

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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May 4, 2016  
Start: 10:01 a.m.  
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HELD AT: Committee Room - City Hall

B E F O R E: DONOVAN J. RICHARDS  
Chairperson

COUNCIL MEMBERS: Daniel R. Garodnick  
Jumaane D. Williams  
Antonio Reynoso  
Ritchie J. Torres  
Vincent J. Gentile  
Ruben Willis

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

Jessica Lappin, President  
Alliance for Downtown New York  
Business Improvement District, Lower Manhattan

Hardy Adasko, Senior Vice President for Planning  
NYC Economic Development Corporation

Richard Suarez, Senior Planner  
NYC Department of City Planning

Mariam Abdul Appearing for:  
Assembly Member Deborah Glick

Chuck Delaney, Resident 67 Pearl Street  
Class C Member Downtown Alliance

Alice Blank, Architect  
Member of Community Advocates for Public Space  
and Community Board 1

Diana Switaj, Director of Planning and Land Use  
Manhattan Community Board 1

Patrick Kennell, Chair of the Planning Committee  
Manhattan Community Board 1  
President, Financial District Neighborhood Assoc.

Suzanne Mecs, Managing Director  
American Institute of Architects, New York Chapter

Marcel Negret, Project Manager  
Municipal Art Society

Reggie Thomas  
Lower Manhattan Resident  
Member of Manhattan Community Board

Simeon Bankoff, Executive Director  
Historic Districts Council



2 [sound check, pause]

3 SERGEANT-AT-ARMS: Keep it down.

4 [gavel]

5 CHAIRPERSON RICHARDS: Good--

6 SERGEANT-AT-ARMS: [interposing] [off  
7 mic] Quiet, please.

8 CHAIRPERSON RICHARDS: Good morning. I  
9 am Donovan Richards, Chair of the Subcommittee on  
10 Zoning and Franchises. Today we are joined by  
11 Council Members--Committee Members, Council Member  
12 Dan Garodnick, Council Member Ritchie Torres I saw  
13 somewhere, and I'm assuming more will come in, and  
14 our unofficial committee member Margaret Chin who is  
15 always living in this committee with zoning actions.  
16 Today, we will be holding a public hearing on one  
17 item today, a Preconsidered Land Use Item, the Water  
18 Street Upgrades Text. This application would amend  
19 the zoning resolution to change the regulations in  
20 the Special Lower Manhattan District governing  
21 privately owned public spaces. The purpose of the  
22 amendment is to expand the permitted uses allowed in  
23 these spaces to allow retail and event uses while  
24 promoting improvements to the public amenities  
25 available in open space

2 I will now open the public hearing for  
3 the Water Street Upgrades Text Amendment, and before  
4 we move on, we will have Council Member Chin read her  
5 statement, and obviously this action is in her  
6 district again. [laughs]

7 COUNCIL MEMBER CHIN: Good morning.

8 Thank you, Chair Richards, and thank you for helping  
9 us reschedule the meeting for today. I also want to  
10 thank all the members of the subcommittee and the  
11 applicants and the public for joining us today for a  
12 hearing on the proposal to amend the Special Lower  
13 Manhattan District along and near Water Street. In  
14 its current form, the Water Street proposal that  
15 encourage private property owners to upgrade public  
16 plazas in exchange for allow building to take back  
17 land originally set aside for public use as arcades.  
18 I live in Lower Manhattan, and I know that this  
19 increasingly residential area lacks restaurants,  
20 grocery stores and other amenities that makes a  
21 neighborhood vibrant seven days a week. However, in  
22 city where open space is at a premium, it is  
23 important to consider the significance, the precedent  
24 it may set by making it easier to infill similar  
25 spaces in other parts of the city.

2           In 1961, the City made a bad decision by  
3 allowing developers to build more in exchange for  
4 providing empty plazas and dark arcades. It would be  
5 crucial to ensure that we do not make another bad  
6 decision by allowing publicly accessible space to be  
7 lost without careful consideration of the benefits  
8 offered in exchange. We must ensure that residents  
9 of the Financial District receive the maximum  
10 benefits in exchange for any loss of publicly  
11 accessible space along Water Street. I look forward  
12 to the presentation, to hearing questions and hearing  
13 from the community as we give this project thoughtful  
14 and meaningful consideration. So thank you again,  
15 Chair, for holding the hearing today.

16           CHAIRPERSON RICHARDS: Thank you, Council  
17 Member Chin. Allrighty, we now go to testimony.  
18 I'll just ask everyone to say their name for the  
19 record, and the organization you're representing, and  
20 then you may begin. Just hit that and it should light  
21 up red.

22           JESSICA LAPPIN: Great. Yes. I'm not  
23 used to be on this side of the table as a former  
24 member of this committee.

25           CHAIRPERSON RICHARDS: Welcome.

2 JESSICA LAPPIN: Thank you very much.  
3 Good morning, Chair Richards--

4 CHAIRPERSON RICHARDS: [interposing]  
5 Welcome back.

6 JESSICA LAPPIN: --Councilwoman Chin,  
7 Council Member Garodnick and others. My name is  
8 Jessica Lappin, and I'm President of the Alliance for  
9 Downtown New York, the Business Improvement District  
10 in Lower Manhattan pretty much south of City Hall.  
11 We're partners on this application with the  
12 Department of City Planning, and the New York  
13 Economic Development Corporation, and I'm here today  
14 with our co-applicants. I will be delivering the  
15 testimony, and then--are you speaking? Okay.--  
16 shortly and then we'll all be available to answer  
17 questions. Stretching for just over a mile along the  
18 east side of Lower Manhattan, Water Street is a vital  
19 commercial hub for Lower Manhattan, and for the city.  
20 The corridor is home to over 19 million square feet  
21 of office space, more than the World Trade Center and  
22 Brookfield Place combined. More than Downtown  
23 Pittsburgh. It's also home to a growing residential  
24 population, which has increased by 122% since 2000.  
25 In almost any other American City this would be the

2 premier central district, but it certainly doesn't  
3 look like a central premier business district, which  
4 is why we're here today asking for your support. We  
5 need to meet the pressing need to transform Water  
6 Street into a modern competitive boulevard by  
7 upgrading public spaces and incentivizing investment  
8 in the area. Let me lay out some of the major  
9 challenges on Water Street. The street design is a  
10 vestige of an outdated largely discredited planning  
11 model that favored monumentally scaled buildings and  
12 cars over vibrant walkable commercial strips. Even  
13 before Hurricane Sandy hit hard, it didn't have the  
14 shops and restaurants lighting the streetscape. It  
15 was and is desolate at night and on the weekends.  
16 One of the reasons is the poor quality of the  
17 street's very high concentration of privately  
18 arcades, and those are the covered walkways designed  
19 to enhance pedestrian circulation, and the private  
20 plazas. This dense concentration doesn't exist  
21 anywhere else in the city, which is why this is a  
22 unique area, and needs a unique approach. This isn't  
23 about setting a precedent, but about writing a  
24 planning law. Many Lower Manhattan residence and  
25 workers have long recognized that the plazas and



2 arcades created by the 1961 Zoning Resolution have  
3 largely failed as public spaces, and don't enhance  
4 quality of life. As Borough President Brewer noted  
5 in her letter recommending approval of the text, she  
6 said, "The arcades in question were for the most part  
7 designed under a very different set of urban design  
8 principles than that to which the city ascribes  
9 today, and they do not serve as circulation space or  
10 public gathering spaces for all users. In other  
11 cities like Washington, D.C. and San Francisco have  
12 already recognized this and are now allowing for  
13 retail infill of arcades."

14           So I want to go through the two distinct  
15 aspects of this, the privately owned plazas first.  
16 The 226,000 square feet of plazas along Water Street  
17 are poorly designed and underused, and I believe you  
18 have photos of them in front of you. Many are simply  
19 vast expanses of concrete separating buildings from  
20 the street, creating a barrier. Almost all are well  
21 below the City's standards for newly built public  
22 plazas. Under current city regulations, the process  
23 for making changes to a public plaza is time  
24 consuming and lacks clear design guidelines. That's

2 why few plazas here have seen a significant  
3 investment since Richard Nixon was President.

4           The other aspect are the privately owned  
5 arcades. About one-third of the privately owned  
6 spaces currently open to the public along Water  
7 Street are covered pedestrian arcades. Never  
8 intended as open space in the tradition of plazas,  
9 squares, parks or other spaces, the arcades were  
10 instead encouraged as part an area wide circulation  
11 plan that was never fully realized. The arcade space  
12 along Water Street are, if anything, even less of a  
13 public amenity than the plazas. Intended to enhance  
14 pedestrian movement Water Street, the arcades have,  
15 in fact, help make Water Street less attractive to  
16 pedestrians. As the New York Times observed last  
17 Friday, many of the spaces in this "shadowy windswept  
18 realm" are used as outdoor smoking lounges, while  
19 pedestrians largely prefer sidewalks to the gloomy  
20 moribund arcade spaces. Many arcades are narrow,  
21 dark and uninviting or set back. Planners have long  
22 recognized the limited benefit of these arcades, and  
23 the 1961 Zoning Resolution allowed developers to  
24 realize far less bonus floor area from arcades than  
25 plazas, and on this strip they accounted for about

2 15% of the bonus floor area. Water Street's poorly  
3 designed plazas also contribute to making the area  
4 unattractive to retailers. The limited retail space  
5 that does exist is largely hidden and removed from  
6 the street, and we hear often about struggling  
7 retailers that are complaining about the poor  
8 visibility and the lack of pedestrian traffic.  
9 That's why rents for retail space along Water Street  
10 are 65% to 70% below the average for ground or retail  
11 space in the rest of Lower Manhattan. Local  
12 residents have also long voiced concerns about too  
13 few shops and restaurants along the Corridor.

14 I also want to talk about the community  
15 planning process that brought us to this day because  
16 I--I--I'm very proud of it. To address these  
17 shortcomings, back in 2009, the Downtown Alliance  
18 formed a stakeholder committee including small  
19 business owners, residents and community board  
20 members. We issued a 56-page report, which I have  
21 here, that following year, which identified a number  
22 of solutions. There were four basic tenets of this  
23 report, and one of them is what is before you today.  
24 The group--the working group that helped put this  
25 report together included community board members,

2 small business owners, residents and others. Since  
3 then, we've been working with our public and private  
4 partners to implement the shared vision, and  
5 Community Board 1 has voted multiple times in support  
6 of our efforts as we've taken steps to pilot aspects  
7 of what is before you today. And, in fact, the  
8 Council has voted on some of these as we've gone  
9 alone, text amendments to allow cafe tables and  
10 chairs, free events, and others. The Alliance has  
11 funded and managed a successful summer programming  
12 series on Water Street called Game On, the last two  
13 summers that has attracted visitors, and been very  
14 popular with games, music and food. While the--and  
15 we did that as an effort to try and bring people and  
16 life back to the area especially after Sandy. While  
17 these af--efforts have enjoyed some success, it's  
18 time to make these temporary improvements permanent,  
19 and take the next step. It has become abundantly  
20 clear that incentivizing significant improvement to  
21 Water Street's public spaces requires a new approach.  
22 This is private, not public property. We can't force  
23 owners to improve it, and the mechanism that exists  
24 today is so onerous and open-ended that almost no one  
25 uses it. So we could cling to a failed planning

2 experiment and outdated ideals, or come up with a new  
3 way to encourage owners to improve public plazas that  
4 simply aren't working, given New Yorkers better  
5 public space and community amenities. The proposed  
6 text before you will do just that. The heart of the  
7 text is a clear process, and a rigorous set of design  
8 guidelines governing plaza upgrades. It would  
9 require owners to create and maintain meaningful open  
10 space if they choose to fill in arcades, and not  
11 everybody will. That could mean nearly a quarter of  
12 a million square feet of improved public space for  
13 the neighborhood. That would have an immeasurable  
14 positive impact on the area. Newly redesigned plazas  
15 would have to be inviting and fully accessible to  
16 people with disabilities, which they are not today.  
17 Property owners would be encouraged to relocated  
18 building entrances and shops onto plazas to further  
19 enliven and activate these spaces making them safe  
20 and more inviting. More and diverse feeding would be  
21 required along with enhanced lighting and  
22 landscaping. The guidelines ensure high quality  
23 design that would promote the development of flexible  
24 attractive space appropriate for a variety of  
25 community oriented uses. While it is, of course,

1 very difficult to place a dollar amount on the value  
2 of public space to the community, we're confident  
3 that these significant upgrades would be a  
4 substantial positive benefit to Lower Manhattan  
5 residents, workers and visitors. I know either even  
6 when a small pocket park or DOT plaza is built or  
7 improved in my neighborhood, what a big difference  
8 that makes, and then we're talking about nearly a  
9 quarter of a million of that kind of space here.  
10 Using the proposed text amendment, the improved and  
11 realigned public plazas would be joined by new shops  
12 and restaurants in existing arcades. The average  
13 arcade is small, and I want to make sure that that's  
14 clear, less than 6,000 square feet, which would  
15 really allow for the development of small and midsize  
16 retail. And the proposed text requires property  
17 owners to complete substantial improvements to public  
18 plazas before opening the new retail spaces or they  
19 don't get a certificate of occupancy. Allowing  
20 property owners to create new retail spaces in the  
21 arcades, which they own, would create the financial  
22 incentive necessary to encourage the investment in  
23 Waster Street's plazas that has been sorely lacking  
24 for more than four decades. Creating attractive new  
25

1 retail would also be helpful to residents making the  
2 area brighter, safer and greatly improve existing  
3 conditions for struggling smaller retails. Today, as  
4 I said, the stores are set back and hard to find.  
5 Some that were taking out by Hurricane Sandy have  
6 simply never reopened. Under the proposed text,  
7 property owners would be required to enliven the  
8 street with new spaces and break up frontages so  
9 you'd have multiple store fronts, and adding to the  
10 vibrancy of the street. The value of tremendously  
11 improved public plazas, new shops and restaurants and  
12 an enhanced streetscape, greatly outweighs any  
13 potential loss of outdated, underutilized arcaded  
14 space. The proposed text would also allow property  
15 owners to place publicly accessible tables and chairs  
16 in the arcades and plazas as a right, and host free  
17 events providing additional tools to activate these  
18 spaces if owners choose to forego the very  
19 considerable expense of creating new retail space.  
20 Furthermore, property owners would be required to  
21 meet the flood proofing guidelines established in the  
22 Building Codes, Appendix G. And this was an area hit  
23 very hard by Sandy. So flood proofing is very  
24 important.  
25

2           The proposed text amendment is the  
3 culmination of nearly a decade of planning, and one  
4 of the tools we're looking at. The State through the  
5 Lower Manhattan Development Corporation has funded  
6 streetscape improvements. This is a critical piece  
7 of the puzzle. It has been improved by Community  
8 Board 1 and by the Manhattan Borough President  
9 because it would improve open space, spur economic  
10 development and give the public much more than it  
11 takes away. The corridor needs to evolve to compete,  
12 and I have to really stress that. Given what's  
13 happening in the rest of the city, this--this status  
14 quo is not sustainable here, and this would greatly  
15 enhance our ability to continue serving as an engine  
16 of job growth for the entire city. [pause] It's an  
17 essential element of our plan for our shared vision  
18 for Water Street, and we hope you will support it.  
19 And with that, thank you and I'm happy to turn it  
20 over to you.

21           CHAIRPERSON RICHARDS: Why don't you just  
22 state your name and who you're representing on the  
23 record today.

24           HARDY ADASKO: Good morning. I'm Hardy  
25 Adasko, Senior Vice President for Planning at the New



2 York City Economic Development Corporation. We're  
3 the successor to the Lindsay Administration Office of  
4 Lower Manhattan Planning and Development, and so  
5 we've been working on the issues of Water Street over  
6 a long time. We're fully in agreement with the  
7 Alliance. This is something that we have worked very  
8 hard with the Department of City Planning over many  
9 years and the Alliance and the other members of the  
10 Downtown Community to bring about. The important  
11 thing is that although there is a large quantity in  
12 terms of square foot for open space, it's not to the  
13 standards that would trigger open space bonuses  
14 today. It's built to an earlier standard and that  
15 they improvements that we're talking about would  
16 require that it be brought up to much more--much more  
17 current requirements in terms of what we believe will  
18 be attractive to the public. The arcades, the  
19 pictures speak for themselves. So, it is really  
20 important to motivate the property owners to make  
21 these changes, and when we do that, we motivate them  
22 to--and we--we require them to bring things up to a  
23 higher standard. We add on a requirement to bring  
24 their buildings up to more modern Building Department  
25 requirements regarding flood proofing. So there--

2 there are substantial costs in going this--in this  
3 direction. Right now, free public events are not  
4 allowed on plazas. They have not been allowed on  
5 plazas. The City Planning Commission did a one-year  
6 stop-gap change to the zoning. There was a mayoral  
7 override that covered the last two years. That has  
8 expired while we worked on this text. Now, having  
9 worked on this text in great detail, we look forward  
10 to the opportunity for the property owners to rebuild  
11 things. Thank you.

12 CHAIRPERSON RICHARDS: Thank you. Thank  
13 you. Do you have a question?

14 JESSICA LAPPIN: I think City Planning is  
15 just going to answer questions.

16 CHAIRPERSON RICHARDS: You being shy  
17 today? [laughter] He's here for no testimony?

18 MALE SPEAKER: No testimony.

19 CHAIRPERSON RICHARDS: Okay. Allrighty,  
20 well, we'll get started. I just want to mention  
21 we've been joined by David Greenfield, Chair of our  
22 Land Use Committee. So, one, I want to commend you  
23 in particular for this application. Obviously, for  
24 anyone who walks past Water Street, we know that  
25 arcades do get a gloomy feel in particular to that

2 particular part of Lower Manhattan, and we'll--the  
3 Council is always very supportive and open to more  
4 open space, more plaza space. It's something that  
5 many of us ask for, and sometimes get unintended  
6 consequences because of it, but it's--but it's  
7 something that we support. So I think, you know,  
8 it's--you definitely set a noble goal in ensuring  
9 that Water Street forward, but with that being said,  
10 we still have in particular a lot of questions. So,  
11 my understanding is that the public space that is  
12 being allowed to be turned into retail in particular  
13 generated a bonus of hundreds of thousands of square  
14 feet of office space. How can we reassure the public  
15 that this is a fair trade? So, if we're going to  
16 give more space, more FAR for--in particular for  
17 these buildings to build out, how do we know that  
18 this is an even trade? Even though we're going to  
19 allow plaza space, which is good, can anyone speak to  
20 that?

21 JESSICA LAPPIN: I--and I tried to  
22 address that as proactively as I could in my  
23 testimony. There was a bonus given for the arcades  
24 and the plazas. The plazas generated more than the  
25 arcades because even then there was an understanding

2 that the arcades were less valuable, and they were  
3 meant to be part of a whole area wide circulation  
4 plan. I assume, although I wasn't around in '61,  
5 that you--neither was Richard--that you would be  
6 able--the idea was that maybe they would connect,  
7 that you'd be able to walk from one to another, but  
8 they dead end. they don't connect. They're  
9 incredibly narrow. So you feel claustrophobic in  
10 them. So the arcades just haven't worked out  
11 especially on Water Street, but as I said, all over  
12 the country people are recognizing that it was a  
13 failed experiment. So while there--there was  
14 additional bonus given, our view and what we have  
15 heard from the community is that after 40 or 50 years  
16 of living with these spaces, and not having them be  
17 the public amenity that they were meant to be in an  
18 area that does need retail, that we can use the small  
19 amount of arcade space to try and meet that goal and  
20 enliven the street. And at the same time, take the  
21 public space that is there that's much more valuable  
22 and make it meaningful on that. And I'll reiterate  
23 maybe when the Councilwoman comes back but, you know,  
24 she said in her opening statement open space is at a  
25 premium. We agree and what we want to do is take the

2 open space we have and make it better, make it  
3 usable, make it something the community really  
4 embraces. So we're not losing these public plazas,  
5 we're vastly, vastly improving them. And, you know,  
6 a concrete example I can give is the way things are  
7 now at 77 Water a few years ago when the tenant made  
8 millions of dollars worth of improvements to the  
9 building, they purposely didn't touch one stone on  
10 the plaza because of the system that exists today.  
11 So have a scenario that actively disincentivizes  
12 owners and tenants from improving the public space we  
13 have. It's so precious. Let's make it great. I  
14 mean and--and I think there is no question in my mind  
15 that by adding plants, trees, seeding, water  
16 fountains, but whatever it is, those spaces are going  
17 to become much more beloved by the community than  
18 what we have now. And I--and I--well, the other  
19 thing I will say, and I don't--if you--still you can  
20 chime in. And I--because it's something we've heard  
21 a lot, and I didn't mention this, but the Borough  
22 President said in her letter because I think it's  
23 worth highlighting, "During community referral, my  
24 office heard a number of concerns centered around  
25 whether this text was actually a giveaway to

2 developers. What the trade-offs were for the  
3 neighborhood, and whether there was a better use for  
4 these spaces other than retail infill. I share these  
5 concerns every time we consider our city land and  
6 public accessible spaces, but believe the proposed  
7 text goals are laudable, and the text is seeking to  
8 make the best out of a set of very challenging  
9 circumstances."

10 CHAIRPERSON RICHARDS: Okay. So I hear  
11 you definitely on the plaza space, but I would assume  
12 that building out the arcade space would be more  
13 lucrative for building owners than doing plaza space.  
14 Would you agree? Would the--

15 JESSICA LAPPIN: [interposing] Building  
16 the plaza space--

17 CHAIRPERSON RICHARDS: --benefit more  
18 from building out the arcade space, or what I'm  
19 trying--

20 JESSICA LAPPIN: [interposing] No.

21 CHAIRPERSON RICHARDS: --to get at is, is  
22 the--is--how do we compare and contrast how much  
23 building owners stand to benefit from building out  
24 the arcade space verse plazas?

2 JESSICA LAPPIN: So, of course, building  
3 the plazas to--to modern day standards costs money.

4 CHAIRPERSON RICHARDS: How much? Put a

5 JESSICA LAPPIN: [interposing] I can't  
6 tell you.

7 CHAIRPERSON RICHARDS: --a figure on it?

8 JESSICA LAPPIN: [interposing] I--I can't  
9 tell you how much they want.

10 CHAIRPERSON RICHARDS: EDC, an you just  
11 put a figure on that?

12 JESSICA LAPPIN: No, we--we can't--we  
13 can't put a--

14 CHAIRPERSON RICHARDS: DCP?

15 JESSICA LAPPIN: I don't--I don't think.

16 No. We--we can't give you a figure. What I'm saying  
17 to you is yes, over time it may be 10, 20, 30 years  
18 an owner will benefit from the retail arcade space.  
19 Over--over a long period of time, and I--these are on  
20 average less than 6,000 square feet spaces. I mean  
21 picture bits and bites. I mean this is not--it's not  
22 huge spaces. I guess bit and bites is close. So  
23 maybe you can't picture bits and bites, but they will  
24 yes over time, and that's--I--I--that's part of the  
25 goal here. If we don't create an incentive, people

2 won't upgrade the plazas. They haven't and they  
3 won't. It will cost a lot of money to upgrade the  
4 plazas, to bring the buildings to flood proof  
5 standards, and to build out this space. So, if  
6 there's no incentive for them to do it, they're not  
7 going to do it, and I say that because they haven't  
8 done it for 40 or 50 years. So creating a--a  
9 mechanism and an incentive for them to give the  
10 community almost a quarter of a million square feet  
11 of better open space, you know, we think is a win-  
12 win.

13 CHAIRPERSON RICHARDS: So I--so I--I--I  
14 think that--once again, I don't take away anybody who  
15 walks past Water Street, and I don't want to beat the  
16 drum too much more on this question but, you know,  
17 we--we know that there's a need to ensure that  
18 there's incentives to--to build out more commercial,  
19 to make Water Street a better business corridor. But  
20 at the same time, I'm not seeing where the public is  
21 actually reaping a huge benefit from developers  
22 perhaps building out, you know, a plaza space, which  
23 we can't define. What is a--you know, City Planning  
24 or someone define what is a--a good plaza space  
25 build-out. Are we talking of adding three chairs to



2 our plaza and--and four roses, or--or did we--have we  
3 set particular parameters to define what or--or a  
4 particular standard in particular for plazas that  
5 would be developed if we allow developers to build  
6 out the arcades?

7 RICHARD SUAREZ: I'm happy to answer your  
8 questions. Good morning. My name is Richard Suarez.  
9 I'm here with the Department of City Planning. The  
10 Zoning Text is essentially an application of what is  
11 not new, and--but very good planning principles.  
12 These are the ideas of Jane Jacobs and Holly White  
13 that we want to apply to really encourage an active  
14 streetscape and active pedestrian experience. In  
15 regards to the plaza upgrades themselves--I'm just  
16 answering your second question--the Zoning Text is  
17 very, very specific about what has to happen. These  
18 are the standards of Section 37-70 for Plazas. Just  
19 going back in time and then--

20 CHAIRPERSON RICHARDS: [interposing] Can  
21 you give some examples of that?

22 RICHARD SUAREZ: Right. So the text  
23 requires, and this is based off a lot of work that  
24 Holly White did in observing how public space is  
25 used, and this is in response to the lack of

2 amenities that were part of the 1961 plazas. For  
3 example, you need one linear foot of seating for  
4 every 30 square feet of plaza area. You must have  
5 20% of your area planted with--with ground plant  
6 plantings or planting within--with--with--with the  
7 curb six inches. You need at least four trees and  
8 then above 6,000 square feet, you need one tree per  
9 every 1,500 square feet of--of plaza area. If you're  
10 above 10,000 square feet, there are additional  
11 amenities that are required. Along every frontage  
12 there is transparency requirements, requirements for  
13 service and retail establishments. Every plaza must  
14 have a drinking fountain. It's--I mean I could  
15 continue to go on but, you know, the text is very,  
16 very, very detailed and the--the text here helps to  
17 address also some of those existing conditions to  
18 make sure that everyone can do a full--fully  
19 compliance plaza.

20 CHAIRPERSON RICHARDS: So on average  
21 because you've spelled it out. So in other areas can  
22 you give me a cost--cost estimate of how much these  
23 particular--a plaza--I don't know, it's 6,000 square  
24 feet, how much that cost?

2 RICHARD SUAREZ: We never get involved in  
3 the cost. Every space is unique. Every building is  
4 unique. Every building and every site has very  
5 different site conditions in terms of elevation,  
6 subservice conditions, dimensions, access to  
7 waterfront, wind conditions, light. It's hard to  
8 average or to say that these things would cost X  
9 dollars. Every building is going to have to  
10 undertake significant costs in building out these  
11 spaces. We have never heard that this is cheap and  
12 easy, but it's a--

13 CHAIRPERSON RICHARDS: [interposing] But  
14 you don't know the cost so you can't say it's cheap  
15 and easy because you said--

16 RICHARD SUAREZ: [interposing] I--we  
17 don't--we don't ask what the costs are--

18 CHAIRPERSON RICHARDS: [interposing]  
19 Okay.

20 RICHARD SUAREZ: --but no one has ever  
21 told us this is cheap and easy.

22 CHAIRPERSON RICHARDS: Okay. No one?  
23 Developers haven't said that it's cheap and easy?

24 RICHARD SUAREZ: Yeah, applicants that  
25 come through

2 CHAIRPERSON RICHARDS: [interposing]

3 Okay.

4 RICHARD SUAREZ: --to do--

5 CHAIRPERSON RICHARDS: [interposing] All  
6 right.

7 RICHARD SUAREZ: --new plazas or redesign  
8 plazas.

9 CHAIRPERSON RICHARDS: Okay.

10 RICHARD SUAREZ: And just going back to  
11 your--one of your first questions about, you know,  
12 value, you know, we firmly believe that there--and--  
13 and the City Planning Commission also in the  
14 consideration acknowledged that--that the public  
15 benefit of all the improvements that are coming  
16 through, and--and that would be facilitated--  
17 facilitated by the text, which include an urban  
18 design relationship between building walls and open  
19 area bringing street life closer to the sidewalk and  
20 then eyes on the street, eyes on the plaza. This is  
21 very Jane Jacobs and encouraging activity. You know,  
22 if there's no activity, then no one wants to be down  
23 here, and we want--we all want, you know, pedestrians  
24 to come here at night, come here on the weekend, and  
25 currently that doesn't happen. So with activity on

2 the ground floor at the sidewalk to engage people,  
3 people will have a reason to be here. Furthermore,  
4 so we have improved urban design relationship, highly  
5 transparent building walls. The provision of these  
6 amenities that the--that the residents and the  
7 workers have overlapping needs for will be provided  
8 in this infill space. The provision of improved  
9 public spaces that are so meaningful, and an  
10 application of the lessons learned over the past 40,  
11 50, 60 years of how public space is used. And the--  
12 the clear requirements that are in the Zoning Text so  
13 that people now what they're getting, we and the City  
14 Planning Commission believe that the benefits that  
15 come out of those--those--those things that will be  
16 facilitated, greatly outweigh the limited public  
17 benefit of the existing configuration of the arcades,  
18 which are covered, dark, narrow, columns are too  
19 thick, they dead end. They don't serve useful  
20 pedestrian circulation function. So, we agree with  
21 the commission and we--and we feel very strongly that  
22 the public will benefit, and these spaces will--will  
23 not result in no public benefits.

24 CHAIRPERSON RICHARDS: Right.

2 JESSICA LAPPIN: And--and--can I add one  
3 thing to that, which is, you know, as Richard  
4 mentioned that there's activity, there's no one there  
5 at night and on the weekends. I also want to put it  
6 into the context of what's happening in the borough  
7 and in the city because this is 19 million square  
8 feet of office space. So there's the tremendous  
9 benefit that we think will be provided. We also have  
10 to think about what happens if we don't create some  
11 sort of mechanism and incentive. I mean look what's  
12 happening at Hudson Yards, and the incentives that  
13 have been there at Midtown East, and they dwarf this  
14 by a magnitude of 10 but this is a corridor that has  
15 struggled. I said retail rents are 65 to 70% less  
16 than other parts of Lower Manhattan. So if these  
17 buildings aren't full and vibrant and the residents  
18 who are living there don't have places to go, that's  
19 also a big problem for the city long term. You've  
20 got 70,000 people who work from all over the city in  
21 this corridor, and if this corridor isn't successful  
22 that's a big program. I mean as I said, this is more  
23 than the World Trade Center and Brookfield pace  
24 together, right. And so we have to think about this  
25 in terms of the economic growth and sustainability

2 and not just the neighborhood, but the city and  
3 that's something that we discussed at City Planning  
4 quite a bit.

5 CHAIRPERSON RICHARDS: Thank you so much,  
6 and I--I'm going to move onto the next question, but  
7 the biggest thing and we--I definitely hear that  
8 there's a benefit with the plazas, but the public  
9 and--and the question we're asking and raising is, is  
10 this a fair trade in--in particular to the public for  
11 the public and that's the big million dollar question  
12 that, you know, we're going to be raising as we move  
13 forward. The Department of City Planning so we're--  
14 we're starting here obviously with having this  
15 conversation. Are you thinking of doing this  
16 citywide or it's just this one special place that  
17 you're looking on--at in New York City, and should we  
18 be expecting similar proposals to come to the Council  
19 moving forward on arcade spaces?

20 RICHARD SUAREZ: This zoning text is very  
21 hyper specific to Water Street. We have been engaged  
22 in trying to help Water Street improve its pedestrian  
23 experience. We pursue this text amendment because of  
24 the dominance of the streetscape, the dominance of  
25 the ground floor by these private and public spaces.

2 The abundance of arcades, the abundance of plazas  
3 have suggested that zoning is the appropriate tool to  
4 help transform the streetscape here. So we studied  
5 very closely every Water Street building, every Water  
6 Street Plaza, every Water Street arcade in terms of  
7 dimension, size, adjacencies, note if there's  
8 activity, connections to the waterfront, connections  
9 to, you know, transportation. And we developed many,  
10 many types of frameworks in trying to then come in a--  
11 -in a--through a very long urban design exercise at  
12 the department that then produced the Zoning Text.  
13 So this is--

14 CHAIRPERSON RICHARDS: So we don't--we  
15 won't expect any more particular zoning text this  
16 year--

17 RICHARD SUAREZ: [interposing] Nothing.

18 CHAIRPERSON RICHARDS: --around the same  
19 issue.

20 JESSICA LAPPIN: I think when Richard  
21 started working on this he was a intern.

22 RICHARD SUAREZ: I was an intern, yeah.

23 JESSICA LAPPIN: [laughs]

24 CHAIRPERSON RICHARDS: Okay.



2 RICHARD SUAREZ: Yes, yes. So we do not  
3 expect this to be applied elsewhere, and we do not  
4 expect to pursue any additional zoning actions in the  
5 process.

6 CHAIRPERSON RICHARDS: Okay. So that  
7 we're not going to get any more applications for  
8 similar actions that issued?

9 RICHARD SUAREZ: No, not from the  
10 department.

11 CHAIRPERSON RICHARDS: Okay, okay.

12 HARDY ADASKO: Well, if I may add, Water  
13 Street is quite unique, but in 1986 and then further  
14 in 2004, zoning text changes were made in Downtown  
15 Brooklyn that eliminated a requirement for arcades in  
16 the first case that had not yet been build, and in  
17 the second case that had been built, and were filled  
18 in with retail. So, this is a problem, an issue that  
19 the city and the Council have been dealing with for a  
20 very long time, but Water Street is unique and the  
21 only thing we're talking about right now.

22 CHAIRPERSON RICHARDS: Great, and so in  
23 the Zoning Text today there's a special permit, which  
24 requires Council review and allows for these spaces

2 to be eliminated. Can you explain why this provision  
3 isn't sufficient?

4 JESSICA LAPPIN: [off mic] Can you take  
5 that. (sic)

6 RICHARD SUAREZ: Right.

7 JESSICA LAPPIN: Go ahead, go ahead.

8 RICHARD SUAREZ: So the challenge with  
9 the existing zoning is that the bonus form any of  
10 these spaces has been used. So, through that special  
11 permit you would have to--you may be able to  
12 eliminate the arcades, and then you would then have  
13 to identify additional floor area to locate within  
14 that arcade. This proposed zoning text here does  
15 exempt that additional floor area from the definition--  
16 -from the definition of floor area. They can now  
17 without very specific requirements of how to treat  
18 that space. So if an owner were to be able to remove  
19 floor area and then identify additional floor area,  
20 which requires additional floor area upstairs, there  
21 may not be very clear or consistent standards about  
22 how to apply and treat those--those walls. This  
23 proposal is--if you read through the provisions of  
24 Section 74-761, this proposal is basically an  
25 application of that special permit across--across the

2 district. This is arguably meeting those findings in  
3 terms of requiring full plaza upgrades as a condition  
4 or finding I think A or B requires, and the other one  
5 talks about the--the greater--equal or greater public  
6 benefits of the improvements of the zoning lots.

7 Which we again firmly believe that these improvements  
8 will provide. So from a technical standpoint, the--  
9 the special permit is almost impossible to use given  
10 the floor area issues that every building faces here.

11 CHAIRPERSON RICHARDS: So I--I raised  
12 this Friday when we met and, you know, one of the  
13 things this Council values itself in doing is  
14 oversight, and it seems like the Department of City  
15 Planning once again is looking to gut our review  
16 process, which in my opinion we can--the Council and  
17 it weakens the local council member in particular  
18 when, you know, negotiation needs to happen. Perhaps  
19 we get a lot of sidewalk cafes. If you're talking  
20 about Water Street, you're gaining a lot more  
21 activity in particular. You know this Council needs  
22 to and will push to always have oversight over these  
23 particular issues. So I'm a little concerned at the--  
24 -about--with the application in terms of elimination  
25 particular review processes that the Council normally

2 would have. So, can you speak to that a little bit  
3 more, and it's an issue or it's--and why is City  
4 Planning looking to cut review process that would  
5 normally to through the Council?

6 HARDY ADASKO: Can I try and answer any  
7 piece of that?

8 CHAIRPERSON RICHARDS: Sure.

9 HARDY ADASKO: Adding--creating a special  
10 permit for each change would be a substantial  
11 increase than the transaction costs of the property  
12 owner. It would be a great disincentive. It would  
13 require an environmental review for each application  
14 and the a seven-month review process. Here we have  
15 laid out before the Council for the Council to  
16 review, tweak, accept or not accept very, very  
17 specific requirements that when they are met, and  
18 after a--a review by the community board to advise  
19 the City Planning Commission Director, would become  
20 as-of-right. This is an opportunity to define, as  
21 you've been asking the question, whether those design  
22 requirements, plaza requirements are appropriate and  
23 the right things as opposed to doing a one-off every  
24 time somebody wanted to make a change. That's--  
25 that's the difference. Yes, it does not have the

2 Council reviewing every single special permit, but  
3 it--it--we are proposing a set-up where the Council  
4 sets the rules, and when people follow them, they get  
5 to make the changes that--that--that the public has  
6 wanted in Water Street for a long time.

7 CHAIRPERSON RICHARDS: Well, the problem  
8 is people don't follow rules, and that's why we have  
9 a ULURP process and a review process here. If people  
10 followed rules, we wouldn't sit in this committee  
11 debating sidewalk cafes for thousands of hours a  
12 year. So, community boards what role do they play?  
13 There were advisory the last I checked, right?

14 RICHARD SUAREZ: Right. So the  
15 Commission modified the Zoning Text to allow a 45-day  
16 review period for the community board. So the  
17 application would go to the community board for  
18 review. Yes, the community board would have a--a  
19 date, have the opportunity to give their comments, to  
20 review the proposal with the applicants, to give  
21 comments and issue them to the chairman who would  
22 then give consideration to that, and--

23 CHAIRPERSON RICHARDS: Consideration?

24 RICHARD SUAREZ: Right. Staff would work  
25 with the applicant to understand how they would

2 address this. You know, we have a very strong  
3 working relationship with the community board, and we  
4 have no intention to shut them out of the process,  
5 and I think that the process opens a dialogue. It  
6 has--we have a conversation, and everyone is involved  
7 about--in understanding what's going to happen here,  
8 and staff would, you know, in practice work with  
9 these applicants to have them address the concerns  
10 that are still within, you know, the--the bounds of  
11 the--the approval.

12 JESSICA LAPPIN: And practically  
13 speaking, that's why nobody in 40 or 50 years has  
14 gone this route. I mean I--I think we laid it out.  
15 The--the other thing I want to mention is we want to  
16 look at this holistically. That's why we want your  
17 input, if you have suggestions and thoughts about  
18 additional plaza requirements or upgrades, that's  
19 very helpful to know now because there--we're talking  
20 about 17 buildings maximum that have arcades and--and  
21 a lot of them are not going to fill them in now or  
22 ever. So practically speaking, it's fewer than that,  
23 and this is a boulevard. It is a corridor. Just the  
24 way we're working with EDC and the State to try and  
25 improve the streetscape there, we want to improve the

2 retail and the plazas there in--in one piece. We  
3 want it all to flow and work together because it is a  
4 unique aspect of this boulevard, and having one  
5 person do one thing, and then five years do something  
6 here, it may happen like that, but we really want to  
7 incentivize people. And then I'm going to go  
8 encourage people to actually go and do this, right?

9 CHAIRPERSON RICHARDS: So, I'm just a  
10 little offended that you would want to cut this  
11 wonderful council member out of the conversation  
12 period, you know. And for you to just say, you know,  
13 the community board recommendation may be considered  
14 by a lovely young man, Carl Weisbrod, a great, great  
15 man. Love him, but at the end of the day I believe  
16 that Council Member Chin should still have input in  
17 particular in the process, and--and that's why we  
18 have ULURP in particular, and then lastly, you know,  
19 if the public value here is to upgrade, the public  
20 space, so why should we create a process, which  
21 allows property owners to waive requirements without  
22 Council review? And--and that's the million dollar  
23 question as well here.

24 JESSICA LAPPIN: Yeah, well [pause]

2 RICHARD SUAREZ: I want to note that we--  
3 I mean we're here today to discuss the Zoning Text  
4 Amendment that is very specific about why these  
5 modifications, about why these provisions. So we  
6 hope to have that dialogue and that discussion here,  
7 and what comes out of this process, this public  
8 review process will guide the transformation, will  
9 guide what owners will do. So we hope to receive  
10 your thoughtful feedback on the very specific  
11 provisions that are in this zoning.

12 CHAIRPERSON RICHARDS: Well, thank you so  
13 much. I'm going to go to Council Member Chin, but I--  
14 -I just want to put back on the record that the  
15 Council will and--and would like to have oversight  
16 and will push to ensure that we still have oversight  
17 over this process. Council Member Chin.

18 COUNCIL MEMBER CHIN: This--Chair, this  
19 other committee has questions. I--I would like to  
20 have them ask the question first.

21 CHAIRPERSON RICHARDS: That is wonderful.  
22 Okay, good. Okay, we'll got Chair Greenfield  
23 followed by Garodnick and then Chin.

24 COUNCIL MEMBER GREENFIELD: [coughs] Good  
25 morning. How are you.



2 JESSICA LAPPIN: [off mic] Good.

3 COUNCIL MEMBER GREENFIELD: Welcome back,  
4 Jessica. We're happy to have you here. We thank you  
5 for continuing in public service in your current  
6 role. We appreciate that. So first I actually want  
7 to start off today, and I want to--I want to thank  
8 you and I want to thank your organization for the  
9 work that you did here. I think--I think we have to  
10 just start from a certain perspective and then we'll  
11 get into some of the questions. As you pointed out,  
12 the reality is that the city may have had good  
13 intentions, and like you I wasn't around in 1961. So  
14 that's why I can't vouch with them, but they may have  
15 had good intentions. But certainly the results were  
16 not what we would have hoped for. And so the fact  
17 that your organization is taking the time literally a  
18 decade to work on this project and to come up with a  
19 plan that will improve this area for the community is  
20 fantastic. And the fact that we're asking the  
21 questions is not because we don't like the project.  
22 I personally love the project. I think it's  
23 terrific. It's just simply that this is the first of  
24 its kind, and so naturally we're going to ask  
25 question. So I don't want to--I don't want to

2 confuse those two issues. On the one hand you have  
3 an excellent suggestion. It took a lot of vision to  
4 come to a place where you would have this idea, and  
5 the planning and the collaboration, and I want to  
6 thank the Alliance for Downtown New York and I want  
7 to thank the Economic Development Corporation as well  
8 as City Planning for working in collaboration. It  
9 would have been very easy for either one of you to  
10 have said, no thank you. We've got other things on  
11 our plate, and you are righting a wrong of history  
12 and we appreciate that, and so we're certainly  
13 grateful for that. And so, I--I want to go on record  
14 from my perspective to say that I'm certainly of  
15 favor of the goal. The only questions that we have  
16 are really just around some of the process issues,  
17 and how we actually achieve the right balance. And  
18 so, going back to the questions that the chair and  
19 the council member raised in her testimony, I think  
20 what we're really trying to figure out over here is  
21 the--the balance of after all in many cases these  
22 folks who own the building today are not the same  
23 people who developed these buildings 50, 60 years  
24 ago. And in certain cases, many of them may not even  
25 be interested in touching these arcades. And so,

2 we're trying to find the balance of how we can  
3 encourage them to make these changes on the one hand,  
4 and how we can actually reap the greatest benefit for  
5 the community. Which was the original intent of  
6 these public spaces that the community should benefit  
7 from these public spaces, and in return these  
8 buildings had the opportunity to get larger buildings  
9 with more floor area. And that's really--from my  
10 perspective that's really the--the question today.  
11 And so I guess--I guess the--the questions that I  
12 really want to focus on is in terms of--in terms of  
13 the public amenity the--the plazas obviously right  
14 now, and just to be clear, these public plazas that  
15 we're referring to are owned by the buildings,  
16 correct?

17 JESSICA LAPPIN: Correct, the plazas and  
18 the arcades are privately owned.

19 COUNCIL MEMBER GREENFIELD: Okay, so  
20 these plazas that are currently privately owned, the  
21 city--the city doesn't have the ability to force any  
22 actions on these plazas at this particular point.

23 JESSICA LAPPIN: That's correct. The  
24 City cannot require anybody to make any changes or  
25 upgrades.

2 COUNCIL MEMBER GREENFIELD: So we would  
3 need the cooperation of the building owners.

4 JESSICA LAPPIN: Correct.

5 COUNCIL MEMBER GREENFIELD: Okay, great.  
6 So understanding that, the question then become in  
7 terms of that balance as far as the public amenity.  
8 So one of the things that I think--that I think I  
9 heard today obviously was that the improvements to  
10 the plazas will be a public amenity. I think we all  
11 agree with that. I think the Chair has an important  
12 question, and certainly to the extent that it's  
13 possible to back to the Chair on, what we estimate  
14 the public value would be of the plaza improvements.  
15 I think that's important. But the--the question I  
16 have is that I think we've heard some conversations  
17 if not explicitly today, but certainly when we  
18 chatted before about the idea that the--in closing  
19 these arcades and actually have stores there would  
20 potentially be part of a public amenity as well. And  
21 I want to sort of flesh that, and sort of get your  
22 perspective on that.

23 JESSICA LAPPIN: Sure and I--and we will--  
24 -we will try our best, of course, to respond to--to  
25 the chair in terms of that question. I think the--

2 the struggle we have, as you can imagine, is how--how  
3 do you come up with the value of an improved public  
4 plaza? You know, when we built a pocket park on 55th  
5 and the River where I happened to name my oldest son,  
6 you know, and it's like 2,000 square feet, you know,  
7 the community loved it, and--and it's become a--a  
8 very welcomed small respite space, but I don't know  
9 how to value that. I--I wouldn't have the first  
10 ideal to tell you that.

11 COUNCIL MEMBER GREENFIELD: I apologize,  
12 Jessica. What is the name you happened to have name  
13 your oldest son there?

14 JESSICA LAPPIN: Oh, I when I was in  
15 labor, I walked to the pocket park, and I stood and I  
16 looked at the river and we decided to name him Lucas.

17 COUNCIL MEMBER GREENFIELD: Oh, okay,  
18 that's a very nice story. [laughter] Excellent.  
19 Thank you for clarifying that.

20 JESSICA LAPPIN: So I have a very--very  
21 strong fondness for that little pocket park, but my  
22 point is that I wouldn't know how to--I wouldn't know  
23 how to tell you his--

24 COUNCIL MEMBER GREENFIELD: [interposing]  
25 Have we renamed it officially Lucas' Park, or no?

2 JESSICA LAPPIN: No, but that's a  
3 fantastic idea.

4 COUNCIL MEMBER GREENFIELD: Okay.

5 JESSICA LAPPIN: It's hard to put a  
6 dollar figure on that, but that's sort of the issue  
7 that I think we have here, is how do we tell you what  
8 it--what it means to the community to--to create a  
9 better public space. But in terms of the shops, I'm  
10 glad that you asked that because, you know, as--as I--  
11 --as I--as I said earlier, when we put together in  
12 2010 this 56-page community planning document and,  
13 you know, the back shows all the participants. One  
14 of the things we heard then, and I hear now from  
15 residents is that this is an area with a lot of  
16 population growth, 122% since 2000, and there are not  
17 places to eat. There are not places to shop. The  
18 retail that is there is struggling, and has a very  
19 hard time because nobody can see that it's there.  
20 The gym that was an amenity that was hit during Sandy  
21 has never reopened. So, what's there is challenged,  
22 and as people are beginning to live here, which we  
23 want. We want this to be a live-work neighborhood.  
24 They need places to shop, to eat, to go, which you  
25 have in other parts of the city. So that's something

2 that we have heard consistently from both the workers  
3 and the residents there. And I think the reason  
4 there's potential for that retail is you have 70,000  
5 workers. So they can help support and keep the  
6 retail alive for the fewer residents, and the other  
7 concrete example I'll give, when I took over at the  
8 Alliance, we--we bought a few green markets town  
9 because the community board really wanted green  
10 markets. The only place that one survived was right  
11 near Water Street at Coenites Slip because the  
12 workers during the day could help support the farmers  
13 so that the residents in the morning and night could  
14 shop there, too. The one by the World Trade Center  
15 failed. So I think, you know, we have to think about  
16 that as well as--as a genuine amenity. People wanted  
17 the green market. People want a place to do their  
18 dry cleaning.

19 COUNCIL MEMBER GREENFIELD: So, let's--  
20 let's follow up on that, and I think that's a valid  
21 point. So let's just follow up on that. So as far  
22 as--as far as an amenity I think the argument that  
23 you're making is that the--obviously there's going to  
24 be improvements to the public plazas and hopefully  
25 we're going to get a guesstimate. We're not going to

2 hold you to it. A guesstimate on what those  
3 improvements are going to look like in terms of when  
4 if in theory everyone did their improvements what the  
5 cost would be, and what the benefit would be for the  
6 community. But as far as--and I guess this question  
7 is for City Planning. You know when the folks in the  
8 community board were--were having conversations about  
9 what they want to see, where they obviously had a  
10 certain image, right, and the image is an image of  
11 cafes and public spaces, and--and potentially  
12 obviously when we change the zoning, there can be any  
13 use in--and any retail use in this particular  
14 location. And it may not necessarily look like what  
15 the community wants it to look like. So what  
16 assurances does the community have or what actions  
17 has City Planning taken, and what more actions could  
18 we take to ensure that, in fact, the kind of retail  
19 spaces that the community is looking for will, in  
20 fact, be the spaces that are eventually leased out  
21 once these arcades are, in fact, changed into  
22 residential, and to-- I'm sorry, into retail spaces?

23 RICHARD SUAREZ: I can let the Alliance  
24 talk to the idea of, you know, shaping the retail  
25 environment there, but in terms of what the zoning is



2 doing, the permitted uses are those--the--the text  
3 points to those uses that are permitted on retail  
4 streets in Lower Manhattan, Section 91-12. This  
5 excludes things like offices on the ground floor. It  
6 excludes things like HVAC and--and--and auto  
7 showrooms and furniture showrooms. But then since  
8 most of the frontages are located on plazas there are  
9 further restrictions on--on what can be there. Banks  
10 are not permitted at all. On the plaza the idea is  
11 that a bank is not a good activator of a public space  
12 and these public spaces need to be activated well.  
13 So we think more meaningful and more active uses  
14 should go on those spaces. Hotel rooms cannot be  
15 located on the ground floor. There are size  
16 requirements for lobbies, but the idea is that we  
17 want the activity to--to be located on the plaza, but  
18 also on the streets. When you front on an plaza,  
19 there are requirements for 50% of that frontage to be  
20 dedicated to retail and service establishments. When  
21 you go past a certain size threshold for your lobby  
22 frontage, you must provide more retail and service  
23 establishments on any frontage. And then, when you  
24 have whether any frontage, the longest frontage will  
25 always need to have multiple establishments. And

2 this is a--a modification that the Commission--the  
3 City Planning Commission made, but furthermore, the  
4 likely desire and need to locate lobbies will already  
5 start breaking up these ground floors. So, you know,  
6 the goal is really about again this interaction  
7 between the building walls and the sidewalks in the  
8 open area, and we want to make sure that, you know,  
9 the street is engaged and that pedestrians are  
10 engaged. So we feel very confident through the  
11 Zoning Text that we developed after countless, you  
12 know, sessions with our design group that there will  
13 be retail variety. There will be many active uses on  
14 the ground floor. That will be very bright. There's  
15 a 70% transparency requirement between columns.  
16 Again, because there are thick columns, we want to  
17 have very bright visible uses. So, you know, the  
18 uses--there are restrictions on the uses, but also  
19 there are requirements for breaking it up that will  
20 encourage the breakup of long frontages, and again  
21 encourage the variety that we really seek to--to have  
22 here.

23 JESSICA LAPPIN: What we certainly heard  
24 from the community was they wanted smaller and medium  
25 sized, and so that's--we have worked really hard with

2 the community and with the borough president to  
3 accomplish that, and I--I think we've hit the right  
4 note. And just an image at page 15, which you should  
5 have, there's a picture here at 85 Broad of the Le  
6 Pain Quotidien on the bottom right corners, and I--I  
7 like to point that out because it's illegal. Don't  
8 tell the City Planning police. It's a perfect  
9 example of what we want to do. It would be allowed  
10 if this passes. It's not allowed today, and you can  
11 see people sit there and they eat and they enjoy it.  
12 And so I think it's a very good example of how we are  
13 creating something that would be a benefit.

14 COUNCIL MEMBER GREENFIELD: No, I think  
15 we agree. I think the--the question that I was  
16 referring in the balance really is one of making sure  
17 that what the intention is--actually executed. I  
18 know the community board had some concerns, and they  
19 raised the issue of potentially restricting the use  
20 even further or--or making spaces even smaller. I  
21 know that City Planning did--did, in fact, account  
22 for some of that when you split some of those larger  
23 frontages, and we appreciate that. I'm going to turn  
24 it back to my colleagues. I would actually note that  
25 we have been working for some while, and we intend on

2 having an oversight hearing on the POPS, and we like  
3 to call them, the privately owned public spaces  
4 throughout the city. This is just one example of a  
5 space that's underutilized, but we--we actually not--  
6 not just believe, but we know that there are  
7 privately owned public spaces that are not keeping  
8 the agreements that they made with the city and, in  
9 fact, the public doesn't have access to those spaces.  
10 And that's an oversight hearing that we in the Land  
11 Use Committee intend to have within the next few  
12 months. So thank you very much.

13 CHAIRPERSON RICHARDS: Great. We'll got  
14 to Council Member Garodnick now.

15 COUNCIL MEMBER GARODNICK: Thank you very  
16 much, Mr. Chairman. My first point is really just a  
17 comment. It's about the arcades themselves. I mean  
18 the arcades clearly are dark and uninviting, and not  
19 serving the public or the building in a material way  
20 at this point. And I think that at least from what I  
21 hear from the panel, and certainly from what you have  
22 said in your testimony is that there is broad  
23 agreement on a failed principle here from 1961. So  
24 really the core question is how do we ensure that  
25 whatever goes in is something which is beneficial to

2 the community, and also respects the public's need to  
3 have access to the--to the plazas in front? So  
4 really, my questions are just really technical ones,  
5 and I think that you--you went into some of it with  
6 the Chairman, but let me just make sure that I  
7 understand. Today if somebody wanted to go through a  
8 revision of their arcade, that is a--it's a special--  
9 it's special permit requirement today. So that is a  
10 full--it's a full ULURP essentially. They--they have  
11 to go through the entire process?

12 RICHARD SUAREZ: Yes, that's correct and  
13 this again assumes that building owner can identify  
14 additional floor area to locate within that arcade.

15 COUNCIL MEMBER GARODNICK: Okay, so they--  
16 --they actually need to locate additional floor area  
17 in connection with that sale? A little bit more  
18 about that.

19 RICHARD SUAREZ: So, these buildings are  
20 generally overbuilt. They have used most, if not  
21 all, of the bonus floor area generated by the arcades  
22 so--right by--by the plazas. So to--to infill, they  
23 would have to then find other floor area, but there  
24 is no other floor area.

2 COUNCIL MEMBER GARODNICK: So practically  
3 impossible. Not only do you have the uncertainty of  
4 what happens through ULURP, but also there is no way  
5 to add the space that you're essentially occupying?  
6 Is that correct?

7 RICHARD SUAREZ: Yes.

8 COUNCIL MEMBER GARODNICK: Okay, okay, so  
9 absent reform here, nothing happens on Water Street.  
10 Is that a fair statement?

11 JESSICA LAPPIN: A hundred percent  
12 correct.

13 RICHARD SUAREZ: Okay, the idea of--okay,  
14 well, let's go to what actually is being proposed. So  
15 the proposal is a more streamlined opportunity to  
16 make use of arcades for a variety of different  
17 purposes as you articulated in the colloquy with  
18 Chair Greenfield a moment or two ago about--with  
19 restrictions as to what the uses can be, and the  
20 amount of space that anyone establishment can take  
21 up. Is that correct?

22 RICHARD SUAREZ: In terms of frontages.

23 COUNCIL MEMBER GARODNICK: Say again.

24 RICHARD SUAREZ: In terms of frontage.

2 COUNCIL MEMBER GARODNICK: So there's  
3 maximum sizes of the frontages.

4 RICHARD SUAREZ: There are requirements  
5 for multiple frontages, and then there are a maximum,  
6 there are maximum sizes that are allocated for--for  
7 lobbies. So we limit lobbies. Currently there--  
8 these ground floors are dominated by lobbies. You  
9 would--you would be limited to 25% or 40 feet of that  
10 frontage for lobby use, and nothing more except if  
11 you get--if you're on Water Street and you can have a  
12 50-foot lobby. But if then too much of your  
13 enlargement or the infill is dominated by a lobby  
14 then the text does have like on trigger that says  
15 then you must locate a certain amount of retail  
16 frontage along that building wall or the existing  
17 building walls.

18 COUNCIL MEMBER GARODNICK: Okay, so  
19 there's a--a limit on the side of the--size of the  
20 lobby.

21 RICHARD SUAREZ: Yes.

22 COUNCIL MEMBER GARODNICK: And that  
23 would, therefore, allow for more pieces of retail or  
24 whatever in those arcades if I'm understanding that

2 correctly. Is there any use restriction about what a  
3 building owner could put into those arcades?

4 RICHARD SUAREZ: Right so I--the--the  
5 restrictions are listed in Section 91-12 and I really  
6 don't have 91-12 in front of me, but these are uses  
7 that are permitted on retail streets. So Broadway,  
8 Fulton Street, there are restrictions against  
9 offices. The modified text also has restrictions  
10 against hotel uses. The--the, you know, the--the  
11 ABFDs and the FEMA Guidelines wouldn't--would never  
12 permit residential uses on the ground floor except  
13 lobbies. You couldn't have HVAC. You couldn't have  
14 showrooms for furniture. You couldn't have banks  
15 when you locate on a plaza, and again as I explained  
16 before, you know, banks are not good activators of  
17 the plazas themselves. So there are restrictions,  
18 and I'd have to re-read the text.

19 COUNCIL MEMBER GARODNICK: [interposing]  
20 Okay, so 91-12, though.

21 RICHARD SUAREZ: [interposing] It was all  
22 this accessibility. (sic)

23 COUNCIL MEMBER GARODNICK: We'll take a--  
24 we'll take a closer look at that. Okay, and then on  
25 the overall process for approval. So if building



2 owner says, okay, look we have a new set of rules in  
3 place for the Water Street arcades and plazas. I'm  
4 going to go to City Planning, and I'm going to  
5 present the whole package to City Planning. I  
6 present to you how I'm going to break up my lobby  
7 with other street retail opportunities for the  
8 arcade, and at the same time what I proposed to do  
9 for that plaza improvements. Is that correct?

10 RICHARD SUAREZ: That's correct.

11 COUNCIL MEMBER GARODNICK: And that  
12 becomes a--it's a--it is a--it's a chair  
13 certification. What--what exactly is the official  
14 approval process at City Planning for that?

15 RICHARD SUAREZ: Most of these will be  
16 Chairman Certifications. There are small pockets  
17 that would subject City Planning Commission  
18 authorization, but most of them will be chairman  
19 certifications.

20 COUNCIL MEMBER GARODNICK: And do we  
21 define in this text the specific, and I'm sorry if  
22 you answered this one before. I think you may have,  
23 the specific requirements about what must be the  
24 component parts of a plaza that would engender  
25 approval from the Chair of City Planning?

2 RICHARD SUAREZ: Right. The text Section  
3 91-83 spells out what the requirements for a  
4 certification, and one of those is when you have one  
5 or more plazas, you must upgrade all of those plazas  
6 to the full standards of Section 37-70 for public  
7 plazas, but then there are modifications that are  
8 written in the Zoning Text to reflect the unique  
9 conditions of the Water Street plazas, the narrow  
10 depths, the long frontages, some substance (sic)  
11 conditions. So the goal is to--to get these owners  
12 to be as fully compliant as possible, and there's no  
13 greater recording requirement. You must meet the  
14 requirements, but then the text kind of pulls back.  
15 Say for example that there is a garage under the  
16 plaza, that would then run into issues when trying to  
17 meet the 3 foot 6 soil depth requirement for trees.  
18 So we think that's important to have trees and to--to  
19 real green Water Street. So would allow with a  
20 demonstration of subsurface issues a raising of  
21 those--those planter boxes to maybe above 18 inches  
22 that's been required by another provision of the  
23 project text. The project is very specific and very--  
24 -it's--it's the result of--of 40 plus years of--of  
25 lesson learned of public space, but also how the city

2 has been burned so much by seeing bad designs of  
3 public spaces. So it's very specific in terms of  
4 what's required, things like one linear foot of  
5 seating for every 30 square feet of--of plaza area,  
6 20% total of planting area within the first 15 feet.  
7 Fifty percent must be open and unobstructed for 50%  
8 of the length. Within that there must be one linear  
9 foot of seating for every two linear feet of  
10 frontage. Fifty percent of those must then have  
11 back. Fifty percent of those must then face the  
12 street. So, you know, we--the department has really  
13 studied and understood how people uses spaces, and  
14 the Zoning Text is very specific about really  
15 guaranteeing the minimum level of usability that  
16 everyone deserves here in New York.

17 COUNCIL MEMBER GARODNICK: Does that  
18 track the--or maybe you're describing the existing  
19 POPS requirements. Is that--is it--

20 RICHARD SUAREZ: [interposing] Yes, it  
21 is--it is the--

22 COUNCIL MEMBER GARODNICK: [interposing]  
23 It is the--

24 RICHARD SUAREZ: --public plaza  
25 requirements.

2 COUNCIL MEMBER GARODNICK: Okay, yes.

3 Okay, that makes sense. Last question and--and thank  
4 you for your time here. The arcades today, I mean  
5 they are--you know as I described them dark and  
6 uninviting and, you know, give us a sense as to  
7 practically speaking what happens in these arcades  
8 today? They're just pass-throughs? They're places  
9 for people to wait for a taxi in the rain? Like  
10 what--what are--what--what's happening with these  
11 arcades today because smoking, right. What--what--  
12 what--

13 JESSICA LAPPIN: [interposing] Yes, no  
14 I--

15 COUNCIL MEMBER GARODNICK: --what's  
16 happening.

17 JESSICA LAPPIN: I--I think we wish there  
18 were more pass-throughs, and that's really the whole  
19 problem as I said in my testimony. I guess  
20 originally they were supposed to be part of some  
21 bigger plan for circulation that never came to pass.  
22 So they dead end, and a lot they're very narrow. Of,  
23 course, you know, in the rain I'm sure, you know,  
24 people do duck in and use them or maybe on a--on a  
25 hot sunny, but for the most part, you know, the--the

2 New York Times and I heard at the community board  
3 meeting people use them as smoking lounges. And  
4 they're--they're--you know, I think there's a really  
5 big distinction here. The plazas are the plazas.  
6 They arcades, which we're--we're talking about giving  
7 up here, it--they're not used. They're really not,  
8 and they--not only are they not used, they are really  
9 a huge detractor to whole corridor. So I think the  
10 answer to the question is they're almost not used,  
11 and when they are, it's not a way that any of us  
12 would think of a great public amenity that we're  
13 giving up here. I mean we're giving up smoking  
14 lounges.

15 COUNCIL MEMBER GARODNICK: Well, and it  
16 sounds like you're, you know, your point is not even  
17 just that we are giving something up. It's actually  
18 that what you're proposing is that we are trying to  
19 activate something in a way that the city actually  
20 could benefit from because of their lack of use and  
21 because they were an unfortunate planning decision in  
22 the first instance that the public stands to benefit  
23 in way that--that we're not benefitting from today.  
24 Is that fair?

2 JESSICA LAPPIN: Yes, I think that's very  
3 fair. This was built at a time when people left at 5  
4 o'clock to get in private cars to drive to the  
5 suburbs. That was the whole concept with this  
6 boulevard. That is not how people live today. It's  
7 not how people work today, and so the idea that you  
8 would never have built--this would never be allowed  
9 today. I mean I'm saying that to the planning staff.  
10 But this would not--this is--this was would not be  
11 allowed today. It just wouldn't and so we--we want  
12 to bring those buildings out to the street. We want  
13 to have light. We want to make them--that there be  
14 energy and vibrancy here that just isn't today--and--  
15 and otherwise this corridor it--as time goes by is  
16 only going to fair worse, and that's a real concern I  
17 think.

18 COUNCIL MEMBER GARODNICK: Got it. Thank  
19 you very much.

20 CHAIRPERSON RICHARDS: Council Member  
21 Chin followed by Reynoso.

22 COUNCIL MEMBER CHIN: Do you want to ask  
23 your question.

24 COUNCIL MEMBER REYNOSO: [off mic] Yes, I  
25 would.

2 COUNCIL MEMBER CHIN: Okay.

3 COUNCIL MEMBER REYNOSO: Thank you,  
4 Council Member and Chair and Council Member Chin. I  
5 just have two questions. I see the dark because this  
6 seems like a problem that the money generated from  
7 the potential development or across the development  
8 in that--in that area. Who would it go to, the  
9 property owner?

10 JESSICA LAPPIN: Correct. After they  
11 make the investment and they rent these spaces out,  
12 they will, of course--

13 COUNCIL MEMBER REYNOSO: [interposing]  
14 The investment, are you talking about the investment  
15 and the build-out of the commercial space?

16 JESSICA LAPPIN: They have to build out  
17 the commercial space. They also have to make the  
18 buildings themselves, not just the arcades meet new  
19 requirements for flood proofing and other things.

20 COUNCIL MEMBER REYNOSO: Right.

21 JESSICA LAPPIN: And they have to make  
22 the substantial investment in the plazas as well, and  
23 agree to maintain that in perpetuity.

24

25

2 COUNCIL MEMBER REYNOSO: Okay, and then  
3 they would eventually see a return on their  
4 investment because they will own the property--

5 JESSICA LAPPIN: [interposing] Yes.

6 COUNCIL MEMBER REYNOSO: --a public  
7 property--it was a public property that will now be  
8 for--

9 JESSICA LAPPIN: [interposing] Well, it's  
10 actually private.

11 COUNCIL MEMBER REYNOSO: --for all intents  
12 and purposes private.

13 RICHARD SUAREZ: It's--it's private  
14 property.

15 JESSICA LAPPIN: Private property.

16 COUNCIL MEMBER REYNOSO: All right, thank  
17 you. Private property. Thank you. So we're turning  
18 public space into private space. It's the first  
19 thing. Right now can the plazas--I know the arcade  
20 seems to be a problem--can the plazas be modified  
21 today? Just the plazas, not the arcades.

22 RICHARD SUAREZ: Yes, they can.

23 COUNCIL MEMBER REYNOSO: So at this point,  
24 the plazas is pretty much maintained, the same look  
25 since 1930?



2 RICHARD SUAREZ: '65--

3 COUNCIL MEMBER REYNOSO: '65. I'm sorry.

4 RICHARD SUAREZ: --into, you know.

5 COUNCIL MEMBER REYNOSO: Right. So at  
6 this point the property owners have not found it in  
7 their own, and they--they don't feel incentivized to  
8 modify the--the plazas in an effort to maybe  
9 encourage more retail--more retail I guess or  
10 commercial business. Right now there's some of these  
11 arcades and closer to the building we see some retail  
12 space, and that retail space might not be doing too  
13 well right now. Maybe a new plaza would--would  
14 encourage more business, and the retail space do  
15 well. But we've been through that. Even with the  
16 loss or I guess or with the--the minimal foot traffic  
17 or whatever you want to call it because of these  
18 public spaces. They've--they've yet to find it upon  
19 themselves to invest in their own properties in the  
20 public plaza that they can do now to encourage more  
21 commercial foot traffic or whatever it is. So what  
22 I'm saying here is that you want to give them  
23 something. We want to give them something when  
24 they've done absolutely nothing to give us. They  
25 haven't given us anything back. If anything, we feel

2 like we've--we've already lost in giving them SAR,  
3 the--the extra floor area for what was supposed to be  
4 public plazas when they obviously didn't give us  
5 something back. We find to New York City standards,  
6 and they've yet to make any investment since then to  
7 encourage or promote the standard that we're now  
8 currently more accustomed to. So I just want to say  
9 that right now they can do something. It isn't  
10 impossible.

11 JESSICA LAPPIN: But I--but I want to be  
12 clear. They can't just do it on their own. They--  
13 they--

14 COUNCIL MEMBER REYNOSO: Can't do what on  
15 their own?

16 JESSICA LAPPIN: They couldn't just go  
17 out and upgrade the plaza. They would have to go  
18 through a very onerous city planning process that is  
19 much more open-ended, and that--that's one of the  
20 things you want to address.

21 COUNCIL MEMBER REYNOSO: But no one has  
22 done that yet. No one has even attempted to start  
23 that process. Has anyone done that independently?

24

25

2 RICHARD SUAREZ: [interposing] Only one  
3 owner--

4 COUNCIL MEMBER REYNOSO: Huh?

5 RICHARD SUAREZ: Only one owner has done  
6 an upgrade of a small plaza. At 200 Water Street  
7 there's a small plaza that was improved I believe in  
8 2013.

9 COUNCIL MEMBER REYNOSO: Uh-huh.

10 RICHARD SUAREZ: But that is the only  
11 improvement that was made.

12 COUNCIL MEMBER REYNOSO: Okay. I--I--

13 JESSICA LAPPIN: [interposing] And  
14 Councilman, just because the process that exists  
15 today is practically so onerous that even if they  
16 wanted to make the kind of investment in the plaza  
17 they can't. And by the way, there's some owners who  
18 have told us they would like to upgrade their plazas  
19 without doing the arcade infill, but the way the  
20 process is today, it's way too expensive, time  
21 consuming and open-ended for them to do exactly what  
22 you're suggesting. This tells them and the  
23 community, by the way, a very stringent minimum  
24 requirement that they have to meet, and that gives  
25 them comfort to say okay, I'm going to upgrade my

2 plaza because you've told me what it is I need to do.  
3 I can figure out how to do it, and I--I think that's  
4 an important point because we want--we want that  
5 mechanism to be there.

6 COUNCIL MEMBER REYNOSO: And I--I feel  
7 that we're--we're renegotiating something that has  
8 already been negotiated and leaving the goal post to  
9 where the community benefit is being lost. Not  
10 necessarily--that community benefit being gained.  
11 We're again going to give them new space using public  
12 space or private space in an effort to get a portion  
13 of that an improve a public plaza area. If this was  
14 negotiation in 1960, again now, at this time we would  
15 not be giving--giving up that retail space in order  
16 to get an improved in pub--in a public plaza area.  
17 Again, I don't--I don't think that we should be  
18 renegotiating things that have already negotiated and  
19 giving a--a benefit to--to people that I'm pretty  
20 sure have done pretty well, and could go about a  
21 process to improve a public plaza on their own.

22 RICHARD SUAREZ: I'd just like to clarify  
23 a technical point. There--these spaces were created  
24 on an as-of-right basis. The 1961 zoning established  
25 plazas and arcades and they provided--you provided

2 as-of-right without going to City Planning. So you  
3 just read the Zoning Resolution. If it said you can  
4 do it, you do it, and DOB will--will confirm  
5 compliance with the zoning resolution. So there is  
6 never a back and forth. There is never no--there is  
7 never a--and there was never a negotiation or to--to  
8 provide these spaces. So there was never any  
9 oversights in the design and configuration and  
10 provision of these spaces.

11 COUNCIL MEMBER REYNOSO: So as of right,  
12 they all saw an opportunity not to build these  
13 spaces?

14 RICHARD SUAREZ: Someone could, but they  
15 took advantages of these bonuses that were provided,  
16 which were intended to provide light on their own  
17 street--

18 COUNCIL MEMBER REYNOSO: [interposing]  
19 Right. I just want to say I don't want to take up too  
20 much time, but as of right that you got a bonus if  
21 you do it, right. So the bonus in itself is the  
22 incentive to do the public process. These folks  
23 didn't take it upon themselves because they're good  
24 people to created public spaces for the city of New  
25 York. If they could, they would have easily been

2 happy to not do these public plazas, but they're  
3 getting an increase in floor--in FAR, which means  
4 that they're going to benefit from it. So I just  
5 wanted to say that in itself is a negotiation, right?  
6 There's no one here who has been doing us a favor is  
7 what I'm trying to say, and we're doing them a favor  
8 now by renegotiating--what I consider re-establishing  
9 a new set of goals and moving the goal post which  
10 would now lead to increase in private property, and  
11 more income to maybe owners that have done nothing  
12 since the 1960s to improve these spaces outside of  
13 one guy, one person that had this one small effort.  
14 So I'm just really concerned that that I'm--and I'm--  
15 and I'm not sold at the moment. I would love to have  
16 continued conversations. Thank you.

17 CHAIRPERSON RICHARDS: Allrighty, Council  
18 Member Torres and then Chin.

19 COUNCIL MEMBER TORRES: Thank you. So as  
20 I was just looking at the arcades, it's depressing  
21 and despairing and you said it's--it's been the case  
22 for 50 years?

23 JESSICA LAPPIN: Well, some of them--  
24 Yeah, probably. When was the first.  
25

2 RICHARD SUAREZ: [off mic] The earliest  
3 ones were in 1960--[on mic] Sorry. The earliest was  
4 1965 and the latest ones were about 1983 or '87. So  
5 we're looking at like 50, 50 for the longest and it's  
6 like 30ish for the shorts.

7 COUNCIL MEMBER TORRES: And so absent the  
8 revisions and zoning changes that you're requesting,  
9 just given 50 years of experience. This is not a  
10 theoretical point. The cycle of despair will  
11 persist.

12 JESSICA LAPPIN: Correct.

13 COUNCIL MEMBER TORRES: Okay, how barren  
14 is this commercial corridor? Like what kind of  
15 businesses are there? Are there any vacancies?  
16 Could you just give a sense of the--?

17 JESSICA LAPPIN: Well, I think that--I  
18 mean in terms of commercial retail there isn't a lot,  
19 which is part of the whole effort here. But in terms  
20 of vacancies overall, I could get back to you with an  
21 exact number, and that's a very good question. But I  
22 can tell you, I mean a building like 180 Maiden Lane,  
23 there's almost a million square feet that's vacant.  
24 You have pretty significant pockets along Water  
25 Street, and--and what I was alluding to, you know,

2 we--with Hudson Yards, which is now--I mean just--in  
3 fact in the last week at Milbank, Tweed, which I know  
4 it's half a million square feet at 28 Liberty is  
5 moving to Hudson Yards. There is real active  
6 competition both in the neighborhood at the World  
7 Trade Center, but across the city in Long Island in  
8 Brooklyn, but even in Manhattan, and--and, you know,  
9 there'll be more space in Midtown East. So, you  
10 know, there's a limit to, you know, I think for--for  
11 these--for these building owners they're already  
12 cheaper. I mean the retail rents being 65 to 70% to  
13 cheaper, but the rents--rents for the commercial  
14 space is much cheaper, and as the residential  
15 conversions are happening, you've got more people  
16 living there. So I don't think I can give you an  
17 exact number, but it's a really--it's not--I mean  
18 it's not a--a made up concern. I mentioned even  
19 before the hearing AIG is considering leaving. I  
20 mean that would be a huge hit--

21 CHAIRPERSON RICHARDS: [off mic]  
22 [interposing] That would be I know.

23 JESSICA LAPPIN: --to Water Street  
24 specifically. So it's--it's not an academic  
25 question. You know, these--these buildings are not--



2 I mean, you know, if you walk by them they're just--  
3 they--they're not going to compare. So we have other  
4 ways to spruce up the area, and make it inviting.

5 COUNCIL MEMBER TORRES: And forgive me.  
6 I don't have any familiarity with--with Water Street.  
7 So if I ask a silly question forgive me.

8 JESSICA LAPPIN: Please no, there's no  
9 silly questions.

10 COUNCIL MEMBER TORRES: So--so there are  
11 big businesses AIG. Are there small businesses as  
12 well? Local businesses in that corridor?

13 JESSICA LAPPIN: Well, I mean the--the  
14 problem is you don't really have the storefront  
15 retail.

16 COUNCIL MEMBER TORRES: [interposing] Uh-  
17 huh.

18 JESSICA LAPPIN: That--there are some.  
19 There are some and if I--

20 COUNCIL MEMBER TORRES: And-and the rent  
21 is dramatically lower than the standard in Manhattan-  
22 -

23 JESSICA LAPPIN: [interposing] Yes.

24

25

2 COUNCIL MEMBER TORRES: --so if you were  
3 to activate the corridor, I suspect there would be a  
4 dramatic rise in the rent.

5 JESSICA LAPPIN: [interposing] I mean--

6 COUNCIL MEMBER TORRES: So is there  
7 concern about displacement or--?

8 JESSICA LAPPIN: No, the--the--the small  
9 business owners who are there, and a couple of them  
10 have been in the local papers, are very much in favor  
11 of this. They--they want foot traffic. You know,  
12 there--there will be some additional development at  
13 the seaport and, again, I'm looking at this  
14 holistically. This is the connector from the Staten  
15 Island Ferry to the seaport. They want people who  
16 are working by to see their shop. You know, there's  
17 one tenant at 7 Hanover that's many months behind on  
18 his rent. You know, they--they just--they're not  
19 getting--given that there are 70,000 people working  
20 here, these shops should be able to succeed. It's  
21 just hard to find them and, you know, at One New York  
22 there's some new places to eat, and they're  
23 underground. So you have to know that they're there,  
24 or you're not going to go underground to find it.

2 COUNCIL MEMBER TORRES: Just like every  
3 council member I worship at the Altar ULUPR because  
4 it's one of the few powers that we have. Is it  
5 possible to revitalize? I just want to maybe explore  
6 a point that Council Member Garodnick made, and I  
7 suspect I--I know the answer, but is it possible to  
8 revitalize this space while preserving some City  
9 Council review?

10 JESSICA LAPPIN: You know, I--I think--  
11 and maybe I can see the City's point of view. (sic)  
12 We're always happy to discuss ways, and I was a Land  
13 Use Subcommittee Chair. I sat on this committee. I  
14 very much respect the power that you have. I mean  
15 that's not our intention in any way, shape or form.  
16 Our intention is to come up with, but basically to  
17 give you the input now to say for these 17 buildings  
18 and probably it's fewer, what are the things that we  
19 would want? Because as Richard mentioned having gone  
20 building by building for five years, we already know  
21 what the--what the conditions in each space. We know  
22 what the--the restrictions--the--the realistic  
23 restrictions will be because of what's underground,  
24 et cetera. So to create a mechanism where we're  
25 looking at them on a very individualized basis

2 although saying now that we've just set a standard  
3 that you all agree with and support and think is  
4 adequate then they don't each have to go through  
5 ULURP. Because the reason they haven't done this is  
6 they're just not. They're not going to go through a  
7 costly--

8 COUNCIL MEMBER TORRES: [interposing] So--  
9 --so the--if I understand you correctly even though  
10 ULURP is geared to our hearts--

11 JESSICA LAPPIN: [interposing] Right.

12 COUNCIL MEMBER TORRES: --the  
13 disincentive is such that if we require ULURP, there  
14 would be no revitalization? Is that what you're--?

15 JESSICA LAPPIN: I mean I think that  
16 there's a special permit requirement process in place  
17 that we use often.

18 COUNCIL MEMBER TORRES: But is that  
19 process prohibitive in your opinion or--?

20 JESSICA LAPPIN: The process today is  
21 prohibitive and not just in my opinion. I think the  
22 facts bear it out. Nobody's used it. When we talk  
23 to property owners, they won't even consider it. I  
24 mean even with this process I'm going to tell you  
25 it's not going to be easy to get people to do it.

2 There are a few that have expressed interest, and  
3 we're really encouraging them to be talking to City  
4 Planning now, but people are not chomping at the bit  
5 breaking down my door to go out and do this. It's--  
6 it's a very--it's a huge undertaking and--and--

7 COUNCIL MEMBER TORRES: [interposing] And  
8 I actually don't see a lot of ULURP actions relating  
9 to plazas or arcades so there might be some  
10 indication but--

11 RICHARD SUAREZ: I mean again, to  
12 provide bonus plazas today as a Chairman  
13 Certification and the special permits that are  
14 available for plazas include modification of the  
15 plaza requirements, which I believe was may--may have  
16 been pursued by some owners in the past under the  
17 Urban Plaza Rules, but none that I know of today  
18 under the Public Plaza Rules. And then there's a  
19 special permit to eliminate bonus areas. So since  
20 2007, I believe none of those special permits have  
21 been pursued given the--the challenges in--in trying  
22 to really work out, you know, what-- You know, I  
23 think people often try to find good ways to apply the  
24 Plaza Rules to maintain as a certification which is  
25 the process that exists today.

2 COUNCIL MEMBER TORRES: And I want to add  
3 one more question about this because I guess one  
4 argument is that we are renegotiating an  
5 understanding that dates back to 1961, right that you  
6 received additional FAR with the understanding the  
7 permanent, the public space would be permanent. Can--  
8 -can you address that?

9 JESSICA LAPPIN: I--I--on thing I didn't  
10 mention before is, just by the way, a lot of these  
11 buildings lost FAR during Sandy, Hurricane Sandy and  
12 there's no compensation for that. They had to move  
13 their mechanicals and the boilers from the basements  
14 some of them. I mean there was one building I think  
15 spent over--about \$100 million just relocating and--  
16 and losing FAR. But, you know, the heart of it I  
17 would say, yes, we're--we are--as I said in my  
18 testimony we could sort of cling to this deal that I  
19 think most people accept as a failure here in the New  
20 York and all across the country, or we could say  
21 here's the reality of where are 50 years later. This  
22 is what we're saving, places for people to smoke in  
23 the dark? Yes, we are going to say we're going to  
24 look at this anew and find a way that's fair to make  
25 a significant improvement. And--and--and it does to

2 some extent come down to that. Are we going to just  
3 way it's--it's--this is the principle. This is how  
4 it was done in '61 and that's that, or are going to  
5 evolve? Because if this doesn't--if we don't evolve--  
6 -

7 COUNCIL MEMBER TORRES: [interposing] You  
8 know, 1961 was a special time. So I'm not sure. But-  
9 -but the agreement was based on the understanding  
10 that the public space would serve the public, and  
11 there's no one in their right mind who think that  
12 this serves the public.

13 RICHARD SUAREZ: That's--that's not  
14 necessarily true.

15 COUNCIL MEMBER TORRES: Okay.

16 RICHARD SUAREZ: Our understanding is  
17 that the drafters of the '61 zoning--

18 COUNCIL MEMBER TORRES: [interposing]  
19 Okay.

20 RICHARD SUAREZ: --did not really think  
21 about how public--the public would use these spaces.  
22 Really, the goal for the provision of the plazas is  
23 in particular where you just provide additional light  
24 and air on the street. There are dense parts of New  
25 York like in the core of Lower Manhattan that it is--

2 it's pretty congested. So, you know, this was a--the  
3 '16 Zoning will facilitate of this idea of the tower  
4 and the park developments. You know, you had these  
5 skinny towers amongst big vast areas of open area  
6 that were a heartscape that were just an open kind of  
7 greeting to the building. You know this is the kind  
8 of corbeau waiting city model that I think that we--I  
9 think many planners and designers in all, you know,  
10 organizations and institutions recognize that that  
11 doesn't really work in dense urban areas such as New  
12 York City. You know, we are a pioneer, I--I believe  
13 of good urban design, and this proposal here is  
14 trying to really, you know, apply those good  
15 principles, encourage great urban design and really--  
16 You know, thinking back to some of your favorite New  
17 York City streets and turn this into a New York City  
18 street.

19 COUNCIL MEMBER TORRES: That's the extent  
20 of my questions. Thank you.

21 JESSICA LAPPIN: Thank you.

22 CHAIRPERSON RICHARDS: Council Member  
23 Chin.

24 COUNCIL MEMBER CHIN: Thank you. Thank  
25 you to all my colleagues for your really good



2 questions. I live along this area. I know this area  
3 very well, and right now, I mean when you look at the  
4 pictures a lot of the plazas are not being taken care  
5 of. I mean the property owners really I think have  
6 not lived up to their agreement. A lot of the plazas  
7 are very bare, and--and some are not even kept that  
8 clean. But I think when the City Council approved  
9 the Temporary Text Amendment in the last two years  
10 that just expired, I--I wanted to thank the Downtown  
11 Alliance. I mean you helped provide a lot of  
12 programming in the arcades and--and the plaza and  
13 really created a lot of activity to liven up the  
14 streets, and that's great. So, why--because right  
15 now you're saying that the--the tables and chairs  
16 that they put at 85 Broad is actually not legal  
17 right? And the tables and chairs that they put out  
18 at 7 Hanover Square is not legal because they didn't  
19 come into the City Council to get a sidewalk cafe  
20 permit. It--it didn't come through, right? So I'm  
21 looking at this is that because of what--that you  
22 were able to test out with, you know, the Farmers'  
23 Market and all the activity that you brought about.  
24 Why don't we look at this as--as--in terms of step-  
25 by-step. I mean allow more activity to happen in the

2 plaza because the entering part is raising a lot of  
3 issues because what--how do you prevent for example  
4 90--95 Wall Street where we have a huge train (sic)  
5 leave, and the arcade under there is not that big.  
6 It's very narrow. What is to prevent the property  
7 owner just move it further out and you have another  
8 big store, a bigger one, right? So those are some of  
9 the issues. How do we prevent Big Box Stores from  
10 coming in? Because that's not what the community  
11 really wanted. I mean we talked about I think all  
12 the surveys, the study. It was like really, you  
13 know, small stores, and in your modification you  
14 didn't do that. You didn't limit the size. You  
15 didn't put in square footage, but you sort of like  
16 did frontage, right so-- But I want to look at is it  
17 possible to look at--to improve the text to allow for  
18 activities on the plaza--

19 JESSICA LAPPIN: [interposing] So--

20 COUNCIL MEMBER CHIN: --and not have to  
21 deal with all just with the--the trade-off with the  
22 infill, and to also look at the special permit  
23 process. Is there a way to modify that. That it  
24 only can come in and do the infill without having to  
25 figure out if they have the--the floor area bonus

2 that you talked about earlier. Is there a way to  
3 modify the special permit that we still a full review  
4 process on what they want to do that, and what the  
5 community benefit is going to be?

6 RICHARD SUAREZ: So I should note that  
7 the infill with the plaza upgrades is one of the  
8 tools that is part of the Proposed Zoning Text  
9 Amendment. As Ms. Lappin, you know, explained, there  
10 is the infill of the arcades, but the plaza  
11 improvements. There are also events. There are  
12 cafes with arcades and then there's the free  
13 placement of tables of chairs. You know, we've  
14 learned that events are a good activator of these  
15 spaces and it is one good tool, but the challenge is,  
16 you know, no matter how well designed a space is and  
17 no matter how well lit a sidewalk, a street, a public  
18 space is, if there's not enough foot traffic and  
19 enough people there to use the space and to encourage  
20 more people to be there, then it--then it will never  
21 be that well used. People like to watch other  
22 people, and people are attracted to other people.  
23 And when they see people walking down a street or  
24 doing something interesting, they may sit there and  
25 watch. And, you know, so as--as in the--

2 COUNCIL MEMBER CHIN: [interposing] Well,  
3 let me just interrupt you on that, right. I mean, I  
4 know the area, and I've been going back and forth.  
5 You know, I walk by there a lot, and there is a lot  
6 of competition. So during the day you have 70,000  
7 workers. During the day there's no problem. People  
8 are out. They want--they--they--they sit anywhere  
9 that they can find tables and chairs even on--on--on  
10 the sidewalk, if you allow them, to have lunch--

11 RICHARD SUAREZ: [interposing] Uh-huh.

12 COUNCIL MEMBER CHIN: --and then after  
13 work and people go where the subway lines are, or  
14 they wait for the express bus. So I think the--in  
15 the--in the view that we want to see it to be like a  
16 business street like Broadway, I don't think that's  
17 going to ever happen.

18 JESSICA LAPPIN: [interposing] Well, I--

19 COUNCIL MEMBER CHIN: It's the same  
20 thing. It's--it's going to be like that, right.  
21 We're--we're just not going to get that type of foot  
22 traffic, and the other competition is that I would  
23 love see yeah from south there you could walk to the  
24 seaport, but we also get a lot of activity now  
25 happening on 14th Street. So people are just going

2 to go directly on 14th Street to the seaport. The  
3 city is investing, EDC, right, on the Esplanade. So,  
4 hey, it's a nice walk on the Esplanade. So we--we  
5 got all this competition going on. So, the trade-off  
6 is something that we have to really take a look, but  
7 why can't--why couldn't we just do something now to  
8 continue what we did before to liven up the street  
9 with activities on the plaza or putting out the  
10 tables and chairs so the stores or the restaurants  
11 they could do it legally. Allow them to do it  
12 legally, and really see how that goes. Rather than  
13 right now it's just like doing this big change, and  
14 I'm not sure we're going to see what--

15 JESSICA LAPPIN: And I think--I think  
16 respectfully as you know, we-we have tried it. We've  
17 done it for three years, and--and I--and City  
18 Planning has been very clear that they're not going  
19 to allow for a temporary extension of that any  
20 further and it's part of the effort to take the next  
21 step. We had tried to pilot the pieces of this that  
22 we--we can. We know that those work, and we're  
23 pretty confident that as well. So I--I don't think--  
24 you know, the goal here is to really build on what  
25 we've done. I would say that, you know, you had a

2 lot of questions in there. So I'm going to try to  
3 address them. I don't want Big Box either and we're  
4 very conscious of this. We did not go through all of  
5 this effort and time for that to be the outcome  
6 because that to me would not be a success. So that  
7 is why there has been so much thought about  
8 restricting uses and creating additional frontage.  
9 The average arcade is less than 6,000 square feet.  
10 These are not big spaces. There are only a couple  
11 that are of a larger size. So practically speaking  
12 there's now way--this is how this is written--that we  
13 would get a Big Box Store. I mean the target on  
14 Greenwich Street is--

15 FEMALE SPEAKER: [off mic] 50,000 square  
16 feet.

17 JESSICA LAPPIN: 50,000 square feet, and  
18 we're talking about 6,000 square feet like the open  
19 kitchen is about the size of 6,000 square feet. So  
20 you should rest assured that is not my intention.  
21 It's not their intention, and the way it's written I  
22 mean you're not going to get a--a store of that size.  
23 You know, I--I don't think the goal here is to become  
24 like Broadway, because Broadway is Broadway and, you  
25 know, what I hear is that especially at night and on

2 weekends, and I'm sure you see this, that's when this  
3 is a very particularly barren and dark corridor.  
4 I've had multiple residents tell me they avoid it  
5 especially at night because they don't feel safe  
6 walking along it. So they will go out of their way  
7 to specifically walk around Water Street even if it's  
8 the most direct route. I know another person who  
9 works there who, you know, the same thing. If she  
10 comes earlier or leaves at night likes to have  
11 somebody from the office with her. I think it's  
12 safe, but I can understand why when you're there, it  
13 doesn't look that way, and as more and more people  
14 are living here and nearby-- I mean you were a  
15 pioneer, but you see all of the conversions that are  
16 happening. You know, more and more we want this to  
17 be a place that the residents in the community feel  
18 is--is part of the fabric of the neighborhood not  
19 just the residents. So, we--we're very cognizant of  
20 that and how we have put this all together. [pause]

21 COUNCIL MEMBER CHIN: But those are, you  
22 know, those are the concerns that I have. Because  
23 right now the way the plazas are I mean the property  
24 owner could even--couldn't they even just put our  
25 some plants out there or--

2 JESSICA LAPPIN: No, they couldn't.

3 RICHARD SUAREZ: Not without a  
4 Chairperson Certification.

5 JESSICA LAPPIN: No, I mean that's the  
6 whole problem.

7 COUNCIL MEMBER CHIN: And I think we  
8 could--I mean I think that I really wanted to  
9 continue this discussion, and really look at what we  
10 can put in place now so that we can make the area  
11 better because even if we passed this, there's no  
12 guarantee that they're going to start, you know,  
13 coming in and--and fixing up the plaza, right? So  
14 what are we going to have in between?

15 JESSICA LAPPIN: No, there's absolutely  
16 no guarantee, and that's why we've been trying to  
17 strike this balance. As you know, it's not an easy  
18 balance. We have to create enough of an incentive  
19 that people will do it, and, you know what, I wish  
20 this were true public space. I wish this were  
21 parkland or DOT land, and then we could have a very  
22 different conversation, but--

23 COUNCIL MEMBER CHIN: [interposing] My  
24 question is that okay we had other POPS all over the  
25 district in Lower Manhattan and some of them it's got



2 beautiful plantings. I mean Liberty Plaza, right,  
3 beautiful plantings there all year round, lighting is  
4 out. It's great. So why couldn't they do some of  
5 that here? I mean even the one at 75 Wall Street,  
6 the area where they're supposed to do planting, they  
7 don't even do it. So it's like right now they're not  
8 being regulated or--or there's oversight of these so-  
9 called privately owned public space. So, I mean  
10 that's--I hear from constituents. The complaint to  
11 me now is that those spaces are not being taken care  
12 of, and they're supposed to. I mean those things are  
13 required because they have a space there for  
14 planting, and they don't do it--

15 JESSICA LAPPIN: [interposing] You know  
16 I--

17 COUNCIL MEMBER CHIN: --I don't know. We  
18 had plants in to have the Downtown Alliance because  
19 they didn't do it for them.

20 JESSICA LAPPIN: [interposing] I know.

21 COUNCIL MEMBER CHIN: Because some there  
22 is really nice, and some are not so nice.

23 JESSICA LAPPIN: Well, you know, that's  
24 the reality is that we do do it. We're the ones who  
25 have the tables and chairs. We're the ones who put

2 them out in the morning, and we're the ones who take  
3 them away in the evening, and we're the ones who have  
4 been doing the summer programming. So, and I--we're  
5 happy to do that, but this is a--I think perfect  
6 example of where we--we need the partnership of these  
7 building owners, and--and we need to find a way  
8 that's workable to do it because there is a limit to  
9 how much the Alliance can do. There's a limit to--to  
10 how much the city can do, and at the end of the day,  
11 it's private space, and--and we have to create. We--  
12 we can live with what we have, but I don't really  
13 think that's what anybody wants, or we can find a  
14 way, and--and we're very happy to continue discussing  
15 with you after today, you know, how to do it.

16 COUNCIL MEMBER CHIN: Thank you.

17 CHAIRPERSON RICHARDS: Thank you,  
18 Margaret, and thank you for your hard work on this  
19 item. I want to thank you for coming out former  
20 colleagues Jessica Lappin for certainly working hard  
21 to ensure that this particular area has better public  
22 space, more retail in particular, better  
23 streetscapes, and once again the Council shares the  
24 same goal as you. But, however, we do have  
25 questions in moving forward in process in particular,

2 and also on public verse private benefits. So these  
3 are the questions we look forward to continuing to  
4 have conversations with you on this as we move  
5 forward throughout this process. So thank you for  
6 coming out to testify today. We look forward to  
7 continuing the conversation. With that being said,  
8 I'm going to call the first panel, and I'm going to  
9 ask the sergeant-at-arms to put two minutes on the  
10 clock because I think some people are here for the  
11 Coney Island Boardwalk, and I'm going to try to get  
12 to them.

13 FEMALE SPEAKER: [off mic] I thought they  
14 were the same.

15 CHAIRPERSON RICHARDS: [laughs] Oh, no,  
16 we--they're different. So I'm going to start with  
17 Mariam Abdul from Assembly Member Deborah Glick's  
18 office; David Carlene from 1 O.E. Brewster (sic)  
19 Street; Lynn Ellsworth, Human Skill City; Alice  
20 Blank, Community Advocate for Public Space; and Chuck  
21 Delaney. If you're here, please come forward.

22 SERGEANT-AT-ARMS: As you hear your name  
23 come forward.

24 CHAIRPERSON RICHARDS: Allrighty, it's  
25 David Carlin, Lynn Ellsworth, Alice Blank, Chuck

2 Delaney and let's see if Mariam Abdul is here.

3 [background comments] Hold--hold on one second, a  
4 you'll hit that button and it should light up red.

5 [pause] [background comments] Allrighty, you many  
6 begin. Please state your name for the record and  
7 the organization you're representing or who you're  
8 representing today. Thank you.

9 MARIAM ABDUL: Hello, my name is Mariam  
10 Abdul and I'm providing testimony on behalf of  
11 Assembly Member Deborah Glick. So thank for the  
12 opportunity to testify before you today regarding the  
13 amendment, which would convert public space into  
14 private commercial space for almost 20 locations  
15 along Water Street. While I appreciate the goals of  
16 improving public plazas, I share some of the concerns  
17 raised by the community. While these plazas may need  
18 improvements, this could be accomplished with more  
19 creative use of these spaces. We should not be  
20 relinquishing more than 100,000 square feet of public  
21 land for the profit of private business. Although I  
22 agree with improving pedestrian arcades with lights  
23 and seats as suggested, this amendment would allow  
24 leases to be granted for commercial use in what has  
25 been public space. This runs counter to the original

2 agreement and it short-changes the community. Public  
3 space should remain public. While the amendment  
4 indicates that the goal is to encourage small  
5 businesses, there is no guarantee that these spaces  
6 will, in fact, be small businesses. Furthermore, the  
7 community with the community board deserves to have a  
8 greater voice in this process. Public land is a  
9 commodity, which is our responsibility to protect.  
10 While it is often easier in the short term to  
11 relinquish control, it is our job as government to  
12 protect public assets and that includes public  
13 property especially public open space, which is  
14 increasingly sparse in the city. I urge you to  
15 consider the implications involved in giving public  
16 land to private use with this amendment. Thank you.

17 CHAIRPERSON RICHARDS: Thank you.

18 DAVID CARLENE: [off mic] Hi, my name is  
19 David--

20 CHAIRPERSON RICHARDS: [interposing] Or,  
21 we'll go to you and then we'll just work off and come  
22 this way. So, you're just speaking--

23 CHUCK DELANEY: Hi, my name is Chuck  
24 Delaney.

2 CHAIRPERSON RICHARDS: [interposing]

3 You're going to speak into this mic, sir.

4 CHUCK DELANEY: I'm going to speak into  
5 the mic. I'll speak into the mic. My name is Chuck  
6 Delaney. I live at 76 Pearl Street, and I'm here to  
7 admit I am an arcade user. I use the arcades  
8 everyday. My kids scooted under 85 Broad. I can  
9 only tell you the number of high school students that  
10 go to Millennium High School who cut through 70  
11 Hanover Square. I should also add that I am a Class  
12 C member of the Downtown Alliance. That is the  
13 residential designation. Class A is property owners,  
14 Class B is--are commercial tenants and Class C are  
15 residential occupants of the neighborhood who have  
16 one seat on the board of the Downtown Alliance. No  
17 one has ever consulted me about his. I get the  
18 advertising brochures in the summer programs. The  
19 Alliance does some good things. The Green Market is  
20 wonderful. I am very pleased with the level of  
21 questioning that you folks--that you Council Members  
22 have brought to this discussion. The--this is a  
23 tremendous give-away. Arcades are dark. Arcades are  
24 dark by definition. They're under--they're set under  
25 a building, and they have a tremendous public

2 benefit. They're--yes, people do smoke. People also  
3 have a cell phone conversation with their doctor or a  
4 new job that they're not comfortable having in their  
5 cubicle, and it would be harder to have in the middle  
6 of an open plaza. I think that your position with  
7 regard to having oversight and looking at the  
8 privately owned public spaces before giving this  
9 grant makes tremendous sense, and in this case  
10 although it's a ULURP clock, you do have someone, a  
11 developer coming before you who has site control  
12 costs. You have ample opportunity to say let's take  
13 our time, and we work this proposal [bell] in a way  
14 that's more meaningful to the residential community.

15 CHAIRPERSON RICHARDS: Thank you. There  
16 it is. Sir, you're next.

17 DAVID CARLENE: [off mic] My David  
18 Carlene

19 CHAIRPERSON RICHARDS: Just hold on one  
20 second. You'll talk into this mic.

21 DAVID CARLENE: [on mic] My name is David  
22 Carlene. I live in Soho. I just heard about this  
23 proposal recently so I'm a bit undecided. I really  
24 appreciated the Council Members discussion of it.  
25 I'm generally not in favor of giving away public

2 property to private for-profit entities, and I think  
3 the city would be better off with a lease or a  
4 partnership agreement, some kind of an arrangement of  
5 that sort. Also, I'm a bit overwhelmed by the large  
6 scope of this proposal, and I feel that it might be  
7 better--it might be better to phase it in, in--in  
8 parts, you know, in sections. Maybe start with the  
9 property owners that are most in favor of it and  
10 encouraged by it, and we do a little at a time and see  
11 what the results are, you know, and evaluate as you  
12 go along. That's enough for me.

13 CHAIRPERSON RICHARDS: Thank you.

14 ALICE BLANK: [off mic]

15 CHAIRPERSON RICHARDS: All right, you're  
16 going to--?

17 ALICE BLANK: I said I'd love to take  
18 some extra time because I actually thought it was a  
19 three-minute time limit so I'm--

20 CHAIRPERSON RICHARDS: No, you have two  
21 minutes.

22 ALICE BLANK: Should I just cut it in  
23 half? Two minutes, okay. Well, my name is Alice  
24 Blank. I'm a member of Community Board 1 and I'm  
25 speaking to you today as architect and a member of



2 Community Advocates for Public Space. Let's skip  
3 down. From how Water Street has been presented  
4 recently, someone unfamiliar with the neighborhood,  
5 but think they were entering a hellish environment  
6 with its windswept moribund cavernous bleak  
7 claustrophobic smoke filled corridors, a place where  
8 no developers would spend a dime. That presentation  
9 is and has misled the public and corrective steps  
10 must be taken to obtain public input and review each  
11 space building by building. But even if everyone  
12 agreed that open space is like William Kaufman  
13 celebrated plaza of 15,000 square feet at 77 Water  
14 Street would be better off infilled with a TJ Maxx  
15 rather than receiving some TLC. Can the City Council  
16 members and public honestly believe that all 17  
17 public arcades along 13 blocks of one of the city's  
18 most important corridors are worthless? In fact,  
19 recent estimates value this 110,000 square feet of  
20 public space at approximately \$250,000 of annual  
21 income--income. This is a fortune in public events  
22 (sic) and public value, and if this land is to be  
23 given away, the developers should contribute  
24 equivalent value to the city for use on public  
25 projects. The city must require the development

2 community to do more than make minimal upgrades to  
3 existing plaza they are already obligated to keep up  
4 in exchange for this value. And--and the most  
5 pressing question before you, however, is how can the  
6 members of the City Council vote responsibly on this  
7 amendment when you do not have the information that  
8 is essential in taking action. Where are the  
9 projections as to how the forecasted immense increase  
10 in the number of residents and tourists to the area,  
11 the new ferry service in the South Street development  
12 will affect this proposal. Where are we now through  
13 the particular arcades and plazas, detailed urban  
14 design and street plans, flood protection plans, and  
15 the 20 building lobby modification plans with their  
16 promises of 6,000 square feet maximum retail size  
17 spaces? And most importantly, where is the financial  
18 analysis showing the value of the land, and the  
19 compensating public benefit, the cost of construction  
20 and the timeline. We cannot have our City Council in  
21 the greatest city in the world give away hundreds of  
22 millions of dollars in real property rights without  
23 any understanding of this value. We urge the City  
24 Council to oppose the Water Street Text Amendment and  
25 require the Department of City Planning to promptly

2 modify the amendment to provide the essential  
3 information to make sure the public is notified about  
4 the giveaway of public land, and that you invite  
5 meaningful participation by the public before this  
6 land is abandoned, and today is [bell] Jane Jacob's  
7 birthday, and she would want you to oppose this  
8 amendment. Thank you.

9 CHAIRPERSON RICHARDS: Thank you so much.  
10 She would have been 100 today, right?

11 ALICE BLANK: She would have been 100  
12 today.

13 CHAIRPERSON RICHARDS: There you go.  
14 Allrighty. Thank you all for your testimony.

15 DAVID CARLENE: [off mic] Thank you.

16 CHAIRPERSON RICHARDS: Are there any  
17 questions? Oh, anyone have a question. Sorry. No?  
18 Sorry. Okay. Our next panel, Diana Switaj(sp?). I  
19 hope I'm saying this right. Community Board 1.  
20 Marcel Negret, MAS. Marcel Negret the Municipal Art  
21 MAS again, Municipal Art Society of New York.  
22 Suzanne Mecs, Managing Director of AIA New York;  
23 Patrick Kennell, Community Board--Kannell--oh Kanoe.  
24 Okay, I'm sorry. Kennell? Kanno (sp?), Community  
25 Board 1 and the Financial District Neighborhood

2 Association, and Guido Hartray, Marble Architects,  
3 and Reggie Thomas. [background comments] Yeah, we'll  
4 see. If--if we don't have one, Reggie, you--you  
5 could wait to the next one. We'll--we'll grow a use  
6 out that way. (sic) [background comments, pause]  
7 Allrighty, you may being. Please state your name for  
8 the record, and the organization you're representing  
9 as well.

10 DIANA SWITAJ: Good morning. My name  
11 Diana Switaj. I'm Director of Planning and Land Use  
12 at Manhattan Community Board 1. CB1 has been  
13 supportive of past initiatives and zoning text  
14 amendments to improve the pedestrian and plaza  
15 environments on Water Street. After two months of  
16 review, CB1 adopted a resolution in March 2016  
17 supporting the Water Street Upgrades Text Amendment  
18 provided that:

19 (1) A referral mechanism is incorporated  
20 into the zoning text to require a 60-day period of  
21 community board review and comment of any request to  
22 infill any arcade space.

23 (2) Because property owners and  
24 landlords are potentially realizing substantial value  
25 as a result of the repurposing of these public

2 amenities no matter how underutilized, the  
3 communities' needs for various types facilities  
4 located within the future infilled arcades must be  
5 considered and encouraged, including but not limited  
6 to schools including pre-K centers; libraries, senior  
7 centers and recreational facilities.

8 (3) The Planning Commission should  
9 strong consider the community's view that small  
10 independent retail establishments are preferred over  
11 chain stores in any infill spaces.

12 (4) Due consideration for affordability  
13 should be taken into account whether through rent  
14 regulation or other appropriate means so as to avoid  
15 vacancies.

16 (5) The community board review for each  
17 application for infill, the applicant must be made  
18 responsible for explaining the specific community  
19 offset and benefit that will be provided in exchange  
20 for the arcade infill.

21 (6) When arcade infill triggers a plaza  
22 upgrade, plazas also be built to a resiliency  
23 standard that could withstand future extreme weather  
24 events.

2 (7) Owners of property similar to 200  
3 Water Street where the benefit to the property owner  
4 clearly outweighs the community benefit from plaza  
5 upgrades, they should be required to provide benefit  
6 in addition to the plaza upgrades such as  
7 enhancements to surrounding sidewalks in the nearby  
8 Pearl Street Playground. CB1 requests that arcade  
9 infill at 200 Water Street not be used just to expand  
10 the existing large box retail and prefers retail that  
11 positively activates Fulton Street. [bell] In cases  
12 of infill where no plazas exist on the zoning lot  
13 where the provision of an indoor public space or an  
14 off-site public space could satisfy the requirement  
15 for compensating amenities, CB1 request that property  
16 owners also improve their sidewalks and not use  
17 public funds to do so. The applicants return to CB1  
18 after the first three projects, or after the first  
19 year to report on progress and consider any  
20 appropriate changes.

21 We thank the Planning Commission for  
22 modifying the Zoning Text to include a provision for  
23 a 45-day community board review period, which we  
24 believe is suitable. We are also encouraged by the  
25 commitment by the applicants to return and report on

2 progress. We support the Commission's decision to  
3 modify frontage and use--and use group requirements,  
4 which we believe will help ensure the shared goal for  
5 retail variety and atmosphere. Overall, we believe  
6 the proposed amendment will positively contributed to  
7 a neighborhood experiencing rapid population growth,  
8 and continued transformation into a 24/7 mixed-use  
9 community. Thank you.

10 CHAIRPERSON RICHARDS: Thank you.

11 PATRICK KENNEL: Good morning. My name  
12 is Patrick Kennell. While I am Chair of Manhattan  
13 Community Board 1's Planning Community, and CB1's  
14 testimony in favor of the Text Amendment has been  
15 submitted for you separately. I testify before the  
16 Council today as someone who has lived in the  
17 Financial District for over 12 years, and who now  
18 serves as President of the Financial District  
19 Neighborhood Association. The Financial District is  
20 the fastest growing residential neighborhood in New  
21 York City. Since 2000, the residential population  
22 has grown exponentially. FiDi, as we now call our  
23 neighborhood, has largely become a 24-hour  
24 residential community. Gone are the days of the 5:00  
25 p.m. ghost town, except for one important areas,

2 Water Street. Water Street was an important corridor  
3 and component of our neighborhood, and passing this  
4 Text Amendment even if amended by the Council, will  
5 help us come closer to fully completing the  
6 revolution of FiDi. I want to convey to you very  
7 simply, this plan is something the residents of FiDi,  
8 especially in immediate areas surrounding the Water  
9 Street portion of the special Lower Manhattan  
10 district want to see succeed. We want to have  
11 retail, and we desperately want, as Council Member  
12 Chin noted, active useful public plaza space, and we  
13 urge the members of the Council to consider their  
14 Text Amendment because we think it will do that.  
15 I've heard the concerns and the arguments against--  
16 against this measure. Some from my fellow community  
17 board members, whom I respect, but with whom I  
18 respectfully disagree. I've heard some say it's a  
19 complete giveaway to the owners of the 17 affected  
20 buildings. It's not a complete giveaway. It's a  
21 give back to the community, and to the residents and  
22 the office workers. The City Planning Commission  
23 said it well in its report to this Council. It said,  
24 "The public benefit of the plaza upgrades and retail  
25 infill exceed the limited public benefit of the



2 arcades in their current configuration. So it's a  
3 balancing test. The arcades simply aren't working,  
4 and on balance, they could be put to better use for  
5 this community. It's true that the arcades were  
6 originally carved out decades ago as part of the deal  
7 between the city and developers in exchange of  
8 publicly available, but privately owned space for  
9 more floor area. [bell] But through no fault of  
10 either side the deal simply isn't working. To stand  
11 of principle of nearly a century is to deprive  
12 today's growing residential community of amenities  
13 that it could use." Thank you.

14 CHAIRPERSON RICHARDS: Thank you.

15 SUZANNE MECS: Good morning. Thank you  
16 for hearing the test--our testimony. Name is Suzanne  
17 Mecs. I am the Managing Director of the AIA New York  
18 Chapter. That's the American Institute of  
19 Architects, New York Chapter. I'm pleased to offer  
20 testimony in regard to the application submitted by  
21 the Alliance for Downtown New York, the New York City  
22 Economic Development Corporation and the New York  
23 City Department of City Planning. The American  
24 Institute of Architects represents over 5,000  
25 architects and design professionals throughout the

2 five boroughs, and it is committed to positively  
3 impacting the physical and social qualities of our  
4 city while promoting policies beneficial to the  
5 welfare of our members. We have reviewed the Water  
6 Street Upgrades Text Amendment Proposal and believe  
7 these revisions will be mutually beneficial to  
8 property owners and community members. Requiring  
9 owners to upgrade plazas when they choose to activate  
10 their arcades will help to create higher quality  
11 public spaces for commercial and residential users  
12 and residents. Despite significant growth in the  
13 Water Street area, privately owned public spaces or  
14 POPS in question have failed to adequately serve the  
15 neighborhood. The arcades and plazas remain desolate  
16 on nights and weekends. Retailers struggle to  
17 attract new business. Spaces are inaccessible and  
18 unusable. Even building owners that would like to  
19 redesign the spaces face technical administrative  
20 barriers that prevent them from making physical  
21 improvements. In order for this rezoning to succeed,  
22 quality design is essential. In addition to  
23 improving the corridor's physical aesthetics, with  
24 more planting and feeding access to light, the  
25 resulting arcades and plazas will meet ADA standards

2 and New York City's resiliency requirements for the  
3 flood zone. The redesign spaces must together create  
4 a cohesive yet varied environment. Concurrent  
5 projects including the Streetscape Improvement  
6 Project [bell] will assist the street's overall  
7 design. Although it will take years for each site to  
8 reach its full potential, we believe that this will  
9 an improvement for the neighborhood and the city.

10 CHAIRPERSON RICHARDS: Thank you for  
11 your testimony.

12 MARCEL NEGRET: Good morning. My name is  
13 Marcel Negret. I am Project Manager with the  
14 Municipal Art Society. The Municipal Art Society of  
15 New York believes an abundance of high quality public  
16 space is essential to the wellbeing of our city. As  
17 such, MAS applauds efforts of the Alliance for  
18 Downtown New York, the Department of City Planning  
19 and the Economic Development Corporation to improve  
20 the privately owned public spaces in the Water Street  
21 Corridor. We're in favor of reimaging these POPS to  
22 ensure they are welcoming places for residents,  
23 workers and visitors that offer space for respite and  
24 contemplation but also activating the street realm.  
25 However, we owe--we are offering the following

2 recommendations to enhance and expand the  
3 effectiveness of the current proposal. First, set a  
4 citywide precedent. The Water Street Corridor  
5 represents only 3% of the total number of POPS in the  
6 City of New York activation or in the reimagining.  
7 We urge DCP and EDC to develop a citywide approach  
8 that would provide all property owners the framework,  
9 tools and incentive to improve their underperforming  
10 POPS. Second, establish a public review process for  
11 accessing of POPS. A public review process should be  
12 established to access on a case-by-case basis each  
13 POPS proposed to be more than the inventory in which  
14 there will be (A) an express finding that no public  
15 interest is served by continued existence of the  
16 public space under review. (B) A commitment by the  
17 property owner that additional public benefits will  
18 be secured by its removal, and (C) an quantitative  
19 assessment of any financial gain occurring to the  
20 owner from this action, and a plan that no such gain  
21 will be larger than necessary to encourage the owner  
22 to remove his space and provide additional public  
23 benefits. The case-by-case assessment for each--the  
24 accession POPS should be conducted pursuant to a  
25 Chairperson Certification, if not the City Planning

2 Commission Certification. Our third and last  
3 recommendation [bell] is to calculate any sort of a  
4 public benefit. As conceived in the 1961 Zoning  
5 Resolution both the additional FAR and public space  
6 were intended to exist in perpetuity. The Water  
7 Street Text Amendment changes this important  
8 equation. Property owners who benefit from the  
9 additional FAR, but that does not improve their POPS  
10 would be allowed to replace arcades with commercial  
11 revenue generating uses. MAS understand that the  
12 cost to rebuild are possibly substantial, and that  
13 developers need an economic incentive to carry out  
14 the improvements. However, it is clear that the  
15 buildings that receive additional FAR are inherently  
16 more valuable than they otherwise would be. The  
17 cases must consider a place--

18 CHAIRPERSON RICHARDS: I'll ask you to  
19 wrap.

20 MARCEL NEGRET: to ensure that an  
21 additional two plans to upgrade their POPS and to  
22 introduce commercial space in their POPS. Property  
23 owners must also pay a fee if the financial benefit  
24 to the building owner exceeds the calculated barrier  
25 of the last public space--space. MAS looks forward

2 to seeing these changes incorporated into this  
3 proposal and to work with DCP and EDC toward a  
4 citywide approach for improving all pub--privately  
5 owned public spaces.

6 CHAIRPERSON RICHARDS: Very good points.  
7 Thank you. I read that last night actually.  
8 [laughs]

9 GUIDO HARTRAY: Hello, my name is Guido  
10 Hartray. I'm an architect and a resident of Lower  
11 Manhattan and I appreciate the effort of everyone  
12 here to make the most of the--the most public benefit  
13 from these spaces that were created, and that clearly  
14 aren't serving their current purpose. I was also  
15 responsible for the redesign of I think it's the one  
16 public space on Water Street that was renovated, and  
17 I think I can tell you a little bit about that  
18 process that may fill in some of the questions that  
19 you had earlier. So we--we were hired I think in  
20 2012 to study the--the redevelopment of public spaces  
21 at 200 Water Street, which includes a larger plaza on  
22 the corner of Water and Fulton Street, and then a  
23 smaller plaza on the corner of Water and John. So I  
24 think on thing that's important to think about is  
25 that these spaces were originally built according to

2 the rules that were in place at the time. So there  
3 is a renegotiation, but it is a two-sided  
4 renegotiation. The placed spaces were built  
5 according to the rules. We're asking for people to  
6 upgrade those spaces and we're giving them some  
7 retail space in return. The other thing there--there  
8 were some questions brought up about why people  
9 haven't gone on their own and renovated some of these  
10 spaces. Well, the arcades themselves provide a huge  
11 disincentive to renovating the space because they  
12 isolate potential retail spaces from the plaza. So  
13 if I'm going to have a dead zone between the plaza  
14 that I'm renovating in my retail space, I don't have  
15 a big incentive to do the renovation. In addition,  
16 when we looked at renovating the--the bigger portion  
17 of the plaza on Fulton on Water, we were actually  
18 looking at introducing kiosks in that space to  
19 provide some kind of commercial activity. It's  
20 interesting. [bell] Under the current rules you can't  
21 put the kiosk in the underutilized arcade space. So  
22 you actually have to put it in the plaza reducing the  
23 available public space. At the end, the owners opted  
24 to execute only the smaller plaza on Water and John,  
25 and I think that has become a much livelier space as

2 a result, but they've shelved any plans for the 200  
3 Water, for the larger space. Thank you.

4 CHAIRPERSON RICHARDS: Thank you so much  
5 for your testimony today, and we certainly are going  
6 to review all of these things, and I was very  
7 appreciative of the thoughtfulness of each one of  
8 your testimony, and we'll be in touch. Thank you for  
9 testifying today. All right, the last person, Reggie  
10 Thomas, 30 seconds on the clock. [laughter]

11 REGGIE THOMAS: It's on now. Okay,  
12 great. Good morning Chairman Richards, Chairman  
13 Greenfield, Council Member Chin and members of the  
14 Subcommittee on Zoning and Franchises. My name is  
15 Reggie Thomas and I'm pleased to share testimony this  
16 morning regarding the Water Street Upgrades Text  
17 Amendment that's currently under consideration.  
18 Although I've worked with many of you, in former and  
19 current professional capacities--

20 CHAIRPERSON RICHARDS: [interposing] Who-  
21 -who are you representing? I'm sorry, I didn't get  
22 that.

23 REGGIE THOMAS: I'm test--I am testifying  
24 today as a New Yorker--



2 CHAIRPERSON RICHARDS: [interposing]

3 Great.

4 REGGIE THOMAS: --and a private resident  
5 of Lower Manhattan--

6 CHAIRPERSON RICHARDS: [interposing]

7 Interesting.

8 REGGIE THOMAS: --because you guys are  
9 getting the testimony now to clarify that.

10 CHAIRPERSON RICHARDS: He's still a New  
11 Yorker.

12 REGGIE THOMAS: My client is myself at  
13 the moment.

14 CHAIRPERSON RICHARDS: Okay, got it.

15 REGGIE THOMAS: We're good.

16 CHAIRPERSON RICHARDS: Beautiful.

17 REGGIE THOMAS: [laughs] Because of  
18 time, I'm going to skip around a little bit, but  
19 you'll be receiving my testimony in full. So when  
20 this full application first came to the community  
21 board in February, and like many of the other  
22 community board members I was concerned. The idea of  
23 giving away space for infill did and should always be  
24 met with skepticism regardless if it's in the  
25 Rockaways or Sky Town or FiDi. It doesn't matter.

2 Always it will be met with skepticisms by the  
3 community, but as I dug deeper into the proposal, I  
4 left firmly believing that this initiative as a whole  
5 is meritorious, will incentive building owners to  
6 invest in their plazas, and it will provide much  
7 needed retail and restaurant options to enliven a  
8 corridor that has tremendous opportunity. As  
9 background on myself, I have lived on the Waster  
10 Street Corridor for the past six years. I first  
11 lived at Hanover Square and Waster near Council  
12 Member Chin, which is on the southern part of the  
13 Ccorridor, and more recently, I now live on Water and  
14 Fulton, which is on the northern part of the  
15 corridor, and for many years as a Pace Student I  
16 tried to frequent Water Street, but I saw many of the  
17 same concerns that others who testified before so  
18 persistent. It's dark, dreary, unsafe. There isn't  
19 incent--there's no incentive to actually visit the  
20 local area, and I think what really, and also to be  
21 honest, I actually have been living there for ten  
22 years. I've only visited many of the plazas twice,  
23 and it happened to be in the past month when the  
24 Downtown Alliance gave me a tour. So ten years in my  
25 20s, I fare well as an active person (sic). I never

2 went into the plazas. I never went to the arcades,  
3 and the one thing that really convinced me that we  
4 need to move forward was the resolution for 2010 that  
5 the community board passed that said that Water  
6 Street is lacking the retail and fails to engage the  
7 public at a pedestrian level. What I'm concerned  
8 about is if that we continue to do nothing, 20 years  
9 from now the community board is going to pass another  
10 resolution saying the exact same thing. [bell] The  
11 one thing I do want to mention even though I'm very  
12 much in support of this application is I do want to  
13 express my concerns about one part of the application  
14 if you can indulge me for 30 more seconds if that's  
15 okay.

16 CHAIRPERSON RICHARDS: [off mic] Sure.

17 REGGIE THOMAS: Thank--thank you, council  
18 member.

19 CHAIRPERSON RICHARDS: For you, yes.

20 REGGIE THOMAS: Oh, thank you. So,  
21 although I reach a different conclusion, I do share  
22 many of the same sentiments as members of the prior  
23 panel. I especially want to thank Alice for being a  
24 vociferous advocate at the community board. Some of  
25 the areas the return on investment that the building

2 owners are going to get far eclipses any of the  
3 public benefit that we would receive as a community.  
4 So one of the buildings, which I handed out photos  
5 for is 200 Water Street. 200 Water Street is a prime  
6 location. It's right across South Street Seaport, a  
7 major investment by the Howard Hughes Corporation.  
8 In fact, last night there was a major concert at the  
9 seaport right across from the space. Mr. Doug (sic)  
10 so tons of pedestrian activity. So in terms of  
11 infilling the space, there's really not much  
12 investment that the building owner can make, and I  
13 think it's--turning your attention the photos, the  
14 building owner would basically be filling the area up  
15 into the sidewalk from where the columns. And you  
16 can think about for that much space over two floors  
17 to just filling that area, the public benefit, it  
18 will be lacking here. And I think if I came to you  
19 in my former capacity and presented you with this  
20 plan, you would probably throw me out the room. So,  
21 I think that there's something that we need to  
22 address here. And again, I just want to mention that  
23 although I support this plan as a whole and I can't  
24 thank you Jessica and EDC and City Planning enough  
25 for their advocacy on this, it's not a perfect plan,

2 and I think that there is a tremendous opportunity  
3 here to address this one issue. There is a park  
4 right across the street that theoretically could be  
5 maintained by the property owners similar to other  
6 parts of the plan on the corridor, and I hope that  
7 it's something that the Council considers. Thank  
8 you.

9 CHAIRPERSON RICHARDS: Thank you, Reggie.  
10 It's good to hear you pushing for more public  
11 benefit.

12 COUNCIL MEMBER GARODNICK: [off mic] I  
13 have a question.

14 CHAIRPERSON RICHARDS: You have want a  
15 question, you have a question here? I mean, yeah,  
16 which Mayor did you like better. [laughter] Dan  
17 Garodnick.

18 COUNCIL MEMBER GARODNICK: I want to--let  
19 me just in all seriousness a question about the  
20 public benefits. Because the way I understand the  
21 application the public benefits are defined by a lot  
22 of very tight and narrow rules that exist under the  
23 POPS' regulations. And presumably, there's a reason  
24 why we don't want to give the Department of City  
25 Planning too much flexibility on what they can or

2 cannot do here in terms of granting or eliminating  
3 public benefits. What do you---what do you think we  
4 should do if you're suggesting that we make changes  
5 here to allow for more public benefits like an  
6 example--

7 REGGIE THOMAS: [interposing] Right.

8 COUNCIL MEMBER GARODNICK: --that you--  
9 that you gave, what--what sort of flexibility do you  
10 think we should be allowing for in the applications,  
11 and discretions of City Planning.

12 REGGIE THOMAS: Sure. So it's a few  
13 things. First, if you look at some of the areas  
14 along the corridor that you saw in the photos, it  
15 doesn't matter what its infilled with. Anything in  
16 my opinion would be better than what's there because  
17 it's currently that they're smoking here. Then our  
18 people just use it to--to just sit out like during  
19 the weather. So I don't care if you put a fish and a  
20 tackle store there. Anything in certain areas would  
21 be better. That being said, there are areas that are  
22 of concern like 200 Water. I think one of the great  
23 parts of the plan is that now the community board has  
24 an opportunity opine. I think they have a 45-day  
25 review period where they can actually opine and

2 actually give suggestions about whether or not the  
3 plan--the proposed plan meets the community needs.

4 That being said, one of the things that you as  
5 council members always have to deal with, and there's

6 this intention, but then it just goes to City

7 Planning for their approval and what role the City

8 Council has on that. So it's something that

9 ultimately I have to leave to you to--to determine

10 whether or not you want City Planning to have that

11 authority or whether the Council should be more

12 involved. But the one thing I do have to emphasize,

13 though, is that building owners need some level of

14 expectance, if you will, when they decide to invest

15 in this. I mean investing in these areas isn't

16 cheap. In the case of 200 Water the investments--the

17 return--the return they're getting is so dramatic

18 that it doesn't what they put in. But if you look at

19 some of the other areas, they're going to have to put

20 in half a million or million or millions of dollars

21 potentially just on infrastructure on building out a

22 restaurant or whatever. And I see that they some

23 level of assurance that if they move forward on this

24 plan, they will actually be able to get the space.

25 So although I agree with you council member there

2 needs to be some level of flexibility, I think--on a  
3 personal level I think the flexibility that's  
4 currently built into the plan involving community  
5 advisement on this is--is a good start.

6 COUNCIL MEMBER GARODNICK: Well, thank  
7 you and the--the only additional statement I would  
8 make is a point in reaction to one of the prior  
9 panels, which is that I--I don't--I think we should  
10 also include in our consideration here economic  
11 development as a public benefit here, right? Because  
12 when somebody actually puts something into this  
13 space, we're creating jobs, we're generating sales  
14 tax revenues, things that we generally want to be  
15 doing in the city. So I--I--that's--that's not been  
16 part of the conversation in-depth, but I just wanted  
17 to make that point. Thank you.

18 CHAIRPERSON RICHARDS: Council Member  
19 Torres.

20 COUNCIL MEMBER TORRES: Just very  
21 quickly.

22 CHAIRPERSON RICHARDS: And I'll just ask  
23 Simeon from HGC is here if you can just come up to  
24 the front.



2 COUNCIL MEMBER TORRES: I guess one point  
3 of interest to me is the disincentive effects of--of  
4 ULURP, and I'm wondering in your capacity in the  
5 Mayor's Office, your former capacity as the point  
6 person on land use in the--like in this Office of  
7 Legislative Affairs, how many ULURP actions relating  
8 to arcade infills did you work on.

9 REGGIE THOMAS: Rarely any and I think I  
10 did--

11 COUNCIL MEMBER TORRES: [interposing] Do  
12 you remember even one?

13 REGGIE THOMAS: I think it--well, I do  
14 think--I think in 2010, although I wasn't directly  
15 involved in this when the Special Authorization was  
16 given for the tables and chairs, but I think that  
17 said because mostly like the idea of having these  
18 arcades have been a failed policy for a while.

19 COUNCIL MEMBER TORRES: Why do you think  
20 ULURP actions on arcade infills are so infrequent?  
21 Do you have a theory as to why or--?

22 REGGIE THOMAS: I--I don't think there  
23 are many areas that--that currently have this, to be  
24 honest.

25 COUNCIL MEMBER TORRES: Yes.

2 REGGIE THOMAS: I think that's a large  
3 part of it, but also if you--you can't do it as a  
4 spot rezoning right? I mean if 200 Water were to  
5 come you to do this, you're like to say no--

6 MALE SPEAKER: [interposing] [off mic] It  
7 needs to be--

8 REGGIE THOMAS: It--it likely needs to be  
9 part of a larger rezoning. For example with Water  
10 Street it's the entire corridor that we're looking at  
11 here. So I think that's a large part of it is that  
12 because we as a city have strayed away from doing  
13 spot re-zonings on specific arcades, there needs to  
14 be more of an investment from the city to do a--a  
15 more fuller by all of you, a more fuller planning  
16 process.

17 COUNCIL MEMBER TORRES: Thank you, Mr.  
18 Chair.

19 CHAIRPERSON RICHARDS: Thank you, thank  
20 you, Mr. Thomas. Allrighty, Mr. Simeon, if you can  
21 just state your full name and who you're representing  
22 on the record.

23 SIMEON BANKOFF: Good morning Council  
24 Members, Simeon Bankoff, Historic Districts Council.

2 CHAIRPERSON RICHARDS: [interposing] When  
3 you guys--can you guys just keep it down. This is a  
4 final panelist.

5 SERGEANT-AT-ARMS: Quiet please. Keep it  
6 down.

7 CHAIRPERSON RICHARDS: Just--just a  
8 little bit. Thank you.

9 SIMEON BANKOFF: See now, you guys are  
10 getting yelled at. I--I will say in full disclosure  
11 I had meant to testify on this although I had been  
12 approached by a number of community members late last  
13 afternoon about this issue. I thank the council  
14 members on their robust conversation with it. I've  
15 only given it truly and embarrassingly a cursory look  
16 at it. But I just want to say that the notion of  
17 creating retail outlets within privately public space  
18 is essentially to some degree an alienating feature.  
19 Consumers are not the public. The public are  
20 consumers. The consumers are only a portion of the  
21 public. As somebody who had spent a fair amount of  
22 time on Water Street, and I went to the Landmarks  
23 Commission for several years when they were down  
24 there, yes those arcades are not the best designed  
25 public space and indeed those plazas and arcades

2 could use more investment and could use more  
3 investment both private investors and from--from the  
4 public. But creating new retail within those spaces  
5 is not a public benefit. It's a consumer benefit,  
6 and I think that there should be a delineation and a  
7 thought towards that. Thank you.

8 CHAIRPERSON RICHARDS: Thank you so much  
9 for your testimony today. So we--are there any other  
10 members of the public here who wish to testify on  
11 this issue? Seeing none, we now are going to lay  
12 over this application and leave the public hearing on  
13 the item open until the next regularly scheduled  
14 subcommittee meeting on May 17th at 9:30 a.m.  
15 Because we needed to reschedule this hearing date  
16 this particular week, we are going to give any  
17 members of the public another chance to testify at  
18 this meeting. So I want to thank everyone for coming  
19 out, and obviously these plazas and arcades have  
20 become a very popular topic across the city now. But  
21 we are very grateful for the work being done to  
22 ensure that we create more public space, better  
23 retail and better streetscape across the city and in  
24 particular on Water Street, and we look forward to

1 COMMITTEE ON ZONING AND FRANCHISES

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2 continuing the conversation on this application.

3 Thank you.

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C E R T I F I C A T E

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



Date May 19, 2016