

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

SUBCOMMITTEE ON ZONING AND
FRANCHISE

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January 28, 2014
Start: 9:56 a.m.
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HELD AT: Council Chambers
City Hall

B E F O R E: MARK S. WEPRIN
Chairperson

COUNCIL MEMBERS:

Daniel R. Garodnick
Vincent M. Ignizio
Antonio Reynoso
Donovan J. Richards
Ritchie J. Torres
Jumaane D. Williams

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

Marcello Porcelli
LargaVista

Elise Wagner
Kramer Levin
Naftalis
Frankel

Rick Cook
Cook Fox

2 CHAIRPERSON WEPRIN: All right. All
3 right. Good morning, everyone. My name is Mark
4 Weprin. I am the Chair of the Zoning and Franchise
5 Subcommittee. Once again I am back, so forget all
6 those farewell things we said at the last meeting.
7 I am delighted to be back here, and we have a new
8 crew, for the most part, of council members. And I
9 am delighted to say they were all here on time,
10 unlike the Chair who, unfortunately, was uptown and
11 had to rush back down.

12 So we are joined today by the following
13 members of the subcommittee first, Councilman Dan
14 Garodnick, Council Member Donovan Richards, Council
15 Member Antonio Reynoso, Council Member Richie
16 Torres who got a star because he was first I see,
17 and Council Member Vincent Ingnizio. We're also
18 joined by Council Member David Greenfield, the
19 Chair of the Land Use Committee and Council Member
20 Margaret Chin who is here on the item that is going
21 to be considered on our agenda. I think that's
22 everybody. Who did I forget? Oh, and Rubin Wills
23 who just likes to come, I guess, because we're
24 laying over your item. Right, Rubin? Sorry,
25 Rubin.

2 So just for the record, we are going to
3 lay over the following two items that are on the
4 agenda: The Second Avenue Text Amendment, which is
5 N130232 and we're also laying off the item in
6 Council Member Will's district, which is the North
7 Conduit Avenue Rezoning, which is C070194 and
8 090033. Those will be taken up at a later agenda.

9 Today we are considering the item 300
10 Lafayette Street, which is made up of four items,
11 which are C140093 through 140092 it says here,
12 right? That's the wrong numbers though. It should
13 be 92, 93, 95 and 96, 140092 through 96 is what it
14 should say. And with that in mind I'm going to
15 call up the Applicants on this matter. I'd like to
16 call up Elise Wagner from Kramer Levin, Marcello
17 Porcelli and Rick, is it Lou? Cook, oh. I see how
18 it could be Cook. Okay. So please state your name
19 for the record when you're speaking so we can have
20 a nice accurate transcript of who is talking. And
21 when you're ready I see you have a -- is you're
22 your slide presentation? Your Power Point? It's
23 going to be difficult not to block the Power Point.
24 Well, I'm sure you'll be able to figure this out.
25 So whenever you're ready, please state your name.

2 MR. PORCELLI: Good morning, everyone.
3 My name is Marcello Porcelli. I'm the President of
4 LargaVista Companies, the developer of 300
5 Lafayette. My family has owned the gas station at
6 the intersection of Houston and Lafayette since
7 1976. And since 2007, I've been living just down
8 the road at Houston and B with my wife, three
9 children in a building that we developed. So it
10 goes without saying that we're no strangers to this
11 neighborhood. So for that reason I recognize the
12 tremendous responsibility and opportunity that's
13 presented by this extremely prominent development
14 site.

15 We've assembled the best and the
16 brightest. I'm very proud of the team we've put
17 together to advise us on this development. I'm
18 particularly excited about the fact that we are
19 working with Rick Cook and his team at Cook Fox.
20 They've designed what I believe is an absolutely
21 beautiful building, which -- and, you know, I
22 really believe that this building is going to stand
23 the test of time in this historic district.

24 Rick Cook is a global leader in
25 sustainable design, which is a key part of the

2 narrative of this project. We are also very proud
3 of the fact that we received a unanimous approval
4 from the Land Marks Preservation Commission in
5 April of last year and that we've gotten such a
6 warm response throughout the entitlement process
7 from the community board, from the borough
8 president's office and from city planning.

9 The building that you see here is
10 approximately 80,000 square feet. It's made up of
11 retail and boutique office space. The project's
12 economics are largely driven by the retail, which
13 is 30,000 square feet on the lower level, the first
14 floor and the second floor. This is contemplated
15 to be a single, high-end user, which is very
16 consistent with the surrounding retail, but we've
17 retained some design flexibility so that we can
18 break up the space among multiple users if the case
19 is needed.

20 At this point I'd like to turn the
21 discussion over to Rick Cook. But first I'd like
22 to thank you all for your time this morning.

23 MR. COOK: Thank you, Marcello. Thank
24 you very much for your time. This is a remarkable
25 opportunity where I'm an architect and work with a

2 studio of talented people and we get the
3 opportunity to think about how to form the future
4 of the city. We always go back to the history of
5 place. And Houston and Lafayette were formed by a
6 series of infrastructure tiers when Houston was
7 widened. That's why we have these unfinished
8 conditions. And when Lafayette came, they actually
9 sheared off part of the Puck Building, which you
10 see just beyond. And that façade we're looking at
11 was recreated later on.

12 So we've got an opportunity to craft a
13 new building on this site that hasn't -- that
14 really has never had a building on it since these
15 infrastructure projects were done. The very first
16 step then was to craft just the exact right size
17 project. So the first thing we did was find a
18 massing that sat beautifully on the street relative
19 to the Puck Building, which is the building you see
20 just beyond. It's also in the larger context of
21 the much taller buildings on the Broadway retail
22 corridor and just to the south of the building.
23 And we wanted this building just to fit in
24 perfectly right there.

2 It's also an incredibly Mass Transit
3 connection, and I'll talk about that in a minute.
4 We wanted to create the workplace of the future.
5 We've had the incredible blessing of working on
6 some projects, including the first lead platinum
7 skyscraper in New York, the One Bryant Park
8 Project, and we're interested in how we're going to
9 build buildings of the future. And if you have
10 questions, I'm happy to talk in more detail about
11 what the section means. But in loose terms we'll
12 call it biophilic design, which is that people feel
13 good when they feel connected to nature. The
14 answer for sustainability is dense urban
15 environments, but we as people and population have
16 a need to connect with nature. And we're trying to
17 think about how to do that with the kind of
18 buildings that we make.

19 The site had 11,500 square feet of green
20 space in 1609, the point of first European contact,
21 and we've created 11,500 square feet of planted
22 green terraces in and around and on top of the
23 building. There's some very specific site
24 conditions that we're challenging. The sidewalk on
25 Houston is extremely busy and there's a very

2 important subway entrance. So the very first move
3 that we made was to expand the circulation space
4 around that. We've widened the sidewalk by seven
5 feet. So you can come up the stairs and go around
6 both ways. We also put the office building entry,
7 the workplace of the future, all the way down on
8 Lafayette and then found the perfect spot for a
9 singular curb cut for the required loading berth
10 down on Crosby.

11 The whole site is covered with curb cuts
12 right now. It's very chaotic. And there's
13 enormous advertising signs which are grandfathered.
14 And under this whole process we'll have -- we'll
15 have very limited signage, one curb cut, seven new
16 street trees where there are no street trees
17 planted now. We've put street trees every place
18 that the guidelines would allow.

19 And ultimately the greenest building we
20 can possibly do for a greener, greater New York is
21 do better for Mass Transit, for all of us. So
22 right now we have this condition with the parking
23 and the gas station off to the left and you can't
24 circulate around the other side of the subway. And
25 here's just a very quick view of what it would feel

2 like when this building is finished with the extra
3 seven feet so you can walk around the side and the
4 glass store fronts framing a view of the Puck
5 Building. And I'm happy to answer any other
6 questions, but we hope that this will be a building
7 that we can all be proud of in our community.
8 Thank you.

9 MS. WAGNER: Good morning. My name is
10 Elise Wagner. I'm a member of the firm of Kramer,
11 Levin, Naftalis and Frankel. And I'm here today on
12 behalf of LargaVista Companies, the developer of
13 300 Lafayette. I'm going to talk to you very
14 briefly about the zoning actions that we are
15 requesting as part of this project. There are
16 special permits and there's also a zoning text
17 amendment.

18 First, let's talk about the use waivers
19 that we're requesting, and those are under Section
20 74712 of the zoning resolution and also 74922. So
21 let me explain. If you look, the blue represents
22 the waiver that we need under 74712 and this is an
23 NY 5B District in SOHO where retail is actually
24 somewhat restricted. So the blue area we require a
25 special permit under Section 74712 to allow Use

2 Group 6, retail use. The other use waiver we need
3 is to allow the larger retail uses greater than
4 10,000 square feet. And that waiver is available
5 under a different special permit section, 74922.
6 So those are the use waivers.

7 In terms of bulk, we need a waiver also
8 under Section 74712. And the reason we need that
9 waiver is to match the height with the Puck
10 Building. As Rick mentioned, this proposed
11 building is just to the west of the Puck Building.
12 So if you look at the red areas on this section,
13 the zoning allows a height of 85 feet at the street
14 wall and we're asking for a height of 91 feet, and
15 that's about the height of the adjacent street wall
16 of the Puck Building.

17 In addition, the red higher up is
18 actually what's called breeze solei. Essentially
19 what it is is it blocks the sun, and it's a feature
20 that really is a green design feature. Both to
21 match the Puck Building and also to create -- to
22 add to the green design features of the building we
23 need these minor waivers. So those are the special
24 permits.

2 The other public action that we need is
3 a text amendment. As I said, we're using Section
4 74712 of the zoning resolution, which allows --
5 currently allows use and bulk waivers on zoning
6 lots located in NY 5A and B Districts. This --
7 currently the waivers are only allowed if the site
8 has a lot coverage of 20 percent. In other words,
9 that no more than 20 percent of the lot is covered
10 by buildings. Well, our site has a lot coverage --
11 a building coverage, excuse me, of 38 percent. So
12 we're asking to amend the zoning resolution so that
13 74712 would apply to zoning lots that have a lot
14 coverage of up to 40 percent and also that have
15 frontages on two wide streets. Here we have
16 Houston and Lafayette.

17 This is the only site that satisfies the
18 criteria -- the criteria established by this text
19 amendment. So City Planning thought this made
20 sense to encourage development on two wide streets
21 so we're proposing that text amendment. And
22 actually this shows the -- the colored area is the
23 38 percent.

24 And then I briefly just want to talk
25 about the appropriateness of retail at this

2 location. As I said, we're asking for certain use
3 waivers to allow the retail and the large retail at
4 this location. So as you can see from this map,
5 within just one or two blocks of this site, there
6 are four stores that are larger than the total
7 we're proposing. So Crate & Barrel on Broadway,
8 40,000 square feet, Hollister, 40,000 square feet,
9 Adidas just to the -- on the east side of Broadway,
10 36,350 and then to the east of our site, REI at
11 39,000 square feet. So the proposed retail use
12 here, which is maximum 32,000 square feet, is
13 really an appropriate size store at this location.

14 And that's the end of our presentation.
15 We'd be happy to answer any questions that the
16 committee might have.

17 CHAIRPERSON WEPRIN: Thank you very
18 much. I want to call on Council Member Chin who
19 represents this area, who wanted to have some
20 comments. Council Member Chin.

21 COMMITTEE MEMBER CHIN: Thank you,
22 Chair. I'm here to speak in support. I think this
23 project took a long time. I remember meeting with
24 the developer, I think, more than four years ago,
25 if I remember, when we were considering the

2 expansion of the SOHO Historic District. And we
3 included that site in the historic district. And
4 he was fine with it because he showed me a building
5 that really fits into the district, I think, when I
6 first saw it. And I'm so glad that it finally come
7 to this point. And I also want to than the
8 developer and also the community board. Really
9 working it out and trying to find a way to make it
10 happen.

11 And so I think some of the issues that
12 were raised about asking for the text amendment
13 change is to really to help make this project
14 happen because it is within two wide streets. At
15 the same time to protect some of the side streets
16 within the district. We want to make sure that we
17 don't get in a situation where a smaller structure
18 on the side street gets torn down. So I think even
19 the community board, right, is very supportive of
20 this project. So I really do urge my colleagues to
21 support it. If you have any questions, you know,
22 feel free to ask.

23 CHAIRMAN WEPRIN: Thank you, Council
24 Member Chin. I call on Council Member Garodnick.

2 COMMITTEE MEMBER GARODNICK: Thank you
3 very much, Mr. Chairman. First of all, I want to
4 congratulate you. This looks like a very impressive
5 design and the incorporation of the green
6 components here I think is something that will be
7 precedent setting, so congratulations to you.

8 I just -- I had two questions. One of
9 them was about the advertising. Obviously this is
10 a site right now which is gas station and then also
11 significant advertising there. I think your
12 comment was that there will be limited advertising
13 on an ongoing basis? Did I hear you correctly?
14 What are you going to be doing there?

15 MR. PORCELLI: There's actually no
16 advertising allowed going forward and the signage
17 is restricted to -- and that's business signage.

18 CHAIRMAN WEPRIN: Make sure to say your
19 name when you speak.

20 MS. WAGNER: Elise Wagner. The signage
21 is restricted to the signage, I think, in a C1
22 Zoning District, so it's very restricted. And it
23 would only announce the stores within the building,
24 very limited.

2 COMMITTEE MEMBER GARODNICK: That's it.
3 So the only signage that would be allowed or
4 anticipated here would be for the retail component
5 that you're going to be getting.

6 MS. WAGNER: I suppose -- I mean, there
7 could be signs with the number or if the building
8 has a name, that kind of thing, but no advertising.

9 COMMITTEE MEMBER GARODNICK: Okay. And
10 then just to go back to your lot coverage analysis,
11 because I just need you to go back to that for a
12 second because I didn't completely understand the
13 40 percent and the connection of the two avenues.
14 So if you could just go back to that for a minute.

15 MS. WAGNER: Sure. Under Section 74712
16 the current special permit allows waivers of use
17 and bulk for signs that have less 20 percent or
18 less -- 20 percent or less building coverage. The
19 amendment that we're making is to say you may have
20 building coverage up to 40 percent on the lot. But
21 not only that, you must also have a site that is on
22 two wide streets. So in order to get waivers if
23 your site has building coverage between 20 and 40
24 percent, it only can occur for a site on two wide
25 streets. So you could not use this special permit

2 if you have more than 20 percent coverage if you're
3 not on two wide streets.

4 COMMITTEE MEMBER GARDONICK: And you
5 said that there is no others -- as far as you know,
6 there is no other site that fits that criteria in
7 the city?

8 MS. WAGNER: No. Well, this special
9 permit is only available in SOHO and NOHO. It is
10 limited only to SOHO and NOHO. And in SOHO and
11 NOHO, there was no other site that fits this --
12 these criteria.

13 COMMITTEE MEMBER GARDONICK: Okay.
14 Thank you very much.

15 MS. WAGNER: Sure.

16 CHAIRMAN WEPRIN: Okay. And you're
17 referring to 74712 only effects SOHO and NOHO?

18 MS. WAGNER: That's correct.

19 CHAIRMAN WEPRIN: Oh, okay. All right.
20 Thank you. Anybody else have any? All right.
21 Great. Well, I don't have any other questions.
22 Margaret, do you want to add anything before we let
23 them go? We do have someone who is here to testify
24 in favor of this project afterwards, but anything
25 else? There is somewhere here, I know, to testify

2 as well. Well, thank you very much. You know, you
3 may want to stick around because we're going to
4 hear from some other people.

5 Okay. Well, I'd like to call Peter
6 Davies. Are you here, peter? Is anyone else here
7 to testify on this matter? On 300 Lafayette?
8 Anybody else? Mr. Davies, if you could make your
9 way to the microphone. And if you could, please
10 state your name when you do speak and give us your
11 opinion on this project.

12 MR. DAVIES: Okay. Hi. My name is
13 Peter Davies. Thank you, Chair Weprin and the
14 other council members and Council Member Chin. I'm
15 here on behalf of the Broadway Resident's
16 Collation. A longtime -- a group of longtime
17 owners and occupants of SOHO to speak in support of
18 this project. We commend the design from Cook Fox
19 Architects, which sensibly responds to the existing
20 buildings in the immediate area.

21 And the key -- one think key that we're
22 supportive of is the way that this project deals
23 with the chaos that's at that intersection now. And
24 if you'll notice that they have inset the building
25 at the -- one of the subway entrances, which is

2 really going to be helpful. I don't know if you
3 guys have any power to do this, but if you could
4 convince DOT to examine those sidewalks there. When
5 they rebuilt Houston Street about ten years ago
6 they did an odd reconfiguration of narrow
7 sidewalks. But this building deals with that, so
8 we're in support of that.

9 Considering the give and take needed to
10 achieve a truly good plan, we note the following
11 positive aspects included in this proposal:
12 overall the design is sensitive to the surrounding
13 buildings, the addition of greenery, both at street
14 level and on the building terraces will be welcome
15 and beneficial, the mega signage and billboards now
16 on the site will be eliminated, the development
17 will detain the current chaos at street level.
18 Finally, members of the Broadway Residence
19 Coalition acknowledge the openness exhibited by
20 Marcello Porcelli of Largo Vista Companies. His
21 outreach to the neighborhood is commended and the
22 entire design and development team have been
23 responsive to community concerns.

24 So that's it. Thank you.

2 CHAIRMAN WEPRIN: Well, thank you, Mr.
3 Davies. We're delighted to have such a nice, non-
4 controversial item to start our year here. It's
5 unusual. I want to let the members no this is not
6 your common meeting. What we're going to do now is
7 I'm going to call on the Committee Clerk, Council
8 Ann McCoy to please call the roll and we're going
9 to take a vote on this. Ms. McCoy.

10 THE CLERK: Chair Weprin.

11 CHAIRMAN WEPRIN: I vote aye.

12 THE CLERK: Council Member Garodnick.

13 COUNCIL MEMBER GARADONICK: Aye.

14 THE CLERK: Council Member Richards.

15 COUNCIL MEMBER RICHARDS: Aye.

16 THE CLERK: Council Member Reynoso.

17 COMMITTEE MEMBER REYNOSO: Aye.

18 THE CLERK: Council Member Torres.

19 COMMITTEE MEMBER TORRES: Aye.

20 THE CLERK: Council Member Ignizio.

21 COMMITTEE MEMBER IGNIZIO: Yes.

22 THE CLERK: By a vote of six in the
23 affirmative, zero abstentions and no negatives, the
24 four land use applications encompassing the project
25

2 known as 300 Lafayette Street are approved and
3 referred to the full Land Use Committee.

4 CHAIRMAN WEPRIN: That's great. I just
5 want to let everybody know that this Thursday,
6 10:00 a.m. at City Hall the Land Use Committee will
7 be meeting and David Greenfield will make his debut
8 as Land Use Chair. 10:00 a.m. in the Committee
9 Room at City Hall. You don't want to miss it. Ten
10 o'clock sharp. Thank you. We are going to adjourn
11 but we are going to hold the roll open ten more
12 minutes for Council Member Williams. Thank you.

13 [Pause]

14 THE CLERK: Council Member Williams.

15 COMMITTEE MEMBER WILLIAMS: Vote aye.

16 THE CLERK: The vote now stands seven in
17 the affirmative, zero abstentions, zero negatives.

18 [Gavel]

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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. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.



Date 01/29/2014