th Avenue, but the

13 implications across the city of what we should

14 obtain for our constituents when we're able to

15 secure follow up zoning analysis. Suggestions

16 briefly bringing a residential zoning proposal for

17 sections of the west side of 4th Avenue between

18 Douglas [phonetic] and 6th Streets and south of

19 Prospect Expressway to 24th Street, bringing its

20 centers for affordable housing featuring

21 inclusionary zoning to the section north of 15th

22 Street and sufficient parking requirements within

23 the enhanced commercial district. By endorsing

24 these recommendations, I'm confident that the
25

1 Council will foster an even better environment for
2 development. Enacting the special enhanced
3 commercial district along with other
4 recommendations including improved landscaping,
5 subway grates, enhanced pavement plans that will
6 require additional plantings for new developments
7 will take giant strides towards achieving this
8 comprehensive vision. Now I look forward--we all
9 do--to this Committee having the opportunity to
10 weigh in on the proposals and as the Council
11 brings us one step closer towards establishing
12 Brooklyn's first enhanced commercial district. We
13 look forward to adapting this mandatory retail
14 model to several other shopping corridors in
15 Brooklyn and throughout the city. Since we're
16 certain that constituents in all our districts
17 believe it would preserve and enhance the retail
18 streets that we all represent. Once again, thank
19 you for supporting this unique opportunity to take
20 the street once was believe me--although in the
21 50s, but then in the 60s and 70s, gas stations and
22 auto body and repair shops and tire repairs, gas
23 stations and empty lots and turn it into the kind
24 of grand boulevard worthy of Brooklyn, so I thank
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you very, very much for listening to me.

CHAIRPERSON WEPRIN: Thank you very much, Mr. Borough President. You were very tall in our eyes and on behalf of the large contingency of Brooklyn members who are here and the Bronx members as well, and Council Member Ignizio and I who travel through your great borough all the time to get here, we appreciate you being here. Did you want to say something, Ms. Gonzalez?

COUNCIL MEMBER GONZALEZ: Yeah, I know that you have to move on, but I have to say, Marty, that you have an incredible commitment for Brooklyn. I thank you from the bottom of my heart. You've been incredibly wonderful to work-- and also even before I was elected. We love you dearly. Thank you for your commitment to Brooklyn.

CHAIRPERSON WEPRIN: Thank you. Mr. Lander wants to jump in with a comment too, Marty, as you're going.

COUNCIL MEMBER LANDER: I just want to say that I appreciate the recommendations that you made and the interventions that you and Richard worked on. I'm thrilled that we were able

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2 to change the sill height. I agree with you that
3 continuing to think long term about what we can do
4 on inclusionary, what we can do on use is
5 important. I appreciate that you came today to
6 say so. I testify to that effect--

7 CHAIRPERSON WEPRIN: [Interposing]
8 We're just piling on here, Marty. Everyone wants
9 to say nice things before you leave.

10 [background conversation]

11 CHAIRPERSON WEPRIN: Go ahead, Mr.
12 Vacca.

13 COUNCIL MEMBER VACCA: I very much
14 want to join in the chorus of praise for you, Mr.
15 Borough President and your leadership and your
16 absolute devotion to your borough. You raise a
17 very good point though city-wide, and that is what
18 can we do about first floor retail space that is
19 not retail because what you've pointed out is true
20 city-wide. I have commercial strips in my
21 district and in my borough where stores cannot
22 locate because what's there is a non-retail use
23 that do not attract foot traffic. They don't
24 attract foot traffic. We have to balance economic
25 development because we have landlords today who

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2 cannot rent at all because of the economy, but on
3 the other hand when you get one store, it attracts
4 a merchant to the next store to come in. You're
5 raising a very good point. Thank you.

6 CHAIRPERSON WEPRIN: Anybody want
7 to--you know, if you keep this up, he is going to
8 run for mayor.

9 [laughter]

10 CHAIRPERSON WEPRIN: Alright, well,
11 thank you for coming, Mr. Borough President. We
12 do appreciate it. I'm going to now actually call
13 the number. I apologize for going out of order.
14 This is Land Use No. 519 and 520, the special 4th
15 Avenue enhanced commercial district. I want to
16 thank very much the people from the Department of
17 City Planning who are here, Purnima Kapoor and
18 Anna Slatinsky, for being so patient and letting
19 me go out of order 'cause he was staring me down
20 and I had to get him up there as quickly as
21 possible, and he was very patient as well. So
22 thank you very much for your consideration. I'm
23 going to have to fix the charts here a little bit.

24 [background conversation]

25 CHAIRPERSON WEPRIN: I guess it

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2 works both ways, but... And you guys know the
3 drill. You've done this before, but remember to
4 state your name for the record.

5 PURNIMA KAPOOR: Thank you, Mr.
6 Chair, and thank you members of the Committee and
7 council members who are here. We are delighted to
8 be here to present to you the special 4th Avenue
9 enhanced commercial district, and it was our
10 pleasure to have our Borough President speak in
11 favor ahead of us. It's absolutely not a problem
12 for us. The special 4th Avenue enhanced
13 commercial district is a project that is as you've
14 heard is near and dear to a lot of people's heart
15 in Brooklyn. Our Borough President along with the
16 Council Members Brad Lander, Steve Levin and Sara
17 Gonzalez have all been strong proponents of this.
18 This is a district that would run through three
19 different community districts and it will put into
20 place requirements that will ensure that we have a
21 lively and pedestrian friendly 4th Avenue
22 corridor. It builds upon the Department's
23 rezonings over a period of time starting in the
24 1990s and the last one being in 2004, the Park
25 Slope and the South Park Slope rezonings, where we

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2 put a framework in zoning terms into place to
3 encourage mixed use development along this
4 corridor. As the Borough President stated, 4th
5 Avenue was for the longest time the auto corridor
6 in Brooklyn. It is mapped at 120 feet wide. It
7 really has the potential to become a much more
8 vibrant mixed use corridor than it is. The
9 rezoning brought new housing and some mixed use
10 development into this corridor; however,
11 especially in the beginning some of the new
12 residential developments did not provide retail or
13 pedestrian friendly amenities on the lower floors.
14 We've been hearing from our council members, the
15 borough president, as well as the civic
16 associations, in particular the Park Slope Civic
17 Association, who have been urging us to address
18 this issue. At one point our intention was to do
19 it in a more comprehensive way as part of the
20 entire Gowanus area, which for various reasons at
21 this point is not moving forward; however, we
22 worked with the all our partners to ensure that we
23 could at least move this part of the proposal
24 forward, so with that, I'm going to ask Anna
25 Slatinksi from my office to go into the details,

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and we'd be happy to answer any questions.

CHAIRPERSON WEPRIN: Okay, thank you, Ms. Kapoor.

ANNA SLATINSKY: Thank you. My name is Anna Slatinsky from the Brooklyn office of City Planning. As Purnima mentioned the proposed special 4th Avenue enhanced commercial district stretches from just below Atlantic Avenue in the north in Community District 2 all the way down all the 4th Avenue corridor through Park Slope in Community District 6 down to 24th Street in Community District 7. This area as Purnima mentioned has been rezoned over the years in order to encourage residential development with retail uses and combination to serve the local area and also promote the development of a commercial corridor that is healthy and vital. We were asked to take a look at regulations that would encourage further development along 4th Avenue to do a better job engaging the pedestrian, fostering a continuity of active retail uses and we undertook a study in order to identify regulations that would be appropriate.

I'll go through and describe those

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2 now. The proposal includes three groups of
3 regulations--those that address ground floor land
4 use, those that address glazing and transparency
5 on the ground floor facing 4th Avenue and those
6 that address curb cuts and sidewalk continuity.
7 New Developments and enlargements on the ground
8 floor are required to provide a 50% minimum active
9 commercial use. In addition to that, the
10 remainder of the lot may be developed with
11 offices, community facility uses or ground floor
12 lobbies. Lobbies, however, are limited to a
13 maximum width of 25 feet facing 4th Avenue. In
14 addition the first 30 feet of the lot facing 4th
15 Avenue may not be developed with parking or
16 residential uses. Those uses may be located on
17 the rear of the lot away from 4th Avenue, but that
18 area that's right adjacent to the Avenue we want
19 to be activated in ways that really create this
20 retail continuity and a pedestrian friendly
21 streetscape. To ensure that this development
22 fully engaged the pedestrian and provides a nice,
23 active street presence, there are transparency
24 requirements. Basically, the wall facing 4th
25 Avenue on the ground floor is required to be

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2 transparent for 50% of the area between a height
3 of 2 and 12 feet above curb level. This was
4 addressed by the Borough President in his
5 conditions and the City Planning Commission did
6 tweak the regulations here. The 50% requirement
7 remains the same, but the location has been
8 adjusted so that it must begin at a height of no
9 more than 2 1/2 feet above curb level, whereas,
10 previously the proposal was that it would have to
11 begin at no higher than 4 feet, so we've adjusted
12 the location of the required transparency, but the
13 amount of transparency remains the same in the
14 proposal.

15 And finally, the proposal limits
16 the location of curb cuts on 4th Avenue. For lots
17 that have access to a side street, curb cuts are
18 not permitted to be developed along 4th Avenue;
19 however, recognizing that parking spaces are
20 required and desirable in this neighborhood, lots
21 which do not have access to a side street and that
22 are at least 60 feet wide may develop a curb cut
23 facing 4th Avenue. Those are the basic provisions
24 of the proposal. The proposal enjoys wide support
25 in the community. All community boards as well as

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2 the Borough President recommended approval of this
3 proposal. Community Boards 2 and 7 recommended
4 approval without any conditions. Community Boards
5 6 recommended approval with two conditions. One
6 of them was that the size of retail spaces be
7 limited. The other was that the Department
8 investigate applying inclusionary housing
9 regulations in the area north of 15h Street.
10 These are both out of scope with the current
11 proposal. The Borough President also had two
12 specific conditions that he discussed earlier.
13 One of which the transparency requirement the City
14 Planning Commission did modify the proposal to
15 include. The other which would have involved
16 further limiting the uses which meet the minimum
17 requirements for commercial use in the area was
18 deemed to be out of scope. The Borough President
19 also addressed his broader goals for the area for
20 4th Avenue as a whole and its development over
21 time, which don't address the specific proposal,
22 but address again these bigger issues.

23 CHAIRPERSON WEPRIN: First of all,
24 Mr. Vacca?

25 COUNCIL MEMBER VACCA: Just

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2 quickly, I wanted City Planning's opinion though.
3 I understand that you did not include the Borough
4 President's recommendation concerning the retail
5 space and not have other than retail space there,
6 so you're saying it's out of scope, but my
7 question is, conceptually, what is your opinion of
8 something like that? Is this something that
9 you've heard from other communities and is this
10 something that you are looking at? Have you done
11 an assessment?

12 PURNIMA KAPOOR: My personal
13 opinion first doesn't matter on this. This is a
14 Commission matter that they voted on, but as a
15 department, we've been looking at commercial and
16 retail requirements closely. It's something that
17 we've heard from a number of communities. Our
18 overall outlook on this is that there is no one
19 formula that fits every commercial street in the
20 city. There are many different kinds of
21 commercial corridors and our approach has been to
22 look at each one of them with its unique
23 conditions. We looked at 4th Avenue really more
24 as an emerging corridor. It is not an established
25 commercial corridor like 5th Avenue just to its

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2 east is or other parts of downtown Brooklyn are or
3 other parts of the city are. This is an area that
4 as you heard, until a few years ago was sort of
5 really other related uses and was not even zoned
6 for residential use with a commercial base. So
7 why we completely share the goals of the community
8 and the elected officials in seeing a more vibrant
9 and a more pedestrian friendly environment here,
10 we've been straddling the fine line between
11 mandating uses and encouraging uses. I think
12 that's why you see this as sort of a combination
13 where we are requiring neighborhood retail uses
14 for 50% of the frontage and then allowing the
15 other 50% to be used for purposes that this area
16 already has. Community facilities are there.
17 There are medical offices here. There are other
18 kinds of uses that need that ground floor space.
19 I think beyond this we will let the market take
20 its force. There is nothing saying you cannot
21 have 100% commercial here. 100% retail is
22 perfectly allowed and desirable, but we will let
23 the market get the area there beyond these
24 mandates.

25 COUNCIL MEMBER VACCA: I just want

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2 to point out quickly that what's happening on many
3 other commercial strips is that there is not an
4 assemblage of significant space where a new store
5 can open up because you have stores of 300-400
6 square feet that are non-retail, so when a
7 retailer wants to locate, you have all these
8 little stores. You can't find space because the
9 non-retail uses have chopped up whatever is there
10 on the first floor. and that's why I want you to
11 look at that. I want to City Planning further
12 about it. My second point was you said one of the
13 community boards wanted the size of the retail
14 space reduced. Now does that say to us that one
15 of the community boards is concerned that too much
16 retail space there will hurt mom and pop local
17 stores? Was that their reason for recommending a
18 reduction in retail space.

19 PURNIMA KAPOOR: I think it was
20 really more aimed at the big box stores and not
21 encouraging those as much. In terms of splitting
22 up the area here, a lot of this is new
23 development, so if there are guidelines in place
24 that require ground floor retail and there is a
25 market for ground floor retail, we anticipate that

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2 the developers will create the footprints. In
3 addition to that, we've put into place
4 requirements for transparency whether you are a
5 retail store or not. So even if you are an office
6 or a residential lobby, you have to have that 50%
7 transparency, which we think is a good foot in the
8 door for new retail uses to come occupy. So you
9 will not have buildings that don't lend themselves
10 to retail use in the future.

11 CHAIRPERSON WEPRIN: Thank you.

12 Mr. Lander has some questions.

13 COUNCIL MEMBER LANDER: Thank you
14 very much, Mr. Chairman and to both of you for
15 being here. And thanks especially for the long
16 work on this project. We've been talking about
17 this for many years now, and we thought we had it
18 included when the Gowanus rezoning was moving
19 forward. I appreciate your willingness to
20 consider initially putting it into the Gowanus
21 rezoning, which in some ways it was an appendage
22 to then, but also your willingness when as a
23 result of superfund and other things, the decision
24 was made not at this time to move forward so
25 quickly on the Gowanus rezoning to find a way to

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2 do this even though it's a big, big commitment of
3 resources for something that's important, but not
4 typically sort of a full land use study and to
5 working so closely with my office and the other
6 council members' offices and with the whole
7 community. The other thing I want to say thank
8 you for is you know this collectively, not just
9 City Planning, but this is sort of collectively
10 owning a mistake that we made. It's true. You
11 can't always see what's going to happen. I'll own
12 this too. This was not my top priority here
13 either. We missed something here, and as a result
14 we've gotten some hideously ugly grills and ground
15 floors. I think it's to City Planning's credit
16 and all of our credit to say, "Hey, let's go back
17 and try to fix this. There's still a lot of
18 development to happen. Let's get it right." So
19 thanks for doing all of that. I'm happy with
20 where we are. I certainly encourage my colleagues
21 to vote yes. I do think there's a good argument
22 for looking in the future at retail uses because
23 I'm nervous that we are going to get - - of
24 doctor's offices and things that will make it
25 harder for retail. I agree that this is probably

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2 not the space to require smaller stores given what
3 4th Avenue is, but I am strongly supportive of
4 zoning in other cases that would limit store sizes
5 to encourage mom and pops. I think there's a lot
6 of places in New York certainly many other strips
7 in the city where that is important. I hear
8 whispers that there are some other rezonings where
9 those things are being looked at. I just want to
10 encourage that. Finally, I can't end this without
11 saying that it is still sadly in my opinion also a
12 mistake that we missed applying inclusionary
13 zoning on this strip. While I understand that
14 we're not doing it; it's out of scope and that it
15 isn't germane in the same way here. I hope in the
16 future that's a mistake we will also learn from as
17 we move forward on future rezonings. But that
18 said, thank you and I certainly strongly encourage
19 my colleagues to vote in favor of this.

20 CHAIRPERSON WEPRIN: Thank you very
21 much, Mr. Lander. No other questions on the
22 panel, so ladies, thank you very much for all your
23 patience and everything else. We're going to
24 close this hearing, and then we're going to move
25 to our vote. Just to recap, we are going to

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2 couple the following items; the three cafes:
3 Venieros Pasticceria and Cafe, Ryan's Irish Pub
4 Land Use No. 509 and Land Use No. 510 Mezzogiorno
5 Associates. Those three restaurants and cafes or
6 bakers in this case may be. Then, we are going to
7 couple Land Use Nos. 511 through 518 inclusive,
8 which is Admiral's Row Plaza as well as the item
9 we just heard, the 4th Avenue enhanced commercial
10 district, which are Land Use Nos. 519 and 520 and
11 lastly coupled is the first item we heard, Life
12 Quality Motors Land Use No. 521. So those items
13 are all coupled. We are now going to call on
14 Christian Hilton to call the roll on the vote.

15 COUNSEL: Chair Weprin?

16 CHAIRPERSON WEPRIN: Aye on all.

17 COUNSEL: Council Member Rivera?

18 COUNCIL MEMBER RIVERA: I vote aye
19 on all.

20 COUNSEL: Council Member Reyna?

21 COUNCIL MEMBER REYNA: [no audible
22 response]

23 COUNSEL: Council Member Jackson?

24 COUNCIL MEMBER JACKSON: Aye on
25 all.

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COUNSEL: Council Member Vann?

COUNCIL MEMBER VANN: Aye.

COUNSEL: Council Member Vacca?

COUNCIL MEMBER VACCA: [off mic]

Thank you. Aye on all.

COUNSEL: Council Member Ignizio?

COUNCIL MEMBER IGNIZIO: Aye.

COUNSEL: By a vote of six in the affirmative, none in the negative, no abstentions, L.U. 508, 509, 50, 521, 511, 512, 513, 514, 515, 516, 517, 518, 519, and 520 are approved and referred to the full Land Use Committee.

CHAIRPERSON WEPRIN: Thank you very much, Mr. Hilton. Council Member Reyna had another meeting at the same timer. She stepped out. We'd like to hold the roll open for her to return, which should be very shortly. We're going to hold the rolls open for her 'til that time she gets here, which is 10 minutes we'll say. She should be right back. She just stepped out. I want to thank the Committee for your help. Thank you, Sergeant-at-Arms. With that, the meeting is now adjourned pending Diana Reyna's return and her vote. Thank you.

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[gavel]

COUNSEL: Council Member Reyna:

COUNCIL MEMBER REYNA: I vote aye.

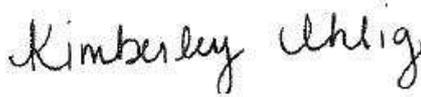
COUNSEL: By a vote of seven in the affirmative, none in the negative, all aforementioned items are approved and referred to the full Land Use Committee.

COUNCIL MEMBER REYNA: This meeting is adjourned.

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 _____

12/4/11