

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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DECEMBER 8, 2010

Start: 5:10 pm

Recess: 5:21 pm

HELD AT: Committee Room
250 Broadway - 16th Fl.

B E F O R E:
MARK WEPRIN
Chairperson

COUNCIL MEMBERS:
Leroy G. Comrie, Jr.
Daniel R. Garodnick
Robert Jackson
Jessica S. Lappin
Diana Reyna
Joel Rivera
James Vacca
Albert Vann
Vincent M. Ignizio
Peter Koo
Jumaane D. Willliams
Maria del Carmen Arroyo
Gale A. Brewer

A P P E A R A N C E S

COUNCIL MEMBERS:

Inez E. Dickens

Ruben Wills

Annabel Palma

Stephen Levin

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

Edward Wallace
Lawyer, Greenberg Traurig
Extell

Kenneth Lowenstein
Attorney, Law Office of Bryan Cave
Extell

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2 CHAIRPERSON WEPRIN: Buenos Tardes,
3 or Good evening as the case may be. Good evening.
4 Hi, I'm Council Member Mark Weprin, Chair of the
5 Zoning and Franchises Subcommittee. We are here
6 this evening to consider Land Use numbers 256
7 through 266, inclusive, known as Riverside Center
8 or Extell. This has been a--we had the hearings
9 already on this subject and over the last few days
10 there has been a couple of days' worth of
11 negotiation. I compliment both sides on the hours
12 they put in and all the--and how it was kept
13 civil, even if it was protracted.

14 What I'd like to do first is to
15 call the development team of the applicant to
16 explain some of the discussions and compromises
17 and changes that have been made to the project
18 and. And I have Council Member Brewer, who
19 represents the area, with me to give me the go
20 ahead on what she thinks about this. So, Mr.
21 Wallace. Do make sure to say your name on the
22 record, whoever is going to speak. Mr.
23 Lowenstein, if you speak, repeat your name and
24 shoot.

25 EDWARD WALLACE: My name is Edward

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2 Wallace. I'm a lawyer with the firm Greenberg
3 Traurig, representing Extell. With me is Ken
4 Lowenstein of the law firm of Bryan Cave. Ken is
5 going to do the substance, but I would be remiss
6 if I didn't say on behalf of our client, thank you
7 to all of the hard work of all of the members of
8 this Council's staff, including the Speaker's
9 staff and Council Member Brewer's staff, and all
10 of the community advisors. I think--I know time
11 is short and it's late in the day, but those thank
12 yous are heartfelt and really significant to the
13 good outcome you're about to hear about. So,
14 thank you.

15 KENNETH LOWENSTEIN: Good
16 afternoon. My name is Ken Lowenstein, with the
17 Law Firm of Bryan Cave, and I represent Extell,
18 the developer. Mr. Chairman, Councilwoman Brewer,
19 members of the Committee, I will run through this
20 fairly quickly in the interest of time. Obviously
21 we'd be happy to answer your questions.

22 The modifications that we will be
23 undertaking to the project as approved by City
24 Planning are the following. First, we will
25 establish a new section of the restrictive

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2 declaration that creates two new escrow accounts
3 into which park-related funds will be deposited.
4 The first set of money will be used to do repairs
5 to the 59th St. recreation center. The second
6 fund will be for the provision of additional
7 active open recreation space--active recreation
8 space--active open space mitigation fund. The
9 payments will be made as project buildings get
10 their TCOs, which is how the existing restricted
11 declaration operates. The total amount of money
12 for the open space and the recreation center will
13 be \$20 million.

14 Secondly we will amend--the second
15 item is we will amend the restricted declaration
16 to say that the developer will supply the core and
17 shell for a 100,000 square foot school, of which
18 the SCA has agreed to fund 85,000 square feet--pay
19 the fit out for 85,000 square feet. In addition,
20 the SCA will have the option, which has to
21 exercise within five years, to pay for the fit out
22 of the remaining 15,000 square feet. If it does
23 not use that space, that space could be used by
24 the developer in accordance with the approvals by
25 the Council and the Council Zoning Commission.

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2 Thirdly we will, in terms of
3 affordable housing, which was a major and
4 important issue in our discussions, we will amend
5 the restricted dec to require a minimum of 135,000
6 square feet of the affordable units will be
7 provided under the Inclusionary Housing Program
8 which will be on site. That's between 180 to 220
9 units. We are required by the restricted
10 declaration to provide 20% of the residential
11 floor area as affordable housing, which is a total
12 of approximately 500,000 square feet of affordable
13 housing.

14 If units are off site--the 135,000
15 is a minimum obligation on the part of the
16 developer. To the extent that units are provided
17 off site, which as permitted under the
18 Inclusionary Housing Program, the priority will be
19 new construction over preservation. The developer
20 will submit to a task force that will be
21 established under the restricted declaration on an
22 annual basis--excuse me, not on an annual basis--a
23 summary, a plan, to HPD and copies would be sent
24 to the Community Board and the Council Member, of
25 its plan to provide the low-income housing.

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2 The third, the next item is on the
3 parking. We will amend the special permit as
4 approved by the City planning commission, which
5 limited us to 1,260 spaces to allow 1,500 spaces.
6 The additional 240 spaces can only be self-park.

7 And finally the drawings, which as
8 approved by the City Planning Commission did not
9 allow us to have an auto showroom in Building 2 on
10 West End Avenue, will be modified to allow the
11 auto showroom to be located on West End Avenue. I
12 believe that covers all the modifications.

13 CHAIRPERSON WEPRIN: Thank you, Mr.
14 Lowenstein. Ms. Brewer, would you like to confirm
15 that this is what you have been understanding and
16 any comments you may have?

17 COUNCIL MEMBER BREWER: Thank you,
18 Mr. Chair. That is my understanding, and I thank
19 very much the team from Extell. Before I go any
20 further I would like to thank two people and, and to thank
21 others, Community Board 7. I would like both Mel
22 Wymore, Chair, and Ethel Sheffer to stand up, and
23 Jesse Bodean [phonetic] from our office. Because
24 this has been a yeopersons effort. In addition on
25 the speakerphone constantly and in the presence

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2 was Richard Ash from the Community Board. He was
3 doing a deposition at Riker's today, so it's not
4 so easy to deal with cell phones, but he managed.
5 And in addition, Mark Diller, who has been the
6 education expert and who has public school
7 children. And certainly we are very grateful to
8 the other members who spent almost two years
9 meeting almost every single day as part of a
10 Riverside Task Force. And Riverside Task Force,
11 as part of Community Board 7, including community
12 members, put together an amazing report, which I
13 think many Council Members kindly came and met
14 with us to see this amazing report regarding this
15 project. So, to say that it was a lot of work is
16 an underestimated comment. And I want to thank
17 the Community Board for all of their efforts.

18 I also want to state that there
19 were many people from the Speaker's Staff. I call
20 him the enforcer, but Ramon Martinez did his job.
21 Gail Benjamin, Danielle DeCerbo and Christian
22 Hylton were 24/7 also. And were all here last
23 night, but there were many hours that led up to
24 this task. And certainly I want to thank the
25 Subcommittee Chair and that guy, Comrie, and that

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2 wonderful friend of mine, Inez Dickens, who are
3 constantly sending me texts. And I'm able to
4 answer them and say, we're doing well thanks to
5 your input.

6 This has been a very challenging
7 effort. I think the parents on the West Side will
8 be particularly pleased. Like many of our
9 communities, we have an overcrowded situation. I
10 know one of the issues that we hope is that the
11 school building where it's going to be located
12 could perhaps be built first, because anybody
13 moving in to any building will want to take
14 advantage of great schools, and there's not
15 another seat left in our current schools.

16 I want to also thank SCA, HPD and
17 Parks. We have been spending a great deal of time
18 on the phone with them and they have been very
19 responsive. I want to thank the residents of the
20 neighborhood, 10 West End Avenue, that particular
21 building was endlessly supportive. And obviously
22 the people from the unions; I think it's good to
23 have jobs and this will be a big project and
24 Extell has always been very supportive of good
25 jobs, living wage, prevailing wage and union jobs.

2 I don't want to go through the
3 specifics because it was just done by the
4 applicant, but I want to say that on the issues
5 that he discussed, that were discussed by Ken
6 Lowenstein and Ed Wallace, it was a good layout
7 and we look forward to the project being
8 successful. Thank you very much, Mr. Chair.

9 CHAIRPERSON WEPRIN: Thank you very
10 much. Is there any other members of the panel
11 have any questions or comments for this group?
12 Okay. I'd like to call on Christian Hylton to
13 call the roll. The Chair will recommend an Aye
14 vote on these matters that are coupled, and please
15 call the roll.

16 CHRISTIAN HYLTON: Chair Weprin.

17 CHAIRPERSON WEPRIN: Aye.

18 CHRISTIAN HYLTON: Council Member
19 Rivera.

20 COUNCIL MEMBER RIVERA: I vote Aye.

21 CHRISTIAN HYLTON: Council Member
22 Reyna.

23 CHAIRPERSON REYNA: I vote Aye and
24 congratulations to all, especially Gale Brewer.

25 CHRISTIAN HYLTON: Council Member

Comrie.

CHAIRPERSON COMRIE: I'll save my extended comments for--

[Off Mic]

CHRISTIAN HYLTON: Council Member Jackson.

COUNCIL MEMBER JACKSON: Aye on all. Aye on all.

CHRISTIAN HYLTON: Thank you. Council Member Vann?

[Pause]

CHRISTIAN HYLTON: Council Member Gardonick.

COUNCIL MEMBER GARODNICK: Mr. Chairman, a moment to explain my vote?

CHAIRPERSON WEPRIN: Mr. Garodnick to explain his vote.

COUNCIL MEMBER GARODNICK: Very briefly I just want to just congratulate Council Member Brewer on all of the work necessary. To be able to deliver a positive result for a community is not an easy task. And of course, Community Board 7, Mel, Ethel and to all of the Community Board for their advocacy, which didn't start in

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2 these last days of the ULURP process, but
3 obviously has been going on for years. The one
4 point that I wanted to add to echo Council Member
5 Brewer was on the subject of starting with the
6 school. That is something which we did
7 deliberately on the East Side in the Solo
8 development, and as it turns out it is the school
9 which will be built before any of the rest of the
10 development. The groundbreaking will be imminent
11 and the rest of the site lies empty. So, I just
12 remind everybody in the room of that as we go
13 forward into the last days of all of this.
14 Obviously school overcrowding is an issue on both
15 the East Side and West Side and so I encourage you
16 to include that in the final plans. And I vote
17 Aye. Thank you.

18 CHRISTIAN HYLTON: Council Member
19 Lappin?

20 COUNCIL MEMBER LAPPIN: May I be
21 excused to explain my vote?

22 CHAIRPERSON WEPRIN: Ms. Lappin to
23 explain her vote.

24 COUNCIL MEMBER LAPPIN: First of
25 all, great going, Gale. I know you've worked

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2 incredibly hard for a very long time, so
3 congratulations to you. I asked Mel yesterday if
4 you were living here, because I have seen you so
5 much in the halls here and I know how hard you and
6 Ethel and the other folks at your community board
7 have worked, and have made this a much better
8 project as a result. And thank you to the
9 applicant for working with everybody who is here,
10 and as you presented just now, coming up with what
11 is a much better project for the community and for
12 the City. I'm particularly pleased about the
13 school for all for all of the reasons we have
14 discussed. So, with that, I vote Aye.

15 CHRISTIAN HYLTON: Council Member
16 Vacca.

17 COUNCIL MEMBER VACCA: Aye.

18 CHAIRPERSON WEPRIN: Very
19 impressive.

20 CHRISTIAN HYLTON: Council Member
21 Ignizio.

22 COUNCIL MEMBER IGNIZIO: Yes.

23 CHRISTIAN HYLTON: Council Member
24 Vann.

25 COUNCIL MEMBER VANN: Aye.

2 CHRISTIAN HYLTON: By a vote of ten
3 in the affirmative, none in the negative, no
4 abstentions, LUs 256 through 266 are approved with
5 modification, for referral to City Planning.

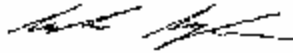
6 CHAIRPERSON WEPRIN: Wow. I want
7 to thank the Subcommittee Members for doing such a
8 great job of showing up on this last minute
9 meeting called, and getting here. And again, I
10 want to congratulate Council Member Brewer and all
11 of the applicants and all the people involved from
12 the Community Board and everybody else. And with
13 that I'm going to--

14 [Off Mic]

15 CHAIRPERSON WEPRIN: And with that
16 I'm going to make a motion--and I'm going to
17 adjourn. Thank you.

C E R T I F I C A T E

I, Erika Swyler 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 12/22/2010