

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

SUBCOMMITTEE ON ZONING &
FRANCHISES

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August 20, 2025
Start: 11:06 a.m.
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HELD AT: 250 Broadway-Committee Rm. 16th, Fl.

B E F O R E: Kevin C. Riley
Chairperson

COUNCIL MEMBERS:
Shaun Abreu
David M. Carr
Kamillah Hanks
Francisco P. Moya
Yusef Salaam
Lynn C. Schulman

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

5602-5604 Broadway
Frank St. Jacques
Akerman LLP

Ronald Schulman
Best Development Group

1946 East 7th Street
Eric Palatnik
Ahi Ezer Organization

Cozy Corner
Zef Gjini

Vito Palmieri

350 Park
Zachary Bernstein
Fried Frank

Barry Langer
Vornado Realty Trust

Theo Perez
SEIU 32BJ

Ryan Pukos
Grand Central Partnership

Peter Thompson
St. Bartholomew's Church

Chad Purkey
Association for a Better New York

515 7th Avenue
Richard Bass
Akerman LLP

1 SUBCOMMITTEE ON ZONING AND FRANCHISES 4

2 SERGEANT AT ARMS: Good morning. Welcome
3 to today's New York City Council hearing for the
4 Subcommittee on Zoning and Franchises. At this time,
5 I would like to ask everyone to please all cell phone
6 and electronic devices. If you wish to speak today,
7 you need to fill out one of these appearance cards
8 with the Sergeant at Arms, and as a friendly
9 reminder, do not approach the dais unless your name
10 has been called. Chair, we're ready to begin.

11 CHAIRPERSON RILEY: [gavel] Good morning
12 everyone and welcome to the meeting of the
13 Subcommittee of Zoning and Franchises. I am Council
14 Member Kevin Riley, Chair of the Subcommittee. Today
15 I'm joined by Council Member Schulman who's online,
16 Council Member Hanks, Holden, and Dinowitz. Today,
17 we are scheduled to hold public hearings on numerous
18 applications for multiple projects. I will note
19 first, however, the following two public hearings are
20 being deferred and will be held at a later date.
21 These are LUs 357 and 358 regarding the city map
22 amendments relating to the JFK Conduit Logistics
23 Center and the Broadway Junction Station City's
24 proposals. The first public hearing concerns a
25 sidewalk café application by Cozy Corner in Council

Member Holden's district. In the second hearing, we will hear proposal known as the 1946 East Seventh Street to develop affordable senior housing in Council Member Felder's district. The third hearing concerns another affordable housing project known as the 5602-5604 Broadway rezoning in Council Member Dinowitz district. The fourth hearing concerns the development of a large new office tower along Park Avenue in Council Member Power's district. This proposal is known as the 350 Park Avenue. In the fifth and last hearing we will hear a proposal known as 515 Seventh Avenue rezoning which seeks to build a new commercial building in Council Member Bottcher's district. Before opening the hearing, I will first go over the hearing procedures. This meeting's being held in hybrid format. Members of the public who wish to testify may testify in-person or through Zoom. Members of the public wishing to testify remotely may register by visiting the New York City Council's website at www.council.nyc.gov/landuse to sign up. For those of you here in-person, please see one of the Sergeant at Arms to prepare and submit a speaker's card. Members of the public may also view a live stream broadcast of this meeting at the

Council's website. When you are called to testify before the Subcommittee, if you're joining remotely you will remain muted until recognized by myself to speak. When you are recognized, your microphone will be unmuted. We will limit public testimony to two minutes per witness. If you have additional testimony you would like the Subcommittee to consider, or if you have written testimony you would like to submit instead of appearing in-person, please email it to landusetestimony@council.nyc.gov.

Written testimony may be submitted up to three days after the hearing is closed. Please indicate the LU number and/or project name in the subject line of your email. We request that witnesses joining us remotely remain in the meeting until excused by myself as Council Members may have questions.

Lastly, for everyone attending today's meeting, this is a government proceeding and decorum must be observed at all times. Members of the public are asked not to speak during the meeting unless you are testifying. The witness table is reserved for people called to testify, and no video recording or photography is allowed from the witness table.

Further, members of the public may not present audio

or video recording as testimony, but may submit transcripts of such recordings to Sergeant at Arms for inclusion in the hearing record. I just want to state for the record we've been joined by Council Member Powers. I will now open the public hearing on LU 359 relating to the Cozy Corner sidewalk café application in Council Member Holden's district. The application seeks to operate a sidewalk café with approximately 13 tables and 52 seats at an existing establishment in Maspeth, Queens. For anyone wishing to testify on these items remotely, if you have not already done so, you must register online, and you may do that now by visiting the Council's website at council.nyc.gov/landuse. And once again, for anyone with us in-person, please see one of the Sergeants to prepare and submit a speaker's card. If you would prefer to submit a written testimony, you can always do so by emailing it to landusetestimony@council.nyc.gov. I'm going to stand at ease for one second. I will now call the applicant panel for this item which consists of Zef Gjini. Zef? Oh, your attorney's not here yet. Oh, so you guys aren't ready. Okay. So, you know what, we're going to move on to next one and then we're

going to come back to you guys, alright? Alright, Council Member Holden we'll be back to your project in a second. I will now open the public hearing on LUs 349 and 350 relating to the 5602-5604 Broadway rezoning and zoning text amendment proposal in Kingsbridge up in the Bronx. Applicant seeks to build an affordable housing project that will have approximately 226 apartments. For anyone wishing to testify on this item remotely, if you have not already done so, you must register online by visiting the Council's website at council.nyc.gov/landuse. For anyone with us in-person, please see one of the Sergeant at Arms to submit a speaker's card, and if you're filling out a speaker's card, please make sure to indicate whether you're testifying in favor or in opposition. As always, if you would prefer to submit written testimony, you may also do that by emailing it to landusetestimony@council.nyc.gov. I will now call the applicant panel for this proposal which consists of Frank St. Jacques and Ronald Schulman. Council, can you please administer the affirmation? Excuse me for butchering your name.

COMMITTEE COUNSEL: Good morning. Can you please raise your right hand and state your name for the record?

FRANK ST. JACQUES: Frank St. Jacques, Akerman.

RONALD SCHULMAN: Ron Schulman, Best Development Group.

COMMITTEE COUNSEL: Do you swear to tell the truth and nothing but the truth in your testimony today and in response to Council Member questions?

RONALD SCHULMAN: Yes.

FRANK ST. JACQUES: Yes.

COMMITTEE COUNSEL: Thank you.

CHAIRPERSON RILEY: Thank you. For the viewing public, if you need accessible version of this presentation, please send an email request to landusetestimony@council.nyc.gov. and now the applicant team may begin. I just ask that you please reinstate your name and organization for the record. You may begin.

FRANK ST. JACQUES: Good morning. Frank St. Jacques with Akerman LLP. We're the representative for the applicant. Good morning, Chair Riley, Commissioner-- or excuse me, Council

Member Dinowitz and members of the Commission-- one more time-- members of the Committee. Joined by Ron Schulman of Best Development who's handling the affordable housing aspect of this project. In brief, this proposed rezoning would facilitate the redevelopment of 5602-04 Broadway with a new 13-story, 100 percent affordable residential building with 226 units and a 188-space parking garage. Next slide, please. The rezoning area shown here shaded in red is located on the east side of Broadway just north of West 231st Street in Kingsbridge within Community District Eight in the Bronx. It is an M111 zoning district that was established back in 1961 that is surrounded by R6 and R6C13 zoning. The 231st Station serving the one is immediately adjacent to the rezoning area, and the site is situated between Broadway and the Major Deegan Expressway, both wide streets. Next slide, please? So, we're here seeking the approval of two land use actions. The zoning map amendment would change the existing M111 zoning district to an R73 zoning district with a C23 commercial overlay, and we're also seeking a zoning text amendment to establish a Mandatory Inclusionary Housing area, or MIH area, to ensure that 25 percent

of the residential floor area for the project is set aside as permanently affordable. You'll also note that for HPD subsidized programs such as this one, HPD requires an additional 15 percent of permanently affordable units to be set aside. Next slide, please. The project details are shown here. We'll highlight the unit distribution of the 226 affordable units. It's essentially a 50/50 split between studios and one-bedrooms, and two- and three-bedroom units. Again, we're also providing parking as well as 113 bicycle spaces. Next slide, please. Here's the site plan. The architects worked with this very constrained site. The site is essentially flag-shaped with minimal frontage on Broadway. The design goals were to accommodate the affordable housing program and maintain parking at the site to avoid disrupting a neighborhood parking resource. The configuration of the site with its limited street frontage proved challenging, but the R73 bulk envelope allows for a design that provides a sufficient number of affordable units and allows for parking. The R73 is appropriate for an affordable transit-oriented project like this. We'll note that the required yards on both sides of the rear portion

of the building creates separation from the existing buildings along Broadway that are non-applicant owned, and the greenway at the rear are east of the site. Next slide, please. Two more slides. On this slide you can see the building within the existing built context of the neighborhood. Next slide, please. And then finally, the affordability breakdown shown here which has been updated with HPD's new term sheets. Ron Schulman is here and available to answer any questions on affordability. And myself and-- I can answer any other questions that the committee may have. Thank you. And that concludes our presentation.

CHAIRPERSON RILEY: Thank you. I just have a few questions, then I'm going to turn it over to Council Member Dinowitz. I just want to state for the record we've been joined by Council Member Carr and Council Member Salaam. Your objective is to build a 100 percent affordable residential building. Can you please discuss the conversations that you've been having with HPD at this point, and would you be willing to commit in writing to implementing this project with 100 percent affordability?

FRANK ST. JACQUES: So, I'll actually hand it over to Ron who can describe the discussions we've had so far with HPD.

CHAIRPERSON RILEY: And Ron, just restate your name for me.

RONALD SCHULMAN: Sure. Ron Schulman, Best Development Group. We've had numerous conversations with HPD. They have our numbers. We've been updating them throughout the, you know, three-year rezoning process. I don't think there's any reason to say that it wouldn't be an affordable housing project. That's the goal, and that's how this is being projected in the financing, correct.

CHAIRPERSON RILEY: Okay. Will you be willing to commit in writing?

RONALD SCHULMAN: What is that commitment entail? I mean--

CHAIRPERSON RILEY: [interposing] That this project--

RONALD SCHULMAN: we're committing-- we're committing to the affordability MIH and we're committed to this affordability mix that we're showing to you.

CHAIRPERSON RILEY: Okay. This lies in an irregular shape and is effectively tucked in the back along the I-87. Can you explain how your proposed building fits into the context of the largely commercial two- to three-story buildings along the Broadway.

FRANK ST. JACQUES: Sure. So, we believe that the rezoning would not only facilitate development at the site, but also bring some of the residential uses that are currently non-conforming within the existing M11 district into conformance. The building, as I noted in our presentation, is set back by virtue of a yard from those existing buildings. So, they not only have their own rear yards, there's also a 30-foot separation from the lot line. So, while this building is larger at 13-stories than the existing three-story buildings along Broadway, we believe there's sufficient separation between those buildings and the new building. We'll also note that as part of our environmental diligence we projected whether potential development would occur and what that would look like for those sites were they to be redeveloped. We think that redevelopment at those sites would be appropriate

given the transit-oriented nature of the site of the rezoning area, as well as the location again on abutting two wide streets.

CHAIRPERSON RILEY: Is there a proposal to mitigate any noise or pollution from the highway?

FRANK ST. JACQUES: There are, and apologies-- I believe there are E designations that would be recorded against the site in connection with the rezoning. Just bear with me one second. See if I can--

CHAIRPERSON RILEY: And just for the viewing public, can you please explain what the E designation is?

FRANK ST. JACQUES: Sure. So, an E designation is essentially a restriction on a property in connection with a discretionary action, here a rezoning, that would require that certain environmental diligence occur before development would happen. So, in this instance, for this project there is-- there are E designations related to hazardous materials, air quality and noise that would require for hazardous materials, any remediation that is required to occur before building permits can be issued for air quality that relates to emissions of a

building to ensure that any new development wouldn't create adverse conditions for existing buildings, and noise typically involves creating an indoor condition by using-- reducing exterior noise by using specific materials and walls and windows. So, your-- typically, we'd have double or triple pane glass to reduce noise from the elevated train and from the Major Deegan in this proposed development.

CHAIRPERSON RILEY: Okay. And lastly, I know had it up, but can you please go over the proposed unit size breakdown and the thought process behind it?

RONALD SCHULMAN: Sure. Sure, I'll take that, Council Member. So, basically, we came up with a 50/50 mix between two and three-bedrooms, 50 percent of the project, and then studios and one's the other 50 percent. There's a mix of-- there's formerly [inaudible] set aside at 15 percent of the units, and then there's a mix between 37, 47, 57, 67-- or 77 percent of AMI, basically to give a widespread affordability mix in the neighborhood which means people earning-- not counting the formerly homeless-- people moving in who are not formerly homeless, between 34,000 up to 129,000. So,

most of the people are going to be working New Yorkers who make 30, 40, 50, 60, 70, up to \$130,000. The mix of apartments in the design was to give as many two- and three-bedrooms for families in the neighborhood, people who want to live here, because this is a destination location to live here for a long time walking distance to the train a block and a half away. The mix is a typical HPD mix. We've already looked at the comparables in the neighborhood and we feel that these are rentable apartments if they were put on the market today, and also would provide affordability for people living in Kingsbridge and people wanting to move into Kingsbridge, Riverdale.

CHAIRPERSON RILEY: Okay. Thank you. I'm going to yield to Council Member Dinowitz to ask his questions. Thank you.

COUNCIL MEMBER DINOWITZ: Thank you, Chair Riley. Think-- I'll start with these family-sized units. You know, New York City's losing families with children at a disproportionately high rate, and yet the developments that are typically built are built with 30 percent two- and three-bedroom apartments, if any three-bedroom at all, in

large part due to the term sheets provided by HPD. And I have long called for more two- and three-bedroom apartments for families with children. Can you please detail how you were able to work with HPD and financing to achieve the current unit mix? When we are often told we can do a maximum of 30 percent, you've done 50 percent. And of course, can you confirm in writing that the 50 percent unit mix of two- and three-bedroom apartments will hold?

RONALD SCHULMAN: Well, we've sent them the numbers, and they have our project numbers as of recent. We've always projected this to be 40 to 50 percent two-bedrooms. We wound up at 50 percent two- to three-bedrooms. That's what we're proposing. As far as we're concerned, that's our building. If they fight back, which they haven't, we'll let you know, but our goal is to do 50 percent two and three's, because we feel this is a family neighborhood, and from a marketability point of view, those two- and three-bedrooms are always going to be filled. From a owner/manager point of view, we want to do 50 percent two- and three-bedroom.

COUNCIL MEMBER DINOWITZ: And at no point did HPD kind of push back and say--

RONALD SCHULMAN: [interposing] Not yet.

COUNCIL MEMBER DINOWITZ: no, make more units?

RONALD SCHULMAN: They did not do that yet.

COUNCIL MEMBER DINOWITZ: Okay. you know, we also rely in my district on automobiles for a variety of daily uses, and it's particularly in the Bronx where the biggest employers are across the Bronx, not downtown in Manhattan. I'm pleased to see that you've taken the community's input and my input, the Community Board's input when developing this to see if there are significant number of parking spaces. Some of the pushback we get from HPD and developers sometimes is that oh, like, they never fill up. The spaces will never fill up. In the case of the number of parking spaces exceeds the interest, will spaces be provided to the public, and if so, how will that operation work?

RONALD SCHULMAN: So, the residents have first offer for the parking spaces, whoever wants to rent in the building they can, and then the rest would be offered to the public, right?

FRANK ST. JACQUES: That's correct, and we've also mapped the commercial overlay, both because it makes sense from a land use rationale to move from the M11 to the residential district with an overlay, but that overlay also provides flexibility in the event that, you know, we needed to classify any accessory residential parking that was made available to the public as parking. So, from a zoning perspective there's flexibility. Also, just note for the record, I know you're aware, Council Member, is that the current use at the site is a public parking garage. So, the idea is to maintain that, that parking that's at the site for the community.

COUNCIL MEMBER DINOWITZ: Thank you. And lastly, this is-- this site, as was mentioned before, is next to the Major Deegan which is not just noisy, but is in the site of significant flooding. We've seen the pictures on CNN of flooding up to the tops of people's cars, people abandoning their cars, and can you talk a little more about specific environmental resiliency work you've done to mitigate what will be a significant rain event and significant flooding in that particular area?

RONALD SCHULMAN: I'll take this one on.

The-- you know, I'll note that the-- there is a grade change between the Major Deegan and the site, and then it's-- there's an intervening public park space that's currently being developed. The-- what was formerly the Tibbits [sic] daylighting, I think it's now Putnam Greenway which is being developed. So there is some separation in terms of grade. However, you know, this flood concern is area-wide, so some of the resiliency measures to address stormwater and prevent strain on sewers, we've made some modifications to the design of the parking ramp to create barriers to, you know, catch and release water in a safe way. So, there's a barrier and a trench drain. Additionally, the architect has designed all the rooftop areas to be green roofs, and the proposed roof systems are in line with New York City DEP Stormwater Management System Guidelines. So, essentially, the building is designed to meet the flood resiliency standards and I think we'll work in connection with the Putnam Greenway that's under development to essentially improve resiliency for the site and the area.

COUNCIL MEMBER DINOWITZ: Thank you, and thank you, Chair. And I just want to say since the beginning, you know, I and the community said we want to see more family-sized units. We want to make sure there's parking. We want to make sure there's increased resiliency, and I want to thank you for implementing our requests, and I'm going to turn it back to the Chair.

RONALD SCHULMAN: Thank you.

COUNCIL MEMBER DINOWITZ: thank you, Chair Riley.

CHAIRPERSON RILEY: Thank you, Council Member Dinowitz. Do we have any other questions from any committee members? There being no questions for this panel, this panel is excused. If there is no public testimony for this project regarding LUs 349 and 350 relating to the 5602-5604 Broadway rezoning proposal, the public hearing is now closed and the items are laid over. Thank you.

FRANK ST. JACQUES: Thank you, Chair Riley.

RONALD SCHULMAN: Thank you, Council Member.

CHAIRPERSON RILEY: I just want to state for the record we've been joined by Council Member Felder. I will now open the public hearing on LUs 347 and 348 relating to the 1946 East 7th Street rezoning and zoning text amendment proposal in the Ocean Parkway special district of Brooklyn. Applicant is seeking a rezoning and zoning text amendment to build affordable senior housing in a proposed mixed-use development that will have approximately 53 units. For anyone wishing to testify on this item remotely, if you have not already done so, you must register online by visiting the Council's website at council.nyc.gov/landuse. For anyone with us in person, please see one of the Sergeant at Arms to submit a speaker's card. If you are filling out the speaker's card, please indicate if you are testifying in favor or in opposition. As always, if you prefer to submit written testimony, you may do so by emailing it to landusetestimony@council.nyc.gov. Council Member Felder, do you have any opening remarks? No? Alright. I will now call the applicant panel for this proposal which consists of Eric Palatnik. Counsel, can you please administer the affirmation?

COMMITTEE COUNSEL: Good morning.

ERIC PALATNIK: Good morning.

COMMITTEE COUNSEL: Please state your name for the record?

ERIC PALATNIK: Eric Palatnik.

COMMITTEE COUNSEL: Do you swear to tell the truth and nothing but the truth in your testimony today and in response to Council Member questions?

ERIC PALATNIK: I do.

COMMITTEE COUNSEL: Thank you.

CHAIRPERSON RILEY: Thank you. And now the applicant team may begin. Please state your name and organization for the record. You may begin.

ERIC PALATNIK: Good morning. My name is Eric Palatnik and I'm representing the Ahi Ezer Organization for the first of its kind fully-affordable senior housing development which is located on East 7th Street and Avenue S in Brooklyn on a corner that has been well-established through the past seven or eight decades as a community-oriented corner which includes a community recreation center Nia Shiva [sp?]. It already includes a religious institution. It includes fully-affordable senior housing in one of two sets of 100-year-old

buildings and we are proposing here to demolish one four-story 100-year-old building and create in its place a completely altruistic one-of-a-kind fully-affordable senior housing development. And if you can go to the next slide? The right-hand side of that illegible screen that you see there that I can't read-- I don't know if you can-- would show you that it has 47 apartments, single one-bedrooms because seniors desire mostly one-bedrooms. A larger than required rear yard of 35 feet where 30-foot rear yard would be required, and the building is proposed to be at six stories which is the result of a proposed rezoning that will rezone that corner or that section to R6A which you can see in the middle of the slide right there. That's legible. And at the bottom, you can see the corner itself would be R7A. The left side of the screen shows you the series of existing four-stories buildings that we're speaking of. The two that you see on the left-hand side of your screen next to the single-family home would be replaced by the six-story building that you see on the right side of your screen, essentially creating new housing opportunities for people in the community that are seniors. Next slide, please. This shows you the

zoning map change in specific detail. The left side of the map shows you that we're situated within an R5 district. It also shows you the-- signified by the big letters OP-- that we are in the Ocean Parkway south district. Part of the application in addition to requesting the R7A and the R6A zoning would also request the removal of the property from the Ocean Parkway subdistrict. The subdistrict was put in place to prevent for the proliferation of larger community facilities. It was put in place at a time before there was such a pressing need for housing. So that is why we-- there's justification for removing it here. Next slide, please. This shows you in more detail what I was just speaking out. Next slide. If anybody is curious as to how long an application in New York City to create affordable housing takes, it takes seven years, and then there's still no guarantee that when you get to the end of the ULURP process you'll get it approved. This application started seven years ago. The left-hand side shows you its original incarnation. It was an eight-story proposal. It was proposed under what was called AIRS, Age Income Restricted Senior Housing. Somebody in their infinite wisdom decided that they

1 didn't want to keep that program going a few years
2 ago and that program was removed from the City's
3 zoning resolution. That left us then with the
4 proposal that you see in the middle which culminated
5 after City of Yes was proposed which brought the
6 building to a seven-story building. So, we went from
7 an eight-story building to a seven-story building,
8 and now we are here after meeting with the community
9 and having extensive conversations with the
10 community, even though Community Board did oppose it.
11 You will find testimony in the City Planning record
12 from the community indicating that a six-story
13 building would be perhaps acceptable. So, you can
14 see on the right-hand side in response to the
15 objections that were raised at the Community Planning
16 Board as well as concerns we've heard from the
17 neighbors, we have reduced the size of the building
18 to six stories in height and we have removed the
19 bulk-head that was previously proposed, and that is
20 what you're seeing on the right-hand side of the
21 screen. We can go to the next slide. The next slide
22 gives you an example of how long we've been at this
23 and the numerous iterations of the proposal for the
24 reasons that I just stated a few moments ago. It
25

just gives you a chronological history of things, including the original proposal, response to the community's concerns and reducing the height of the building, City of Yes, and how that then brought the building's height back up. That wasn't the brightest move on my part, because that upset a lot of people when it went back up after City of Yes, and now we brought it back down to the six stories. So, this is our proposal now, it is a six-story building. If you go to the next slide, please. The next slide tries to make a very strong land use argument and a rationale that this is the right place and the right spot for the right building. All of the buildings that you see in green and are in turquoise here and the yellow one are part of the same Ahi Ezer Organization. Also, what you cannot see on the left-hand side of the screen, and you'll see it. You can go to the next slide, actually. That'll show it clearly. Thank you. That shows you all of the buildings that are a part of this community that thousands of people utilize in the community and which provides much-needed social services for everybody in the community, and I'm talking social services, I mean, help with finances, help with food-

- there's food distribution. Helps with educational class, helps with social programs, programs for children, programs for adults, programs for higher education, continued education. All of that occurs in the buildings that you see highlighted on the screen. They're all owned, controlled, and operated by Ahi Ezer Organization and they've been operating at this location for decades. Many people at the community level were upset with the proposal. In fact, I received opposition on this application which I've never received opposition on any application I've ever sought to pursue in New York City. And the reason why I believe there's so much opposition is because the area is already developed upon with existing community facilities uses that some people in the neighborhood may feel are overbearing upon the community. My response to that is, but that's where the people are. If you ask us to move this building and build it somewhere else, it's not going to be for the very community in which were trying to seek the service. And I'm going to show you a slide in a second that's going to show you the lack of affordable housing that's been built in this community over the past few decades. We're all

1 watching charter reform. We're all watching the
2 November election. One of the proposals on charter
3 reform is that developments exactly like this, fully-
4 affordable housing developments, that are-- to be
5 located in communities that are underserved by
6 affordable housing, which this would meet the
7 criteria. It's proposed to eliminate levels of
8 review to remove the very objections that we're
9 hearing today, because those objections are what are
10 preventing the creation of fully affordable housing
11 in New York City. If I was here representing a
12 private developer trying to build a private building,
13 I could see all of the validity to any objections
14 raised. But considering we're representing a fully-
15 affordable developer in the community that hasn't
16 seen fully-affordable development in recent memory, I
17 think this is phenomenal, especially considering the
18 amount of social services that are located in all of
19 the buildings around it, and all the social
20 programming that's occurring in all the buildings
21 around it, none of which are motivated by money, all
22 operated by not-for-profit organizations and all
23 funded by either the city, state, or federal
24 government. This building itself has a fully-

accepted financing program set in place by HUD, and they are waiting for us to build the building. Next slide, please. This shows you what I was just talking about, it gives you the income range of what rents would be. This rent is probably even higher. This is the City's HPD, HPD's AMI program. Elliot's program Ahi Ezer runs on an even lower rent level. Next slide please. Shows you that HUD is on board and is supporting the application. Slide, please. I'm going to ask you if you can, because I don't want to waste too much more of your time. I think you all got the gist of it. If you click forward two slides please. It says slide 13 at the bottom. So, what I'm showing you right here on the left-hand side is the site. You can see the word site in the rezoning area in the lower left corner. If you follow East 7th Street down, all the way down, as you go to Avenue R, and you get to Avenue R and East 7th Street, you'll once again see buildings of the same height and magnitude of exactly what we are proposing on the corner of Avenue S and East 7th Street. In fact, all of 7th Street from S to the next block which I believe is King's Highway, but it's not marked here, are all larger, taller buildings. Over

by our site, all larger, taller buildings by us. The buildings surrounding us are 44 feet. The center's building is 58 feet tall. Our building is 68 feet tall. Making the point that the neighborhood, although is opposed to the tall building here, is not a stranger to taller buildings, a few of which are as much of an altruistic purpose as this one. If you can go now to slide 18, please, I'm going to show you the minimalist, de minimis difference in buildings. Maybe slide 18 is not the right slide. It has the word site on it. Maybe-- it says development site height comparison up top. There you go. Thank you. The slides got juxtaposed. This slide I created because people were telling me that the building is too tall, it's out of character, it doesn't fit within the block and it's going to cause mayhem. I'm showing you that the building is-- if I brought my mother who's 83 years old and doesn't know much of a difference between building heights out here, and said what do you think of this building on the right to the one on the left, and I'd put her on the street. She'd look at them and say, is it taller? The reality is it's not much taller than what's existing there right now. It's 22 feet taller which

from the street level is not much of a perceptible difference. Having said that, replacing a 100-year-old building with a brand new building, state of the art, fully-financed, fully-affordable housing does make much of a difference. We can go to the next slide, please. The owner, the operator Ahi Ezer Organizatoin, Eliot Harary is here today-- has gone through great lengths to direct his architect to try to accommodate community concerns. One of the concerns was the rear yard of the building. The rear yard of the building is proposed to be 35 feet, as you can see here. It's required to be 30 feet, and it's substantially larger than most of the other rear yards. I will wrap up by clicking ahead. If you can click ahead to slides 21, 22, and 23, it should be a pink slide. There you go. Two more, please. One more, please. Okay, this slide is-- and I'll stop here. I am here today for the first time representing a fully-affordable development that has not received community support. It's the first time in my career that I've had that opportunity, and I'm not so thrilled about it. So, I've created for you a slide here that shows you the affordable housing that's been created within Community Board 15. It's

not a slide on Community Board 15. Community Board 15 is a pro-development Community Board as is the entire district. It's rare that they say no to development. This is not anybody's doing. But the reality of it is, as you can see on the right-hand side, that there have only been 123 units of affordable housing created in the last decade. Not one has been built. So, you're in a community that needs the housing, does not have the housing been built. There is community opposition, I'm sure as God made green apples there are people that are opposed to it. There's also support from the Borough President. There's also support from the City Planning Commission, and there's also some community support as well that's not voiced as loudly. Councilman is in a very difficult position here. I respect him and his decision-making abilities and he's got quite a few piece of information to weigh. Everybody involved in the process has been fair. Everybody thinks the overarching goal is deserving, and I hope we all come to the right decision together. I thank you very much for giving us the time. I realize it went a little longer than we usually do. Thank you.

CHAIRPERSON RILEY: You went way over than you usually do, Eric. I appreciate it though, thank you. Thank you. If I understand correctly, you're seeking to develop the senior housing pursuant to a federal program known as Section 202. If that is the case, what is the status of your discussion with HUD, and do you know when the next founding round for this program will take place? Also, can you please speak about the uncertainty around the federal funding?

ERIC PALATNIK: The federal funding is ready, I've just been whispered in my ear. I believe they're committed to it. There's no uncertainty. Nothing that just happened in recent times. With politics, I know that there's a federal-- been a lot of federal discussion this summer. Nothing has impacted that on the funding sources. We are still fully-funded and the commitments remain in place.

CHAIRPERSON RILEY: Okay. If you do not receive the needed funding, but we approve this rezoning, what are your plans for this site?

ERIC PALATNIK: We will not be building it. We're a not-for-profit organization. If we

don't receive the funding, we don't have the ability to build it. So, it'll stay as-is.

CHAIRPERSON RILEY: Okay. This application was disapproved by Community Board 15. Can you explain why the Community Board opposed this application?

ERIC PALATNIK: I just did my best to try to do that for you. You know, it's hard for me to put words in other people's mouths, and I don't want to speak too closely, but I do believe two specific [inaudible]. I do believe the issues that I raised with respect to the development already-- the development that already exist in the community on the corner, and the impact that that has had on people's lives, on the block front and, of course, living next to any kind of not-for-profit, religious, educational, community-based center brings with it activities, sporting events, school events, celebrations and things like that. They all bring cars. They all bring garbage trucks. They all bring deliveries. If I had to take a guess with what people were concerned about based upon what I've heard, it would be those issues.

CHAIRPERSON RILEY: How much units of housing are we talking about?

ERIC PALATNIK: 47 fully affordable housing units.

CHAIRPERSON RILEY: Thank you. I'm going to yield to Council Member Felder to ask his questions.

COUNCIL MEMBER FELDER: Thank you very much, and thank you for the opportunity to speak about-- I think it's about 20-- almost 25 years ago I was a chair of a subcommittee, Landmarks Committee, believe it or not. That's a longer story, but at that time, I think they appointed me Chair as the Landmarks Committee to hurt any advocates for the landmarks. But it's an honor to be able to have a few minutes, and I thank you, Chair, for the opportunity. So, can you-- you know, I think-- I don't know if Mr. Palatnik was testifying in favor or opposed to the project, so, but that shows clearly how objective his presentation was, and I thank you for that. So, can you-- I don't know who I'm speaking to, but whoever-- maybe there's no one here. Maybe AI is running this. Is somebody-- oh, somebody's doing it? Okay. 13, page 13, please?

Yeah. I just want to point out some of the things that I disagree with the previous presentation about. I shouldn't say disagree. I'd say I have another opinion. So, I would also-- you know, I don't like talking about myself, because-- I guess my time is up. Right?

CHAIRPERSON RILEY: No, you can continue, Council Member.

COUNCIL MEMBER FELDER: Oh, yes? Okay. Like 20 minutes or so?

CHAIRPERSON RILEY: Another two minutes is alright.

COUNCIL MEMBER FELDER: Oh, yeah. Okay. so, I had so many jokes prepared, now what am I going to do? No, I was going to say that is that if you look at this-- at the-- in fact, at this, you will notice that there are many, many large, you know, buildings, but they're not on the right side of the picture, but they're on the left side of the picture, and you're not-- It's not-- you know, the reason for that is along-- first of all, along Ocean Parkway, you know, that's full of very tall buildings, and then beyond that the other way there are many tall buildings, but on the right side, they're all

residential buildings for the most part. So, I just want to know the-- you know, if you can please-- the proposal is facing unprecedented, you know, community opposition. You mentioned yourself that usually there's a deference when people want to build a community-- you know, something for the community. Can you explain how you believe this aligns with the existing character of the neighborhood, particularly in the terms of scale, density, and overall use?

ERIC PALATNIK: Would you like to me respond, Council Member?

COUNCIL MEMBER FELDER: If you want. If you want.

ERIC PALATNIK: Oh, I--

COUNCIL MEMBER FELDER: [interposing] If you want to say that it doesn't, then that--

ERIC PALATNIK: [interposing] By objective, yeah, but not-- I disagree on the character issue, only because what I showed you to the room a few minutes ago. There's existing 44-foot tall multiple dwellings on the property right now. This building is proposed to be 24-feet taller, analogous-- somewhat analogous to the height of the community center that's on the corner that stands at

about 50 feet, 54 feet. So, it's 10 feet shorter than that. I don't think we're worlds away from the existing buildings, and I think we could all understand in today's society that the spatial demands of people's living needs are different than they were decades ago, and buildings that have modern facilities and modern heating systems, and recreational spaces and community spaces, and brand new everything are preferred to buildings that are 100 years old. If this is not approved, the question was asked before, what can we do? Well, one of the options to do would be to retrofit the existing 100-year-old buildings and make those senior housing. That's allowed to be done. And all of the concerns that's being given about traffic, noise, garbage, people coming, and the elderly causing a commotion or adding to the commotion on the block would still be there. And I'm willing to bet given the dedication of the not-for-profit group that's here today, that if this were to be denied as the Council Member had said, what would happen if it was approved and not built-- I think if it was denied and still funded, I think you still might find the group trying to find a way to retrofit the existing buildings. And I think

that would do a huge disservice to our seniors, people that have worked their entire lives. I think they're deserving of having the same experience. And I just dropped my daughter at college in a brand new dormitory that was built in this decade. Sure, there were 100 -year-old dormitories on the college campus, but every kid that I met that day was thrilled to be in the brand new dormitory. I think the seniors would feel the same way, and I think that for the sake of 24 feet, not letting them have that chance. I don't think it's hurting the character of the neighborhood. I think it's improving it. I think that neighborhood will be a more beautiful neighborhood with that many more seniors walking around.

COUNCIL MEMBER FELDER: Okay. I don't want to take advantage, because this is my first opportunity to be able to work with the Chair. So, I have another 15 questions which I'll just-- as you can see, I'm-- I thank you very much for the opportunity.

CHAIRPERSON RILEY: I thank you so much, Council Member.

ERIC PALATNIK: May I add just one more thought?

COUNCIL MEMBER FELDER: Well, one minute.
If he's going to get 20 minutes, I mean, then it--

ERIC PALATNIK: [interposing] I'm going to
agree with you. To his point--

COUNCIL MEMBER FELDER: [interposing]
Just rip up whatever you were going to say. That's
all, yeah.

ERIC PALATNIK: To his point, what I'm
saying is if the height of the building that's
allowable and the zoning's objectionable, we'd be
willing to cap the height at a six-story height so
that it fits within the neighborhood and-- better,
and to make sure that there's no intrusion that the
Council Member-- because his opinion is valid. And
if he feels it's too tall, we'd be happy to cap it at
a six-story height if that would satisfy community
concerns.

CHAIRPERSON RILEY: Alright. I think you
and the Council Member should have further
conversations after this hearing.

ERIC PALATNIK: I'm sure we will.

CHAIRPERSON RILEY: I do think that it's
important that we do pay attention to what this would
possibly bring to the community, but the concerns of

the community are very important to the Council Member. So, if you could connect with him after the hearing, that would be much appreciated. Thank you, Eric.

ERIC PALATNIK: Will do.

CHAIRPERSON RILEY: There being no more questions, this applicant panel is excused. There being no other members of the public who wish to testify regarding LUs 347 and 348 relating to 1946 East 7th Street rezoning proposal. The public hearing is now closed and the items are laid over. I will now open the public hearing on LU 359 relating to Cozy Corner sidewalk café application in Council Member Holden's district. The application seeks to operate a sidewalk café with approximately 13 tables and 52 seats as an existing establishment in Maspeth, Queens. For anyone wishing to testify on these items remotely, if you have not already done so, you must register online and you may do that now by visiting the Council's website at council.nyc.gov/landuse. And for anyone with us in-person, please see one of the Sergeant at Arms to submit a speaker's card. Excuse me. Cozy Corner is actually in Ridgewood, Queens. Thank you. I will now call the applicant

panel for this item which consists of Zef Gjini and Vito Palmieri. Counsel, can you please administer the affirmation?

COMMITTEE COUNSEL: Good morning. Could you please raise your right hand. Thank you. Please keep your hand raised. Okay. we're going to do this. Please raise your right hand before-- okay, here we go. Can you please state your name for the record?

ZEF GJINI: Zef Gjini.

VITO PALMIERI: Vito Palmieri.

COMMITTEE COUNSEL: Do you swear to tell the truth and nothing but the truth in your testimony today and respond to Council Member questions?

VITO PALMIERI: Yes.

COMMITTEE COUNSEL: Thank you.

CHAIRPERSON RILEY: thank you. And the applicant team may begin. Just please reinstate your name and organization for the record. You may begin.

VITO PALMIERI: Sure. Thank you, Chair, Mr. Chairman and the board. My name is Vito Palmieri. I'm the attorney for Mr. Gjini, and I represent the Cozy Corner with regard to this application for the additional seating. As you know, the Cozy Corner is located in Ridgewood, Queens on

70th Avenue. The business has been-- this establishment has been there almost 100 years. It's a very local café and bar where the local community participate in-- have been attending for there, like I said, nearly 100 years. Mr. Gjini bought it approximately seven years ago and has invested significant money into this establishment to better it so that they would be better for the people of the community. It's a very local spot. If we were going to liken it to anything, it'd be like Cheers, you know, where people know each other, and they come to the location. The families come there. It's not a location that has ever had any issues or problems in the community. Mr. Gjini, of course, as everyone else, suffered during the COVID period and they were allowed to put the outdoor seating based on that, and Mr. Gjini not only put the outdoor seating, but he beautified it, and I believe if I can, I can show you some pictures which can show you an overhead view, if I might hand this over. You could take a look at that. You can see that all of the outdoor seating that's on the street has the beautification of the flowers. It meets all the code requirements. Department of Transportation actually has approved

this seating already. And with regard to prior concerns that were raised at the prior hearing--

COMMITTEE COUNSEL: [interposing] I'm sorry to interrupt you--

VITO PALMIERI: [interposing] Sure.

COMMITTEE COUNSEL: but I'm being told that we're having difficult time hearing you online. Could you just move the mic?

VITO PALMIERI: Oh, I'm sorry. Is that better?

COMMITTEE COUNSEL: Let's hope so.

VITO PALMIERI: Okay. So, in the prior hearings, one of the concerns was that the Fire Department might not have access to the street because of the outdoor seating. We have taken precautions to try to help that. We've listened to what the Council said, and my client moved the bank heads two feet closer from the corner so that this way-- they used to be eight feet. Now they're only six feet. And in between each of the bank heads, he left a six-foot opening where he puts even cones in between so that vehicles can't park in there so that if God forbid there was a need for the Fire Department to be able to access the building, they

would not only be able to get around the perimeter, because of the fact that he moved them closer, but in addition to that, by having the cones in between no vehicles could park there and the firemen would have access directly into the building in between each of them which is again something that he did based on the conversations and the discussions that were previously had. I believe that the focus of this application, though, is for the outdoor seating underneath on the sidewalk, not necessarily the street. And the part on the sidewalk, if you notice, even in the picture the seating is under the awning which is also separate and gives plenty of space over 12 feet for walking on the sidewalk. That space has been there now for approximately four years. There's never been any complaints. Mr. Gjini has numerous employees and community people who make their living working in this establishment. This is a local establishment that helps the people in the community. He's beautified it. If you look at it, you can see it's a very attractive location, and he's met all of the requirements, and in fact, I believe the DOT has requested that this be approved. So, we would just ask the Council to allow us to continue to serve the

community, allow Mr. Gjini's business which is seasonal, obviously. In the winter months, it's less likely to have anybody outside. So, they need the additional income from the summer months when they have the opportunity to do it. So, we would ask that the Council would consider approving that application.

CHAIRPERSON RILEY: Thank you. I have no questions, so I'm going to yield to Council Member Holden.

COUNCIL MEMBER HOLDEN: Thank you, Chair Riley and members of the Subcommittee, for allowing me to address this application of Cozy Corner Bar seeking a revocable consent to operate a sidewalk café, 6001 70th Avenue in Ridgewood within community district five. My concerns remain the same when this application was previously heard months ago. The combination of a sidewalk café and existing roadway dining is a little too much for such a congested area. We cannot have both. It must be one or the other. I said this over and over again. This sidewalk is an important public pathway, and it should not be compromised in a way that hinders fire trucks, sanitation vehicles, and general flow. We

have received complaints from residents, and there still has been no outreach from the owner to address these issues or to demonstrate community support. Ridgewood's dense pedestrian and vehicle traffic requires careful consideration before granting any additional use of the public space. I'm open to working with these concerns, but that requires the owner to engage with my office, which-- and remove either the roadway dining or the sidewalk café. Both is too much. And again, if you look at the number of spaces that the roadway-- and we have no control of-- this committee has no control over the roadway, DOT does. They have tremendous amount, 50 to 60 feet of parking they're taking up. If you know that Ridgewood, they're parking at hydrants now and crosswalks, on sidewalks. It is ridiculous. We had a fire that the fire house couldn't get to the hydrant in that area because somebody was blocking it, and it cause more and more damage and more injuries. So, this is a classic example of give an inch, take a mile. And by the way, the applicant says, this is going to be underneath the awning. Well, DOB, I contacted yesterday-- that awning is illegal. Did you know that?

VITO PALMIERI: We've never received any notice of violation that it's illegal.

COUNCIL MEMBER HOLDEN: Well, you got one this morning, alright, because we checked. And DOB, I spoke to DOB yesterday-- have no approval for an awning, and that awning is-- goes the entire length. So here-- they-- and by the way, 12 feet, you're saying the sidewalk is 12 feet wide?

VITO PALMIERI: Yes.

COUNCIL MEMBER HOLDEN: That is-- I got one square, one flag. If you look at it, it's one flag. You're going to have waiters and waitresses and people going back and forth. You're in the roadway. I mean, this is way, way too much. Now, I asked the applicant one or the other. He just wants to come back again and waste everybody's time, but I'm not-- you know, again, I'd be against this because it's too much. If you said to me, I'll take the sidewalk café, I'll take-- you know, we'll do that, but now, you want both again. And if you look at the photographs-- you're saying put cones in the street? That's illegal, sir.

VITO PALMIERI: No, there are-- you're going between the--

COUNCIL MEMBER HOLDEN: [interposing] You
can't put--

VITO PALMIERI: between the bank heads.

COUNCIL MEMBER HOLDEN: You can't put
cones in the street, take it upon yourself to put
cones in the street. This is what they don't
understand. You can't put an A-frame sign on the
sidewalk which they're doing. Illegal. Again, you
can't put street furniture, milk cans, all these
other things on a sidewalk. It's not your property.
You're putting it on public property. Yeah, you put
flowers, but if you look at the ridiculous length of
this, again, this is abuse of public space. you've
enclosed-- by the way, you've enclosed that illegal
awning, too, at the entrance which is another
violation. So, be prepared, because you just think
you can do anything you want and put up anything you
want and put up an A-frame sign, put up milk cans,
enclose an awning that's illegal. I mean, you got to
be kidding me. Thank you. Thank you, Chair.

CHAIRPERSON RILEY: Thank you, Council
Member Holden. There being no more questions for this
panel, this panel is excused. Thank you so much.

VITO PALMIERI: May I be able to rebut
any of that?

CHAIRPERSON RILEY: Sure.

VITO PALMIERI: I just want to note one
thing. If-- I understand that the attorney
representing Mr. Gjini for the application previously
had contacted your office but was not able to speak
to you. Moreover, it appears that these violations
now--

COUNCIL MEMBER HOLDEN: [interposing]
Wait, wait, wait. Is this that-- this application?

VITO PALMIERI: Yes.

COUNCIL MEMBER HOLDEN: Or the previous
application?

VITO PALMIERI: No, this application.

COUNCIL MEMBER HOLDEN: This application
somebody contacted my office?

VITO PALMIERI: Yes, in fact, yesterday.

COUNCIL MEMBER HOLDEN: I asked all my
staff. I've never been contacted. Can you show that
where you--

VITO PALMIERI: [interposing] I can
contact her. She told me--

COUNCIL MEMBER HOLDEN: [interposing] No, but the person's not here so that's hearsay. That's hearsay.

VITO PALMIERI: Well, I'm telling you it's firsthand knowledge to me. She told me--

COUNCIL MEMBER HOLDEN: [interposing] Well, what proof did she show, that she did an email--

-

VITO PALMIERI: [interposing] I'm not trying to fight with you, I'm just trying to--

COUNCIL MEMBER HOLDEN: [interposing] No, I'm trying to--

VITO PALMIERI: point out that I'm willing to work with you, and I'm willing--

COUNCIL MEMBER HOLDEN: [interposing] When something is false, when somebody states something on the record and it's false. I was not contacted. I asked my staff over and over again. They were not contacted.

VITO PALMIERI: Okay, well--

COUNCIL MEMBER HOLDEN: [interposing] And again, nobody reached on this application. Did you reach out on this application?

VITO PALMIERI: I was only contacted yesterday, because the attorney who handled it--

COUNCIL MEMBER HOLDEN: [interposing]
Alright, okay. So here we got another--

VITO PALMIERI: could not be here.

COUNCIL MEMBER HOLDEN: Okay, so you have--

VITO PALMIERI: [interposing] And so that's why I'm here.

COUNCIL MEMBER HOLDEN: You didn't contact my office. The previous person you're saying did.

VITO PALMIERI: Yes.

COUNCIL MEMBER HOLDEN: The previous lawyer or attorney.

VITO PALMIERI: Yes.

COUNCIL MEMBER HOLDEN: When nobody in my office has any recollection or nor can you prove it. Go ahead.

VITO PALMIERI: Whatever. Bottom line is what I'm making the point of, this has been here four years, right? There's been no other complaints. We never received any violations other than what you're telling us now. So, it seems like because we made

the application there seems to be retaliatory violations now for things that were never brought to anyone's attention prior to this.

COUNCIL MEMBER HOLDEN: What's the total seating of-- if you get this application-- the total seating that you're going to have outside? And above this, there's people living above it. There's people living across the street, and this is going to be 100 people, let's say, outside. Does anybody feel that's, you know, in a quiet community that's what we should put up with.

VITO PALMIERI: But it's been there for four years, and--

COUNCIL MEMBER HOLDEN: [interposing] I don't care if it's been there--

VITO PALMIERI: never been any complaints.

COUNCIL MEMBER HOLDEN: This is because of the pandemic, and this caused a problem when it was too wide in the street, and it gave us two feet of public space. you took away how many-- you know parking's at a premium there, right?

VITO PALMIERI: Parking's always been at a premium.

COUNCIL MEMBER HOLDEN: So, don't tell me that the applicant is concerned, is a good part of the community, when he takes up about six or seven parking spaces on the street where we-- people can't park now. I'll show you photographs of people parking at hydrants and in crosswalks.

VITO PALMIERI: In this block?

COUNCIL MEMBER HOLDEN: In that district.

CHAIRPERSON RILEY: If I may interject and mediate, please? Alright, thank you everyone. It seems like there needs to be communications before we do a vote on this project.

VITO PALMIERI: I would appreciate that.

CHAIRPERSON RILEY: To my understanding, Council Member Holden is willing to have those conversations and willing to approve something, just not both of these proposals. So, I think having the conversation with his office after this before we vote would be more ideal for this project to continue. We can't compare what happened during COVID to now. I know the applicant really wants to do this, but the community has a lot of pushback, but the Council Member is trying to work with you guys. So, I would just encourage a conversation after. If you need me

to mediate it and be there, just call me. I'm available. I may be. Alright.

VITO PALMIERI: Will do, Mr. Chair.
Thank you.

CHAIRPERSON RILEY: Please, if you could contact the Council Member's office after, alright? Council Member? You good? Alright. Thank you everyone.

VITO PALMIERI: Thank you.

CHAIRPERSON RILEY: this panel's excused.
There being no other members of the public who wish to testify on LUs 359 regarding the Cozy Corner sidewalk café application, the public hearing is now closed and the item is laid over. Okay. I will now open the public hearing on LUs 351 and 352 relating to the 350 Park Avenue proposal located in East Midtown. Applicant is seeking to build one of the tallest new office buildings in the City. The application before us are one, as a special permit for a public concourse floor area bonus, and a special permit to modify bulk public space and design requirements. For anyone wishing to testify on this item remotely, if you have not already done so, you must register online by visiting the Council's

website at council.nyc.gov/landuse. For anyone with us in-person, please see one of the Sergeant at Arms to submit a speaker's card. Council Member Powers, do you have any remarks for this project?

COUNCIL MEMBER POWERS: No, I will forgo remarks. I have questions. I won't be tearing up any papers or anything like that, and I have a lot of confidence in your ability to mediate the prior conflict. Thank you.

CHAIRPERSON RILEY: Thank you, Council Member. I will now call the applicant panel for this proposal which consists of Zach Bernstein and Barry Langer. Are we expecting Alan Reagan [sp?], Jonahtan Reyes [sp?], and Jayun Jong [sp?]? Okay, so all of you, can you just raise your right hand for me, please?

COMMITTEE COUNSEL: Could you please state your name for the record and one by one state your name with Mr. Bernstein?

ZACHARY BERNSTEIN: Zachary Bernstein.

BARRY LANGER: Barry Langer.

ALAN REAGAN: Alan Reagan.

JAYUN JONG: Jayun Jong.

COMMITTEE COUNSEL: Do you-- please keep your right hand raised. Do you swear to tell the truth and nothing but the truth in your testimony and in response to Council Member questions?

ZACHARY BERNSTEIN: Yes.

BARRY LANGER: Yes.

COMMITTEE COUNSEL: Thank you.

CHAIRPERSON RILEY: Thank you so much. I would just ask that you please reinstate your name and organization for the record. You may begin.

BARRY LANGER: Great. Thank you, Council Members. Good afternoon, I guess at this point. My name is Barry Langer. I'm the Head of Development for Vornado Realty Trust, and I'm joined here by my colleagues and Zachary Bernstein from Fried Frank. After having gained positive support from the Community Board, the Borough President, and the City Planning Commission, we are excited to present 350 Park Avenue to you both-- to everyone today. Next slide, please. 350 Park Avenue is a project of both Vornado, the Rudin Organization, and Ken Griffin, head of Citadel and Citadel Securities. It is a project designed by a world-class design team of Foster and Partners, Field Ops, Speirs Majors, and

others as you see on the screen. Next slide. The project seeks to demolish the existing 350 Park Avenue building which is that glass building sitting just to the left of the Racket Club in this image and the building behind it which the Rudin Organization owns at 40 East 52nd Street which is a building that was vacated by Black Rock when they moved to Hudson Yards. Can you hear me okay? Great. To speak about the zoning actions, I'm going to hand it over to Zach to take the next several slides.

ZACHARY BERNSTEIN: Hello, Chair Riley, Council Member Powers. I'm Zach Bernstein with Fried Frank, Land Use Counsel to the applicant. Next slide, please. So, the development site at 350 Park Avenue is in the East Midtown subdistrict of the special Midtown district, as you can see in the alphabet soup on the screen. There are multiple sub areas within the East Midtown sub district. This is within the Park Avenue subarea and the northern subarea. In those subareas, the base FAR is up to 15 FAR. There are as-of-right increases of an additional up to 13 FAR as well as the opportunity to apply as we are here today for a bonus of an additional 3 FAR for a public concourse. So, the

maximum total across the subareas is up to 28 FAR.

The proposal here today inclusive of an existing building to remain would be 25.15 FAR. Next slide, please. I'll start with the bottom of this slide.

There are two as-of-right certifications that have already gone through the process. Those really get to the bulk of the floor area in the building. East

Midtown attempted to incentivize the demolition of outdated buildings that happened to be over-built by

allowing for a buy-back essentially of existing overbuilt floor area with contributions to a public realm fund, and also intended to support the upkeep

of landmarks in East Midtown and the transfer of their development rights through an as-of-right transfer. What's before us here today are two

special permits as I mentioned before, the 3 FAR bonus for the public concourse special permit, as well as certain waivers that are available for a

building using that extra floor area under the qualifying site's special permit. Next slide,

please. This is an illustration of where the floor area is coming from with magic arrows coming from Saint Patrick's Cathedral and Saint Bartholomew's Church which is really the bulk of the floor area

that will comprise the addition in this new building. It's also the overbuilt buyback of 89,000 square feet and 200,000 square feet public concourse bonus. Next slide, please. Again, these as-of-right certifications result in a contribution to the public realm improvement fund, and so for the two overbuilt buildings on this site, it results in a \$5.5 million contribution to the public realm fund. Next slide, please. And then the transfers from the landmarks each come with a contribution to the public realm fund as well. So that's an additional \$30 million to the public realm fund, a very sizable overall contribution. Next slide, please. And so there are very material supports for these historic structures in the district, a total of about \$150 million to ensure the future upkeep of these gems in East Midtown, as well as almost \$36 million into the public realm fund for the governing group to decide to use for projects in the district. Next slide, please. I'll hand it back to Barry to walk you through the building and the public concourse.

BARRY LANGER: Thanks, Zach. Next slide, please. Here's a rendering looking southwest of the proposed building design by Foster and Partners. As

you can see, the building steps back off of Park Avenue. It's north and south facades are also articulated by a series of flutes that run the full height of the building. The building also leans in from both 51st and 52nd Street to not only maximize light and air down to Park Avenue, but also to the adjacent side streets. Next slide, please. The building will be highly-sustainable. In fact, it is using the ultra low energy tools within the zoning resolution. It will all be all-electric, triple-pane façade. Vornado is a leader in sustainability, and all of our great and best efforts are in this design proposal. Next slide, please. On the left-hand side is the building massing of a theoretical as-of-right project. I would note the stepping off Park Avenue and the public space on 51st Street, and as the sequence demonstrates, the design team has sculpted this project, as I mentioned, off of both Park Avenue and 51st and 52nd Streets to create the massing and design that we're proposing. And importantly for this application we're proposing to move the public space, dramatically increase it, and place it out on Park Avenue which is the next series of slides. Next slide, please. Next slide. The team looked at Park

Avenue's great public spaces as inspiration for designing the public concourse. You can see on the screen, several of those spaces in those images. Next slide. I would note that several of the public spaces along Park Avenue are elevated by several steps. That's a direct response to the Metro North train shed that exists underneath Park Avenue, underneath several of these buildings. Next slide. In an as-of-right building, the avenue frontage would normally be occupied by bank branches or some cases even a Ferrari dealership. That's a normal condition on Park Avenue, with the public spaces located on the south-facing block on 51st Street, you know, adjacent to kind of loading infrastructure and other typically exist on 51st and 52nd Street. Next slide. The proposal is to dedicate the Park Avenue frontage and the corners to the public concourse space. we're doing that by pushing the building's core further into the footprint of the block. Next slide. We also are proposing to open up the corners of the project by cantilevering the structure out, removing the columns that otherwise would be there. That creates view corridors to the adjacent landmarks at the Seagram's building, St. Bart's and the Racket

Club. Next slide. In addition to opening up the views, it also opens up circulation. As you can see in this image, the view corridors are drawn in yellow, demonstrating how the public concourse has visibility to the landmarks I mentioned. Next slide. Sectionally, this is what a normal building on Park Avenue looks like with the train shed underneath. Our site has the train shed under only the easternmost 50 feet of the footprint. The remaining 200 feet is on land. the area underneath our site actually is not even active track space. it was used as storage during the construction of eastside access. But as you can see in this diagram, normally these spaces are elevated. Next slide. We have been working very closely with both the MTA and City Planning to remove those physical barriers by recessing into the train shed elements like the tree pits that support the landscaping and other elements. Obviously, that creates a more fluid experience between the sidewalks and the public concourse and one without barriers to entry. Next slide. In three-dimension you can see/hear how that plays out. I would note there's a four-foot elevation difference between the upper lefthand corner of this image and

the lower right. That elevation difference has been mitigated along the entire frontage seamlessly with the sidewalk elevation and has been isolated to two very shallow ramps that exist heading up to the lobby of the building. Next slide. Using all the tools of our design team and of what makes great public spaces, the public spaces are fully amenitized with seating, with planting, with trees, with food and beverage spaces to create a lively environment, and out on Park Avenue two water features. The thing about the water features in front of the Seagram's building, there's a great amount of that kind of learnings on the existing Park Avenue. Next slide, please. This is a sequence of renderings I'm going to click through pretty quickly. Here's the existing view. There's one of those bank branches, a Fidelity branch of the existing building on the corner of 52nd Street. Next slide. The proposed public concourse and the building as proposed. Next slide. A view from Park Avenue, this would be standing on the steps of 345 Park. We've taken liberties in this image to demonstrate what the City has indicated will be a kind of park structure existing along the Park Avenue median. That design is not final, but the intention

is that the public concourse ultimately allows for the public space on the Park Avenue to play off each other both visually and connecting. Next slide. Her's a view at the corner of 51st Street. As I click through the sequence, we'll highlight some of the amenitization I mentioned earlier. Next slide. The public concourses include movable seating and fixed seating. In our experience, the movable seating works very well with the fixed seating to allow for conversations, people to create spaces that they want to use the space well. It's all high-quality materials. Next slide. Field Operations, our landscape architect, who some of you may know from their work on the High Line has specified a very robust planting program to activate these spaces. It provides not only shade, but visual interest. Next slide. Our design team at Foster and Partners is famously known for Apple stores. So, if you can imagine the glass in the storefront would be one of the most transparent elements of the project which allows views straight through from 51st to 52nd Street, opening the views of the adjacent landmarks and other spaces. Next slide. Here's a view of the 52nd Street side of the public concourse. Next

slide. It is anchored at the western end by food and beverage spaces on both the 51st Street and 52nd Street side to activate the space. next slide. A view of the corner, as I noted earlier. The corner columns have been removed to open up circulation and visual connectivity between the public concourse and the adjacent sidewalks. Next slide. This arcade has been set at 40 feet high. For those of you that know more of Vornado's work at Penn Station, the space in front of Madison Square Garden has a similar arcade that's 40 feet high. That is a soaring height. It's pretty spectacular how high 40 feet is. Next slide, please. As I mentioned, the corners have been opened up to create visibility. Next slide. And our intention working with both DOT and the design commission would be to expand through distinctive sidewalk program, the materials of the plaza directly out to the curb to enhance the amount of public realm space that this project is intervening in. Next slide. It features a robust nighttime lighting program to ensure both safety and visual interest. Next slide. Here's a view along Park Avenue. You can see the very shallow slope of the ramps up to the lobby. There are no hand rails because these ramps

are very shallow. It doesn't require it. So it's very accessible space. Next slide. On the right-hand side of this image, you can-- I'm highlighting the two water features that front Park Avenue. Those water features in addition to providing visual interest as people walk through the public concourse or on the adjacent sidewalk also seek to hide that subtle ramping that happens from the street. Next slide.

ZACHARY BERNSTEIN: Don't forget white noise.

BARRY LANGER: And white noise. Thanks, Zach. This is a view looking back from the restaurant side of 52nd Street. You can see the Seagram's building and racket club on the left. Only a few more slides. Thank you, Council Members, for your patience. Next slide, please. Here is a view on 51st Street. One more. And another existing conditional on 51st Street today. Note Saint Bart's in the background on the right. Next slide. And if this proposal is approved, this is the public concourse experience that that replaces on 51st Street today. Hand it back to Zach to summarize

quickly for you all the zoning actions, and then we'll take your questions. Appreciate it.

ZACHARY BERNSTEIN: Thank you, Barry.

Next slide. Very quickly, next slide, please. Just to recap, on the floor area stack in the building again, 1.2 million square feet of the building is as-of-right floor area through the tools I mentioned before. 200,000 square feet is through the public concourse bonus for the high-quality public space Barry walked everyone through for a total building of about 1.4 million square feet of zoning floor area. Next slide, please. And the companion action is the waivers that are permitted to be applied for in connection with a qualifying building like this for height and set-back qualifying site rules and mandatory district plan elements. Barry, next slide, please.

BARRY LANGER: So, to conclude, we're very excited about this project. It'll be the first ground-up new office building on Park Avenue in many years to start. It has secured an anchor tenant in Citadel and Citadel Securities, and we believe this project is a, you know, great investment in the city, but also a great use of the East Midtown program and

rezoning that this council and the City Planning Commission put in several years ago. In total, you can see the benefits on the screen of about \$4.5 billion project cost, 15,000 jobs, \$150 million to St. Pat's and St. Bart's, \$36 million into the public realm fund, and of course, the public concourse that I just walked you through. With that, I'll turn to our last slide, and yield our time. Thank you.

CHAIRPERSON RILEY: Thank you so much for the presentation.

BARRY LANGER: Next slide, please. I don't know if they heard me. Thank you.

CHAIRPERSON RILEY: Thank you. Beautiful picture. Thank you. Can you please state why the bulk waivers you're seeking are appropriate for this project?

ZACHARY BERNSTEIN: Sure. Yeah, I'll handle that one. So, Midtown-- not many people know the details of Midtown having setback regulations, but they involve a very complex set of rules involving well-drawn [sic] diagrams and so the City Planning Commission when passing East Midtown recognized that for buildings that were trying to use the special new tools of East Midtown, including

getting extra floor area put into the building through a bonus such as a public concourse, and when you're sculpting out the bottom of a building to put in a public space that the prescriptive rules likely don't work anymore. And so the waivers are to accommodate the distinctive design of the building, setting back-- the carving out without actually having a street wall along Park Avenue and also fitting in the extra area.

CHAIRPERSON RILEY: Okay. I understand your zoning lot includes an existing building that you do not plan on demolishing, but given the size of your proposed building, why cannot-- excuse me. Why can you not provide all the required public space. You are proposing to include a public concourse to obtain more density and to satisfy for the public space requirements for a qualifying building. Why should the same public space satisfy two different requirements?

ZACHARY BERNSTEIN: Thanks for that question. I don't think it is not satisfying the public space. it is providing one consolidated high-quality space on Park Avenue in lieu of what would have been a much smaller space on the midblock of the

1 site. So, it's really in line with the answer to my
2 question before. This is under the waivers that are
3 available to accommodate doing something different
4 and better.

6 BARRY LANGER: I just want to add to
7 that, if I could, Chair? Including the Madison
8 Avenue building in the zoning lot provided funds to
9 that owner to allow them to basically keep a Class B
10 building functional as an office building in Midtown,
11 one. Two, it opened up our ability to purchase more
12 air rights from both St. Pat's and St. Bart's than
13 otherwise we would have been allowed to do if we were
14 just on our zoning lot, the development footprint.
15 And three, of course, that provides more money into
16 the public realm fund. By including that building
17 within the zoning lot it triggered another series of
18 public actions in terms of the public concourse
19 space, but without actually the footprint to do it,
20 because we weren't proposing to tear down that
21 existing building to remain.

22 CHAIRPERSON RILEY: Okay. There's
23 sizable buildings where you're planning on building
24 this new office building. Could you discuss the
25 occupancy levels of these buildings and how you will

go about demolishing such larger buildings, and how long will this project take?

BARRY LANGER: Thank you for the question. So, there are really three buildings on the site today. The 350 Park building on Park Avenue is presently occupied by both Citadel and Citadel Securities, our anchor tenants. They're presently building out their-- I call it swing space-- at 65th Avenue a few blocks away which they'll occupy during the entire development period of this project. The second building, 40 East 52nd Street, the building owned by the Rudin organization, has been empty since Black Rock, its main tenant, moved to 50 Hudson Yards a few years ago. And then there's a very small townhouse building on the side street on 51st Street that's been vacant for several years as well. So, the majority of the footprint of the site is vacant today, and the one building that does have tenancy in it, it is for the future anchor tenant of this project. In terms of your question on time, the expectation is that we would commence demolition of the existing buildings Q2 of 2026. So, nine months from now, very soon. Demolition would take

approximately one year to complete, and then the new building would come online in approximately 2032.

CHAIRPERSON RILEY: Okay.

BARRY LANGER: If you've watched 270 Park Avenue, the J.P. Morgan building co-op, you understand these projects take a fair amount of time to construct.

CHAIRPERSON RILEY: Okay, thank you. I will now recognize Council Member Powers for his questions.

COUNCIL MEMBER POWERS: Thank you, and thank you for the presentation which was not my first time seeing it, but still good to be refreshed on it, and obviously a project that's really going to redefine the skyline here in Midtown New York City and hopefully retain one of our big employers here in the City and do much more which is one of the intentions of the East Midtown rezoning when it was first done, and we've been able to bring a number of projects along in my eight years of being here in the City Council. A few questions on the project. Obviously, we know Citadel is going to occupy space here and remain on-site there. How much space in

that building does it expect that Citadel's going to take?

BARRY LANGER: Sure. The rentable area, which is different from zoning area, is about 1.7 million square feet, and Citadel has committed to taking at least 850,000 square feet of that space. as Citadel has continued to grow in New York, I would expect they likely take more, but as a baseline commitment they're taking at least 50 percent of this building.

COUNCIL MEMBER POWERS: Got it. And for the other tenant space there, is that-- you don't-- we haven't announced another tenant in the building, so I assume that's closer to the time when the building is--

BARRY LANGER: [interposing] Yeah, our expectation is for the balance of the space. it's designed to be highly-flexible for the types of users that we see on Park Avenue which are financial services firms, law firms, tenants like that, and those smaller users tend to lease much closer to delivery. So, as we get closer to completion of the project, that's when we would expect to be leasing the balance of that space.

COUNCIL MEMBER POWERS: Got it. How does the proposed height and bulk compare to the surrounding buildings in the area?

ZACHARY BERNSTEIN: Sure. I think that looking at 270 Park Avenue is a good example. I think the designs are very complementary of each other. They're both from the same architecture firm who's in the room today, Foster and Partners, and I think really representative of a new crop of office buildings that prioritizes health and wellness and outdoor space with the setbacks as the building rises rather than a sheer square building, and so we think it will complement both the existing buildings that are along Park Avenue today, but also be a shining example of the next generation.

COUNCIL MEMBER POWERS: And for the-- for like the larger community that's in this area, for some of the other projects that were I think larger scale and a little bit closer to Grand Central, there's been a lot of like amenities sort of built in, whether it's public space outside, whether it's space that's inside the building. Just give us a sense of how the public-- whether you're an employee in the area or somebody traveling through the area,

how they will be interacting with this space, how they might be using it, whether it'll be public access to any of them.

ZACHARY BERNSTEIN: Yeah, I mean, I really think the public concourse is the main answer to that question. It will be a totally unparalleled space along Park Avenue, both because of its accessibility and the lengths that had been gone to to keep it all at the same grade as the sidewalk, also with distinctive paving going all the way out to the curb line, it will feel like a very expansive area that pedestrians in the area encounter. We have an office in Midtown. I spend a lot of time walking up and down Park Avenue, and on the west side of Park Avenue, there's very little relief, and where there are public spaces, they're either in-- you know, in under a ceiling or up elevated steps. And so the way we talk about it among the team is this feels like a public living room off of Park Avenue. I think that's the primary way that the community will experience this building.

COUNCIL MEMBER POWERS: For the-- in compiling the sort of FAR for this project, the overbuilt buy-back program, I think I understand what

that is. Is that essentially buying back your overbuild today and you're basically buying back the height you're at today? Is that essentially what that program is?

ZACHARY BERNSTEIN: Yeah, it's buying-- it's buying back for buildings that were built before 1961 zoning, and that was one of the main impediments that first the Bloomberg administration that then it didn't work out, and then the de Blasio administration, and finally passing East Midtown was trying to overcome, because when you had an overbuilt building with a certain amount of square feet, let's say you had a building with 500,000 square feet, but if you empty the tenants, stopped receiving rent, demolish the building and build a new building, you can only build a 300,000 feet, it was a huge disincentive. And so we're utilizing the allowance to get back what we already had essentially with a tax that goes into the public realm fund.

COUNCIL MEMBER POWERS: What year were the existing buildings built in? You said-- mentioned pre-61.

ZACHARY BERNSTEIN: Good question. 1950s.

BARRY LANGER: Yeah, the 350 Park building is a circa 1950s building. The 40 East 52nd building, the Rudin building, is-- that was 1980s. we're not 80s.

ZACHARY BERNSTEIN: We're not getting a buyback from that building.

BARRY LANGER: That one is not over--

COUNCIL MEMBER POWERS: [interposing] The 350 Park Avenue building is overbuilt. Zoning resolution comes into place post 61.

ZACHARY BERNSTEIN: Exactly.

COUNCIL MEMBER POWERS: You're too big, that's basically the--

ZACHARY BERNSTEIN: [interposing] Exactly, yes.

COUNCIL MEMBER POWERS: When it comes to MTA, obviously, I know there's been discussions ongoing with the MTA about coordinating with them around the work you have to do and also efforts to rebuild the Park Avenue train shed. Can you lead us-- can you give us an update on where those conversations are?

BARRY LANGER: First off, Jamie, Miriam, the whole team of the MTA, they're first-class. We've

worked with them for along time, particularly around Penn Station and all the good work we've done there in public/private partnerships. So, we've been engaged in a very constructive and collaborative process as we work through the design, both structurally to hold this building and the needs of the MTA adjacent to the project site, or future needs that they're identifying. As I think I said in my opening, we're fortunate that only the front 50 feet of this footprint actually is over the train shed. You contrast that with 270 Park, we're almost the vast majority the footprint is. The area under the site actually doesn't even have active tracks. So, in working with Miriam and Jamie and team, you know, they've been focused on what are the future uses they may need underneath the footprints and that inactive area in addition to trying to coordinate our work with their future via duct reconstruction work happening out on Park Avenue. I can say the conversations are ongoing. They're very productive. They're very collaborative. Everyone's working well together, and I think in the end both our project will benefit and the MTA will have great benefit from what we do together.

COUNCIL MEMBER POWERS: And the status on the sort of efforts to rebuild the Park Avenue train shed, I know that's a topic of conversation.

Obviously, 270 had a conversation investment in that. Have you guys resolved or discussed some sort of investment in helping to repair that train shed?

BARRY LANGER: We have discussed-- we've discussed that, obviously. Their funding was kind of just approved as part of the state's \$63 billion MTA Capital Plan. They're also focused on what sectors of the train shed are going to first. There's likely to be more work around 270 Park Avenue coming up. So the timing of when that work would happen and the MTAs capital sources for doing that are part of the discussion, Council Member. We have suggested to the MTA that we're prepared to manage that work just as J.P. Morgan Chase helped to manage the work in front of 270 Park to ensure proper coordination and the best of what the private sector can bring to help the MTA to make sure that work is done efficiently and minimizing impacts and coordinating between our work and their work is a critical component of what we've been discussing.

COUNCIL MEMBER POWERS: Yeah, and I'm not asking you guys to commit to a number or anything today, but is there a willingness to make an investment to help rebuild the train shed that's both under and around your--

BARRY LANGER: [interposing] There's a willingness to make a reasonable investment.

COUNCIL MEMBER POWERS: I said reasonable is the sort of key word in that, in that statement. Alright, we will come back to that. Just jobs here for a second. I think you put a slide up. Can you just tell us again construction jobs on site as construction goes on, the number? I know it's anticipated amount of permanent jobs inside the building.

BARRY LANGER: Sure. Our expectations are, as I said earlier, this is a project that's going to last approximately seven years, 26 to 32, I guess six years, and then the tenants would be doing their own fit-outs, you know, likely afterwards as we turn over space. So the anticipated construction jobs is approximately 6,000 jobs along that period of time. Not all of those are on-site at the same time. That's-- and that also includes, you know, the

multiplier effectors, things that are manufactured off-site and brought on-site. The building is anticipated to host about 15,000 employees upon its completion. We anticipate that the building will be, as all of our Vornado's projects are, will be run with 32BJ, security guards, and cleaning staff. And ultimately, you know, will be very well-staffed, I would say. It's a large building, a lot of staff, a lot of employees. Particularly for Citadel and Citadel's Securities, they're a five-day-a-week employer. Their employees are there all the time, and they're eating, they're shopping, they're eating - I mean, whatever it is they do in their jobs, but it's a building that will be filled and contributing.

ZACHARY BERNSTEIN: You're saying that five days a week these days is a lot.

BARRY LANGER: Well, for some companies it's not, but Citadel it is.

COUNCIL MEMBER POWERS: And I forget, is there retail space in this building?

BARRY LANGER: So, there are two food and beverage spaces on the 51st Street side. We'll call it a café, think coffee shop. And on the northern side is a restaurant as you would see in other

buildings on Park Avenue. Both of those are intentionally located, and having worked with City Planning, their entrances are off of the public concourse's space to anchor the western side of the public concourse and provide activation to that side of the space.

COUNCIL MEMBER POWERS: And similar to the other tenancies? I assume that is a tenancy that happens much closer to--

BARRY LANGER: [interposing] Much closer to delivery, yes. Thank you.

COUNCIL MEMBER POWERS: And of the 15,000+ expected permanent jobs, how many does Citadel-- what number of that-- is that 50 percent based on the square footage? Is it--

BARRY LANGER: [interposing] It should be. Now, is that all Citadel employees? Not necessarily, but there's, you know, support staff that also works for Citadel.

COUNCIL MEMBER POWERS: Got it. Okay. Just when it comes to the public concourse-- and then I think this is one of my last questions. When it comes to the public space, public concourse, what is the total square footage?

ZACHARY BERNSTEIN: 12,500 square feet.

COUNCIL MEMBER POWERS: What is required under the East Midtown rezoning? Is there a required number?

ZACHARY BERNSTEIN: The no action building would have had an approximately 5,000 square foot space at the midblock, a very different character of space than we're providing here in this-- in the high-quality space. This is 24 percent of this site, which is a very sizable proportion of the development site given over to the public.

COUNCIL MEMBER POWERS: Sorry. How's the 24 percent number come about with 12,000 versus--

ZACHARY BERNSTEIN: 12,500 divided by 52,000 square foot.

BARRY LANGER: Of the lot area.

COUNCIL MEMBER POWERS: Of the lot, oh, I see. I see. And we did construction timeline. That's it. That's all of my questions. Thank you, Chair. Thank you, guys.

ZACHARY BERNSTEIN: Thank you.

BARRY LANGER: Thank you.

CHAIRPERSON RILEY: Thank you, Council Member. Just a hypothetical question. I know at 270

Park they got that nice LED light at nighttime. Are you guys planning on putting any lights on your building?

BARRY LANGER: I think we're planning on it being a little bit more subtle than what--

CHAIRPERSON RILEY: [interposing] Oh man.

BARRY LANGER: Jamie Diamond did at the top. Although, you know, if saw that American flag on July 4th, you felt pretty patriotic, right? So, it's--

CHAIRPERSON RILEY: Okay, alright. Just figure I ask. Why not? There being no more questions for this panel, you're excused. Thank you so much for your--

COUNCIL MEMBER POWERS: [interposing] I have one last question. This is-- we're talking about 350 Park Avenue. Where does the Rudin building fit into this conversation and what's the occupancy of that building going--

BARRY LANGER: [interposing] Yeah, so 350 Park Avenue is the beach frontage on Park Avenue let's say.

COUNCIL MEMBER POWERS: Right.

BARRY LANGER: 40 East 52nd Street sits directly behind it. That is the building that I said formerly had Black Rock as its main tenant--

COUNCIL MEMBER POWERS: [interposing]
Right.

BARRY LANGER: that moved to Hudson Yard. So, if you take the 350 building, the 40 East 52nd Street building and the small--

COUNCIL MEMBER POWERS: [interposing] The townhouse-- you're combining all those.

BARRY LANGER: You combine those three properties, that creates the 52,000 square foot development footprint. Then the Madison Avenue building is just an air rights parcel that contributes to the air rights and the--

ZACHARY BERNSTEIN: [interposing] And so Rudin and Varnado have joined forced to combine--

COUNCIL MEMBER POWERS: [interposing]
Yeah, that's what I thought. I just wanted to-- okay, thanks.

ZACHARY BERNSTEIN: Thank you.

BARRY LANGER: Thank you.

CHAIRPERSON RILEY: Thank you, Council Member Powers. There being no questions, the panel

is excused. Thank you. For members of the public here to testify, please note that witnesses will generally be called in panels of four. If a member of the public signed up to testify on proposal, please standby when you hear your name. I'm going to call-- are we going to start with in-person? I believe we only have two in-person. So, I'm going to call Theo Perez and Jonathan Reyes [sp?] to testify. And then we're going to transition to online testimony. So, Jonathan Reyes and Theo Perez.

UNIDENTIFIED: Jonathan was an alternate on our panel, so he's not [inaudible]

CHAIRPERSON RILEY: Oh, so we just have Theo. Okay. Theo, you can begin. Thank you.

THEO PEREZ: Alright. Well, thank you. Good morning.

CHAIRPERSON RILEY: Theo, can you just press that button real quick?

THEO PEREZ: Sorry.

CHAIRPERSON RILEY: Yes.

THEO PEREZ: Alright, are we live? Good?

CHAIRPERSON RILEY: Yep.

THEO PEREZ: Alright, well thank you, Chair Riley and Member Powers. My name is Theo

Perez. I'm here today representing SEIU Local 32BJ and the over 90,000 workers that we represent here in New York City. We are a member-driven union dedicated to ensuring that our workers share in the prosperity of the industries they contribute to. 32BJ supports responsible developers who treat their workers with respect. The developers behind this rezoning have a demonstrated history of upholding industry standards, providing good jobs with prevailing wages and benefits to hundreds of union members across the City. Furthermore, they're on a path to a critical commitment to good jobs for the workers at this proposed site. We expect that roughly 75 building service jobs could be created at this site, opening a pathway to the middle-class for dozens of New York families. As the cost of living rises and working New Yorkers struggle to make ends meet, it is more important now than ever to create jobs which uphold industry standards in the City. For these reasons, 32BJ is in strong support of the 350 Park Avenue rezoning. Thank you for your time.

CHAIRPERSON RILEY: Thank you, Theo.

Council Member Powers, you have questions? Nope? There being no questions, you're excused. Thank you

so much. I'm going to transition to online testimony. We're first going to begin with Ryan Pukos followed by Peter Thompson. Ryan, if you can hear me, please unmute and you may begin.

RYAN PUKOS: Hello. Can you hear me?

CHAIRPERSON RILEY: Yes, we can hear you, Ryan.

RYAN PUKOS: Okay, great. My name is Ryan Pukos and I'm the Director of Data and Public Affairs with Grand Central Partnership. As one of the world's largest BIDs serving a district with 76 million square feet of commercial, residential, and building space, our goal is to keep our Midtown East neighborhood clean, safe, and thriving. We believe that the redevelopment of 350 Park Avenue supports this goal in three important ways. First, 350 Park Avenue delivers on a core objective of the rezoning by increasing the neighborhood supply of modern, efficient, and sustainable class A office space. in addition, the project will create restaurant and amenity spaces, generate jobs, and expand the tax base, all of which work to reinforce Midtown East position as the world's central business district. Second, the project will enable major improvements

for the neighborhood's public realm through a \$35.8 million contribution to the public realm improvement fund and the creation of a 12,500 square foot public concourse along Park Avenue. Finally, 350 Park Avenue supports the long-term preservation of St. Bartholomew's Church and St. Patrick's Cathedral, both cornerstones for our community through the purchase of 500,000 square feet of transferable development rights. Altogether, the purchase will unlock a \$151.7 million in capital to improve and maintain these historic landmarks. For these reasons, we support the redevelopment of 350 Park Avenue. Thank you.

CHAIRPERSON RILEY: Thank you. Next, we'll hear from Peter Thompson followed by Chad Purkey. Peter, if you can hear me, please unmute, and you may begin.

PETER THOMPSON: Thank you, Chair Riley. My name is Peter Thompson. I serve as the Vicar and Interim Rector of St. Bartholomew's Church at the southeast corner of Park Avenue and 51st Street opposite from 350 Park. I'm here to communicate our strong support for the proposed building and public concourse. We at St. Bart's care about a thriving

Midtown East and believe the proposed project will make a positive contribution to our neighborhood. The proceeds that we would receive from a sale of transferable development rights related to the construction of this project would support critical restoration and maintenance on the exterior of our building. It would also free other church resources to be used more directly for our mission, including for the outreach to the hungry we provide in partnership with Crossroads Community Services and the Coalition to the Homeless. It also allows non-TDR resources to be directed to the restoration and maintenance of the interior of our building. As you may know, we have benefitted from TDR sales in the past. Past sales have provided funds for critical projects including urgently needed structural repairs to our facility and the spectacular transformation of several of our facades. We simply wouldn't have the resources to undertake such restoration of our landmark building without the proceeds from these sales. We take seriously our responsibility to share our treasure of a building with the rest of the City, and the funding from this project would make it

possible for us to do so for generations to come.

Thanks so much.

CHAIRPERSON RILEY: Thank you. Next we'll hear from Chad Purkey.

CHAD PURKEY: Great. Thank you, Chair Riley. On behalf of-- excuse me. On behalf of the Association for a Better New York, I'm speaking today in support of the requested actions to facilitate the proposed redevelopment of 350 Park Ave. New York City's at its best when it welcomes projects that are bold, yet thoughtful. The reimagining of 350 Park Avenue offers just that by enhancing the city skyline and the iconic Park Avenue office district with good design, new public space, and a world-class office building. The proposed project will also deliver a major boost to our economy. The \$4.5 billion project will deliver new class A office tower, create over 21,000 temporary and permanent jobs, and contribute over \$181 million towards preserving New York City landmarks and enhancing East Midtown's public realm. Because of these many benefits, we strongly encourage the Subcommittee to support the applicant's proposal and requested actions. Just diving a little further-- at street level, this project will enhance the

pedestrian experience along the iconic boulevard by shifting public spaces from its currently shadowed location on 51st Street over to Park Avenue. Here, this expertly-designed concourse will add water features, plantings, and much-needed seated in public realm, all adjacent to new spaces for ground floor restaurants and amenities. Within the building itself and during its construction, the project will create over 6,000 construction jobs and upon completion hold 15,000 permanent jobs in the building, an incredible result of the commitment from anchor tenants Citadel and the applicant's \$4.5 billion investment in the project. As noted, that investment is not limited to the building itself. It will include \$151 million that will be invested into world-famous landmarks, St. Bart's and St. Pat's, and supporting the future capital needs of those sites along with over \$35 million to support upgrades and enhancements to the public realm in East Midtown. Our city's ability to be globally-competitive and recognized as the center for finance, design, and its iconic landmarks, it's not guaranteed. We should never-- never should be taken for granted. Those elements that keep our city great employees for a

continued success in the future are the results of plans and actions like the new 350 Park Avenue that are, again, bold, yet thoughtful. We encourage the Subcommittee to support the project, vote in favor the requested actions and helping to keep New York City's future bright. Thank you.

CHAIRPERSON RILEY: Thank you, Chad.

There being no questions for this panel, this panel is excused. There being no other members of the public who wish to testify regarding LUs 351, 352 related to the 350 Park Avenue proposal, the public hearing is now closed and the items are laid over. I will now open the last public hearing on LU 353 and 355 which are two special permit applications related to the development of 515 7th Avenue in the Garment Center in Manhattan in Council Member Botcher's district. I will note for the record that two applications that were related to this proposed development project and approved by CPC have now been withdrawn by the applicant, namely LUs 354, for a bulk modification special permit, and LU 356 for a zoning text amendment. These two applications are no longer necessary in light of the recent adoption by the City Council of Midtown South mixed-use district

rezoning proposal. With the renaming [sic] application, applicant is seeking to build a new commercial building which requires a special permit for a pedestrian space for area bonus and a special permit to operate a hotel. Okay. I will now call the applicant panel for this proposal which consists of Richard Bass. Counsel, can you please administer the affirmation?

COMMITTEE COUNSEL: Hello, Mr. Bass. Can you please-- thank you for raising your right hand. Do you swear to tell the truth and nothing but the truth in your testimony today and in response to Council Member questions? Thank you.

CHAIRPERSON RILEY: No, I think you have to press--

RICHARD BASS: Now.

CHAIRPERSON RILEY: Yeah.

RICHARD BASS: Okay.

CHAIRPERSON RILEY: Alright. Richard, you may begin.

RICHARD BASS: Good--

CHAIRPERSON RILEY: [interposing] State your name and organization for the record.

RICHARD BASS: Hi, I'm Richard Bass. I'm with Akerman LLP. I represent the applicant. It's been a long morning and afternoon, so this is a relatively simple application now, after Midtown South was rezoned and approved last week. The two actions we're seeking are a special permit to permit a hotel and a special permit to permit a covered pedestrian open space that would result in a 3 FAR bonus. Could we go to the next slide, please? So, just for orientation, the site is one of four lots on this block. The other lots are built to 18, 21, and 26 FAR. With our proposed bonus. We would only be an 18 FAR. As you can see from the picture on the right, the bonus open space would be an inviting open space for the community. Next slide, please. Again, showing the development site. It's on the southeast corner of 38th and 7th. There's only four lots on the block. We're going to be the smallest building, even after these actions. Next slide. The existing site consists of a 4.5-5-story parking garage with some retail. It's not very attractive. We propose replacing it with a really class A office building or office hotel building. Next slide, please. So, this slide describes one of the special permits. As you

can see from the upper right-hand corner, the space would be lit, inviting. As requested by the Community Board, we've expanded the hours of operation from 5:00 a.m. to 10:00 p.m. The lower diagram shows the bonus open space. We've added in a public restroom. The Community Board was very happy with that, as was the Borough President and the Planning Commission. Next slide, please. The special permit for the hotel is required. We've been working with the Hotel Trades Council for this project that's been going on pre-pandemic. They support the project, as does 32BJ. I'm hoping both will testify in support today. Next slide, please. This shows the two options. The applicant will decide based on market conditions whether he builds an office building and/or office hotel building, but here are the two options. Next slide, please. This shows Community Board Five unanimously supported our application. The Borough President decided not to hold a public hearing, because we've been communicating with them for the length of this process. They issued a letter of support for the project. The Planning Commission, of course, supported the project. Next slide, please. This

gives an idea of what the open space would look like. It's kind of hard to see by this slide, but the rear wall will be a art feature that we believe will be garment-related, and it will change over time. So we'll work with the-- either the art school nearby or the garment nonprofit, but this will reflect the garment-related building activity in the area. Also, the building itself tips its hat to the knitting and the weaving of the garment district. Next slide, please. Actually, skip two more. This shows the heights of the building, but the most important slide is the next one. Next slide, please. Though hard to see, but you can see on the print-out, we're in a dearth of public open space. So, this will be a public amenity as opposed to one that doesn't add a lot to the public. And that basically is my presentation. I promised I would speak quickly, and-

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CHAIRPERSON RILEY: I like you already. Thank you. Just a couple of questions. You spoke about the usage of the building which would be a hotel or office. When would you make that decision, and what will determine that decision?

ROBERT BASS: We're working with the applicant right now. Honestly, they haven't made up their mind. I think it will be a reflection of what the market condition is, but also the world is a little crazy right now. Tariffs in, tariffs out, 25 percent on steel, all these factors will be-- will decide what we build, but I can't give you a date when that will be done.

CHAIRPERSON RILEY: Do you have potential tenants for either or already, or no?

ROBERT BASS: At this point, because this project took more than five years to get to this stage, anyone who had expressed interest in the building has moved on.

CHAIRPERSON RILEY: Got you.

ROBERT BASS: So, we're going to hit those-- we're going to kick those tires starting now.

CHAIRPERSON RILEY: Okay. If you build a commercial building, what types of industries do you expect will rent this commercial space, and will there be manufacturing or garment industry presence here?

ROBERT BASS: This will be a class A office building, if it's only office. You know, we

1 have, you know, the open space on the base. There
2 will be no retail other than the café in the open
3 space. Just as the previous applicant described,
4 there is a demand for class A office space, and this
5 would add to it.
6

7 CHAIRPERSON RILEY: Will there be any
8 maintenance and security plan for the public space?

9 ROBERT BASS: There will be, and we
10 promise with the Community Board that when we get
11 closer to construction, we'll work out those type of
12 arrangements, because there's a-- you know, as you
13 know, there's a fine balance between creating a
14 public amenity that then becomes a public nuisance,
15 and creating a program that balance that and manage
16 that is important to us and to the community.

17 CHAIRPERSON RILEY: Thank you. There
18 being no more questions, you're excused.

19 ROBERT BASS: Okay, thank you.

20 CHAIRPERSON RILEY: I believe we only
21 have one testimony, so I'm going to call Theo Perez
22 to come and testify on this project. Theo, you may
23 begin.

24 THEO PEREZ: Thank you, Chair Riley.
25 Good to be back up here. My name is Theo Perez. I'm

here again representing SEIU Local 32BJ and the 175,000 property service workers we represent up and down the east coast. We support responsible developers who invest in the communities where they build, and I'm happy to report that the developers of this proposed project have made a credible commitment to creating prevailing wage good jobs for the workers who will permanently staff the buildings. We estimate that this rezoning could allow for the creation of six to 12 property service jobs. Good jobs like these mean prevailing wages, meaningful benefits and a pathway to the middle-class for the local community members who fill them. As the cost of living rises, working New Yorkers struggle to make ends meet, it is more important now than ever to create jobs which uphold industry standards in the City. For these reasons, 32BJ is in strong support of the 515 7th Avenue rezoning. Thank you for your time.

CHAIRPERSON RILEY: Thank you, Theo.

Being no questions, you're excused. Thank you so much. There being no other members of the public who wish to testify regarding LUs 353 and 355 related to the 515 7th Avenue proposal, the public hearing is

now closed, and the items are laid over. That concludes today's business. I would like to thank the members of public, my colleagues, subcommittee counsel, Land Use and other council staff, and most importantly, the Sergeant at Arms for participating in today's meeting. This meeting is hereby adjourned. 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 September 9, 2025