

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

SUBCOMMITTEE ON ZONING
AND FRANCHISES

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September 16, 2014
Start: 10:15 a.m.
Recess: 11:43 a.m.

HELD AT: 250 Broadway - Committee Room
16th Floor

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

COUNCIL MEMBERS:
Daniel R. Garodnick
Jumaane D. Williams
Donovan J. Richards
Antonio Reynoso
Ritchie J. Torres
Vincent M. Ignizio
Vincent J. Gentile
Ruben Wills

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

Lois Tendler, Vice President
Government and Community Relations
MTA New York City Transit

Christina De Rose, Vice President
New York City Economic Development
Corporation

Jerry Johnson
Fox Rothschild

Navid Maqami, Architect
Vice President of Architecture
Greenberg Farrow Architecture, Inc.

Jonathan Ratner, Vice President
Madison Capital

Tobi Bergman
Community Board No. 2, Manhattan

Terry Koo, Second Vice Chair
Community Board No. 2, Manhattan
Vice Chair, CB2 Land Use Committee

James Caras, General Counsel and
Director of Land Use
Manhattan Borough

Sarah Diaz
Community Liaison Office of New York
State Assembly Member Deborah Glick

Anna Palmer
Laura Tenenbaum
Ingrid Wiegand
Peter Davies

[sound check]

CHAIRPERSON WEPRIN: Good morning

everyone. My name is Mark Weprin. I'm Chair of the Zoning and Franchises Subcommittee. I am joined by the following members of the subcommittee. I'm going to look at the list here so I say their name. Council Member Vinnie Gentile, Council Member Dan Garodnick, Council Member Donovan Richards, and Council Member Antonio Reynoso, who according to my paper gets the told star today. We are also joined by the Chair of the Land Use Committee David Greenfield, as well as a couple of members who have items before us today, Council Member Rosie Mendez is interested in our first cafe that we'll be voting on, and Council Member Margaret Chin has the main item on the agenda in her district. I don't think I forgot anybody else.

With that in mind, we're going to first move onto a cafe that we heard the hearing on the other day. It's Land Use No. 110. It's called Claudette's at 24 5th Avenue. I have a rather lengthy statement I have to read into the record. I would like to read it into the record. So, if you could all bear with me a second, I will do so.

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2 This application for an unenclosed
3 sidewalk cafe located at 24 5th Avenue in Council
4 Member Corey Johnson's District, and just across 5th
5 Avenue from Council Member Rosie Mendez's District.
6 the Subcommittee held a hearing on this cafe on
7 September 3, 2014 where we heard from the applicant's
8 attorney in support of the cafe application, as well
9 as the nearby residents and their attorney in
10 opposition to the cafe. I would also that for the
11 record that the Subcommittee has received and
12 considered written submissions, and supporting
13 documentation from both the applicants and attorney.
14 As well as the attorneys for 25 5th Avenue the
15 condominium across the street setting forth their
16 respective positions of the non-conforming use status
17 of the restaurant, and the proposed unenclosed
18 sidewalk cafe, which pursuant to the Zoning
19 Resolution is part of the restaurant. The applicant
20 has submitted photographs to the Subcommittee showing
21 a ground floor restaurant with an unenclosed sidewalk
22 cafe in the 1940s and 1970s, as well as the
23 restaurant with the unenclosed sidewalk structures in
24 1971.

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2 In addition, we have reviewed the various
3 approvals granted to the enclosed sidewalk cafe
4 dating back to 1971 by the Board of Estimate, the
5 City Planning Commission. And most recently the
6 Department of Consumer Affairs including DCA's
7 counsel's determination made in consultation with the
8 Department of City Planning that the applicant could
9 apply for an unenclosed sidewalk cafe based on its
10 non-conforming use status. The Zoning Resolution
11 prohibits continuation of a non-conforming use if
12 during at least a continuous two-year period, the
13 active operation of substantially all of the non-
14 conforming uses... is discontinued.

15 That is from the New York City Zoning
16 Resolution 5261, to establish that the non-conforming
17 use is not substantially discontinued for a
18 continuous two-year period. The applicant submitted
19 to DCA and the Council documentation including a rent
20 roll showing payments of rent, water usage, and a
21 surrender agreement showing that the previous
22 restaurant tenant relinquished the space in September
23 2012 to establish when the present cafe applicant
24 took control of the space. The applicant submitted a
25 signed lease dated November 18, 2013, and an

1 Alteration Permit issued by the Department of
2 Buildings on December 18, 2013. The enclosed cafe
3 structures were demolished on or about April 2014.
4 The applicant opened the restaurant under the name
5 Claudette in May 2014. And at that time the
6 unenclosed sidewalk cafe application for tables and
7 chairs to be located within the footprint of the
8 former enclosed sidewalk cafe. The enclosure has
9 already been submitted to the DCA.
10

11 The opposition claims that even if as
12 they appear to concede that the restaurant located
13 within the building has retained its legal non-
14 conforming use, the sidewalk cafe has not operated
15 for over two years period, and thus lost its non-
16 conforming use. However, this impermissibly seeks to
17 treat the restaurant within the building, and the
18 outdoor sidewalk cafe immediately adjacent to it as
19 two separate and distinct uses that each
20 independently need to substantiate the respective
21 non-conforming use status.

22 This is not correct. The Zoning
23 Resolution defines a sidewalk cafe both enclosed and
24 unenclosed as a portion of an eating and drinking
25 establishment on a public sidewalk. Therefore, the

1 non-conforming use consists of both the restaurant
2 within the building and adjacent sidewalk cafe area,
3 and it is to this total area that the two-year test
4 of Zoning Resolution Section 52-61 applies. The
5 record before us does not substantiate a finding that
6 is substantial, continuous-- discontinuous, excuse
7 me. A big difference. The finding is substantial,
8 discontinuous for a period greater than two years.

10 We have also received documentation that
11 the applicant made a written request to extend the
12 period of time by 180 days, during which DCA could
13 act to approve the application, and we are advised by
14 DCA that they granted that extension request.

15 Initially, the applicant applied for an unenclosed
16 sidewalk cafe for 25 tables and 52 seats to address
17 the clearance issues. The applicant then reduced the
18 cafe to fit 19 tables and 40 chairs, and that
19 configuration was approved by DCA, and submitted to
20 the Council for approval. Council Member Johnson has
21 worked with the applicant, and secured commitments to
22 further reduce the size of the cafe, and reduce the
23 hours of operation in the cafe.

24 I will now read into the record by the
25 applicant's attorney dated September 15, 2014, which

1 reflects these agreements. And now I switch to the
2 other letter that I have here. This is to Chair
3 Greenfield and Council Member Johnson. This is
4 memorializing-- This is to memorialize settlements
5 reached with your offices on behalf of 24 5th Avenue,
6 LLC. The applicant is pursuing-- in it's pursuit of
7 an unenclosed sidewalk cafe at 24 5th Avenue,
8 Manhattan, the applicant agrees to reduce the
9 proposed sidewalk cafe to no more than 10 tables and
10 20 seats and a legal maximum of 40 seats.

11 Furthermore, the Applicant agrees to close the
12 proposed sidewalk cafe at 10:00 p.m. on week nights,
13 Sunday through Wednesday nights, and at 11:00 p.m. on
14 weekends, which includes Thursday through Saturday.

15 The applicant will file an updated plan
16 to effect these changes with the Department of
17 Consumer Affairs on or before September 22, 2014, and
18 will provide a copy of said filing to the Council's
19 Land Use Division by that date. Please feel free to
20 contact me if you have any questions. And that's
21 from the attorney for the applicant. I'm almost
22 done. with these commitments by the applicant, I am
23 advised that council Member Johnson supports the
24 approval of the application.
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With that, I would ask that if any Subcommittee members have any comments, they can make them now. Does anyone have any comments or questions on this item? I will get to Council Member Mendez after I finish the statement. So based on the-- Should I have her speak now. No. Well, based on the record before this Committee, we're going to make the determination to make the motion to approve Land Use 110, An Unenclosed Sidewalk Cafe for Claudette's Restaurant.

Let me call on Council Member Mendez who I know has a comment. She again represents the district directly across the street. Council Member Mendez.

COUNCIL MEMBER MENDEZ: Thank you, Chair Mark Weprin. That's a little joke between us. Um, good morning everyone. This sidewalk application at 24 5th Avenue is located on the west side of 5th Avenue, and I represent the east side of 5th Avenue. Since there are very few occasions that we can quote Jane Jacobs, I'm going to take this opportunity because I think this is very fitting. Jane Jacobs said, there is a quality even meaner than outright ugliness and disorder. And this meaner quality is

1 the dishonest mask of pretended order, achieved by
2 ignoring and suppressing the real order that is
3 struggling to exist and to be served. That is what
4 is at the heart of this application for an unenclosed
5 sidewalk cafe. Today, my colleagues, you can either
6 vote to disapprove a non-conforming use and by doing
7 so affirm Jan Jacobs' belief that the intended order
8 that is struggling to exist. And preclude as is
9 through the Zoning Resolution a sidewalk cafe on a
10 residential community of 5th Avenue. Or you can vote
11 to open up Pandora's Box to the outright ugliness and
12 disorder that will inevitably exist in a residential
13 district where the zoning prohibits sidewalk cafes.
14 Ultimately, the dispositive issue should be whether
15 this unenclosed sidewalk cafe is a legal or illegal
16 non-conforming use. However, I believe never get
17 those arguments because this application fails on
18 procedural grounds.

19
20 Under Section 20-226 of the
21 Administrative Code, DCA was required to file
22 Claudette's Unenclosed Sidewalk Cafe Application with
23 the City Council no later than July 28, 2014. Here,
24 DCA filed said application with the Speaker's office
25 on August 14th, 17 days after the deadline. At full

1 board meeting of Community Board 2, the board passed
2 a resolution on June 19th, well before the June 28th
3 deadline. That resolution said, If this is not
4 contrary to zoning, then we will only approve 10
5 tables and 20 chairs. That is what my colleague
6 Corey Johnson is advocating for.
7

8 DCA then had 30 days from CB2's
9 resolution to approve or approve with modifications
10 or to request in writing to keep that application
11 open, and extend this application for another 180
12 days. Before the July 28th deadline here, the
13 applicant submitted a written request for an
14 extension to modify the application on August 6th,
15 nine days after the deadline. Moreover, an
16 application was not submitted to the City Council
17 until August 14th. Again, 17 days after the
18 deadline. For this reason alone, this application
19 should fail. The applicant alleges that DCA had the
20 authority to extend its review period for no greater
21 than 180 days under the Administrative Code that went
22 into effect on April 20, 2014. However, this
23 extension does not apply here because DCA never
24 notified the Council of any decision to extend its
25 review period.

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2 Moreover, there was no reason to believe
3 that an extension would be sought since DCA did not
4 waive its public hearing. DCA held a public hearing
5 on this matter on July 2, 2014. Additionally, on
6 October 16, 2013, the applicant, Claudette, appeared
7 before CB2's State Liquor Authority Committee. Based
8 on the applicant going before the full board on
9 September 24, 2013, where the full board voted to
10 deny the on-premises license for 24 5th Avenue unless
11 conditions or stipulations agreed upon by the
12 Applicant were met. The applicant agreed to enter
13 into a stipulation, which included, among other
14 things, that the applicant would not use any back
15 yard garden space, or a sidewalk cafe.

16 Here, the applicant is ignoring one of
17 the express terms that he agreed to at the Community
18 Board Committee. When Community Board 2 wrote up the
19 Stipulation, it did not write that part about the
20 sidewalk cafe. It did write all the other measures
21 that the applicant had agree to. Why didn't
22 Community Board 2 write it into the Stipulation?
23 Because as stated by the applicant, as stated by the
24 knowledge of the members of the board, this was
25 contrary to the zoning. So they thought it was

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2 redundant to put it in the Stipulation. A mistake
3 that will not ever be done again.

4 So, for me, it's disconcerting that the
5 applicant shows up in September and says, I don't
6 want a sidewalk cafe. It's contrary to the zoning,
7 and then seven months later shows up to another
8 committee and says, I want a sidewalk cafe. More
9 disturbing is not that he wants a sidewalk cafe
10 because sometimes things change. But when he showed
11 to the Sidewalk Cafe Committee, he failed to mention
12 that there was disagreement in a previous committee.

13 So having said all that, we would then
14 get to the last remaining issue of whether this is a
15 legal or illegal conforming use. I have raised the
16 issue about the discontinuous use for two years. I
17 said it was a close call. I have seen the record
18 submitted by the applicant's attorney, and I still
19 have questions. While the applicant's attorney
20 submitted lots of documents that showed expenses up
21 until September 2013, in fact, when I looked at water
22 usage, while the water bill was paid in July, that
23 bill was for April and May. And May is when all the
24 blogs said that the lights went out in Lotus of Siam.

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2 So there is a question for me as to where
3 there was-- whether it meets the two-year continuous
4 use because it appears to me that June, July, and
5 August, there was no use of the cafe as mentioned to
6 me by some of my constituents. Having said that, the
7 burden of proof is on the applicant to show that
8 there was continuous use for two years. In my mind,
9 I don't think that burden has been met, and that is
10 why I stand to reason that this sidewalk cafe should
11 not be approved. And Jan Jacobs is not here to agree
12 with me, but Doris Diether, if she had made it here
13 today, probably would. Thank you, Mr. Chair.

14 CHAIRPERSON WEPRIN: Thank you Council
15 Member Mendez. So based on the record before this
16 Subcommittee, I make a motion to approve Land Use
17 Number 110, An Unenclosed Sidewalk Cafe for
18 Claudette's Restaurant. Conditioned on the
19 applicant's agreement to reduce the tables and chairs
20 and reduce the hours of operation as set forth in the
21 letter of the applicant's attorney dated September
22 15, 2014, which I read into the record. With that in
23 mind, I ask Counsel Ann McCoy to call the roll on
24 this cafe, and to take a vote. We are joined by
25 Council Member Rubin Will as well.

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COUNSEL MC COY: Chair Weprin.

CHAIRPERSON WEPRIN: I vote aye.

COUNSEL MC COY: Council Member Gentile.

COUNCIL MEMBER GENTILE: Aye.

COUNSEL MC COY: Council Member

Garodnick.

COUNCIL MEMBER GARODNICK: Aye.

COUNSEL MC COY: Council Member Wills.

COUNCIL MEMBER WILLS: Aye.

COUNSEL MC COY: Council Member Richards.

COUNCIL MEMBER RICHARDS: Aye.

COUNSEL MC COY: Council Member Reynoso.

COUNCIL MEMBER REYNOSO: Aye.

[Pause]

COUNSEL MC COY: Council Member Gentile.

COUNCIL MEMBER GENTILE: May I explain my
vote?

CHAIRPERSON WEPRIN: Council Member

Gentile to explain his vote.

COUNCIL MEMBER GENTILE: Thank you. As
we all know, the member who represents the area is
usually the one that drives the bus on votes of this
type. And certainly as the Senior Member of the
Council I respect that position that Councilman

1 Johnson has in this respect. However, I also am
2 cognizant of the position that our colleague Council
3 Member Mendez has taken, and a very- I think a very
4 well reasoned position also. And I believe that
5 either way, whether this proposed cafe is grandfather
6 or not is going to be litigated in one way or the
7 other. Whichever way we go, there's going to be
8 litigation over that issue. And so, I'm not
9 convinced on legal opinion that it is a legal-
10 legally applied for. In any case, putting that
11 aside, I still think we as a Council should not be
12 rewarding bad actors. And I think we might have on
13 our hands right here a bad actor in the applicant,
14 who as Council Member Mendez has said applied for an
15 SLA license months after stating to the Community
16 Board 2 in September of 2013 that- And it's put in
17 their Resolution that there would be no sidewalk
18 cafe, and the current enclosed sidewalk cafe will be
19 removed. This was in September, and the applicant
20 has agreed to the following stipulations as Council
21 Member Mendez said one of them being they will not
22 use any backyard garden space or sidewalk cafe. Now,
23 the fact that is not in the final stipulations in the
24 SLA- That went to the SLA from the Board was because
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2 as was said, they felt it wasn't necessary because
3 they thought it was contrary to zoning in the first
4 place. However, this applicant did make those
5 agreement, did make those stipulations to the Board.
6 And then months later came back, and asked for the
7 sidewalk cafe.

8 So while I'm not as well versed as the
9 others on this issue, and I think legal issue on
10 whether it should be grandfathered or not could go
11 either way, I can't see myself voting yes on
12 rewarding bad actors. So I'm going to abstain on
13 this one, Mr. Chairman, because of the conflicting
14 issues that I see.

15 CHAIRPERSON WEPRIN: Council Member
16 Gentile abstains.

17 [Pause]

18 COUNSEL MC COY: By a vote of 5 in the
19 affirmative and no negatives, and one abstention,
20 Land Use Item No. 110 is approved and referred to the
21 Full Land Use Committee.

22 CHAIRPERSON WEPRIN: Okay, we are going
23 to hold the vote to the end of the meeting, and for
24 members of the audience we are going to have a quiz
25 later on, on this item. So I hope you were paying

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2 attention, but we are going to close that vote and
3 move on to the main- The vote is still open, right,
4 but the- We're finished with that item for now. And
5 then we are going to move on the Agenda to Land Use
6 Numbers 115, 116, 117, and 118, which is 19 Houston
7 Street. I would like to call up the following people
8 to testify. Lois Tendler. Is it Jerry Johnson?
9 Navid Maqami, Christina De Rose, and Jonathan Ratner.
10 Can we fit everybody here? Lois Tendler in person.
11 Lois, how many years were you with the MTA? That
12 question was posed to me earlier by someone.

13 LOIS TENDLER: I just last Friday
14 celebrated my 20th anniversary.

15 CHAIRPERSON WEPRIN: Well, that was good.
16 I had a good guess. I said about 20 years. There
17 you go. Congratulations. Happy anniversary.

18 LOIS TENDLER: Right, and I'm only 32.

19 CHAIRPERSON WEPRIN: Now, we're going to
20 make miserable. All right, so you can decide who is
21 going first, who is speaking. I do want to know- I
22 know we have a number of people here testifying on
23 this item in opposition, and some in favor. We are
24 going to have to limit testimony to two minutes each.
25 So if you could look through your statements and try

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2 to make them as concise as possible, and you have
3 other people who are working with you, you can switch
4 off. But in your head if you can do that as well as
5 possible, and we will open that. Okay, in the
6 meantime, whenever you're ready Ms. Tendler. .

7 LOIS TENDLER: Chairman Greenfield,
8 Chairman Weprin, my name is Lois Tendler- And all
9 members, my name is Lois Tendler, and I'm Vice
10 President of Government and Community Relations at
11 MTA New York City Transit. I'm delighted to be here
12 today on behalf of the MTA to express our strong
13 support before for the project before you today. I
14 will explain why MTA is part of this party, and how
15 important it is to us. With limited opportunities to
16 raise revenue for the system, aside from raising the
17 fare, the MTA has been urged to use- to find other
18 ways to increase revenue. As suggested to us by many
19 including a lot of elected officials, we have been
20 asked to look at our surplus property, and see where
21 we can get rid of property to help fund operations or
22 capital needs.

23 Four years ago, we began an extensive
24 effort to do just this because we found a partner in
25 EDC, which was willing to relax the actual legal

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2 terms of our agreement and ownership. And MTA holds
3 its property pursuant to a master lease with the City
4 of New York. That least requires that the property
5 stops being used for a transportation-related
6 purpose, and reverts back to the City for their use.

7 Absent this agreement we reached four
8 years ago, thus there was a lot of incentive for the
9 MTA to get rid of surplus property because we
10 wouldn't have gotten any money. So four years ago,
11 working with EDC we did an exhaustive inventory all
12 our properties to try to identify which properties
13 could actually be offered as surplus. And EDC
14 partnered with us, and said, We will give you the
15 proceeds we get from the sale of these seven
16 properties with the understanding that it will be
17 used for your capital program. And as many of you
18 might know, we are in the midst of formulating our
19 capital program for the next four years. And it's
20 always a question about where and how it's going to
21 be funded. So any more money for the Capital Plan is
22 certainly appreciated, and it will be very well used.

23 [bell]

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CHAIRPERSON WEPRIN: That's all right.

Yeah, we don't have the timer on the applicants. So we don't have to put that on.

LOIS TENDLER: So of the seven properties we identified in this initial review of our surplus property, this was one of two, which we thought had real value. The others were basically existed as decommissioned substations throughout the City. So EDC, and they will talk about, produced an RFP for these seven properties, and it's one of the 19 East Houston Street that we're here with the applicant today. The criteria for the selection, and the one that was the most important to the MTA was proposed purchase price. The MTA was looking to maximize the revenue received from the sale of this property.

Additionally, 19 East Houston Street is still in use by the MTA. It's a place where we store emergency vehicles for use in the Borough of Manhattan where it is becoming increasingly difficult to find storage space for these vehicles, which are needed in short order. So the applicants for the RFP for 19 East Houston Street had a proposed alternative relocation site for those vehicle. They had geographic limitation on where that site could be.

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2 It was below 59th Street, river to river. But from
3 the MTA's perspective our goal here was to get as
4 much money as we could for this site. And we're very
5 happy with the Proposal that Madison Capital has
6 presented, and we would be very happy to take their
7 money. So I turn it over I think to EDC now.
8 They're going to talk more about the RFP project.

9 CHAIRPERSON WEPRIN: Thank you.

10 CHRISTINA DE ROSE: Hi, good morning
11 Chairman Weprin, Council Member Chin and members of
12 the Subcommittee on Zoning and Franchises. My name
13 is Christina De Rose. I'm a Vice President at the
14 New York City Economic Development Corporation. I am
15 pleased to testify today in support of the 19 East
16 Hudson Street Development Project. This project will
17 re-activate an under-utilized site that is the
18 gateway to SoHo and provide much needed funding for
19 MTA's Capital Plan. In April of 2012, in
20 collaboration with the MTA and on behalf of the City
21 of New York, EDC issued an RFP for the 6,000 square
22 foot property at Houston Street and Broadway. The
23 goals of the RFP, which Lois already touched on, were
24 to create economic development, reactivate an under-

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2 utilized City-owned site, and to generate funds for
3 the Transit Authority.

4 Madison Capital, who is with me here
5 today, was selected to develop an approximately
6 30,000 square foot six-story retail and office
7 building on the site. In addition to the retail and
8 office space, Madison has agreed to widen the
9 sidewalk in front of the development by three feet,
10 reconfigure the existing subway entrance, and widen
11 the subway stairs to encourage better pedestrian
12 flow. Thank you for the opportunity to testify in
13 support of this project, and I'm pleased to answer
14 any questions that you might have. And I'll turn it
15 over to Madison to discuss their project in a little
16 more detail.

17 CHAIRPERSON WEPRIN: Thank you. Just
18 make sure that when you speak to state your name. I
19 know you did, but just before you- every time you
20 speak.

21 JERRY JOHNSON: All right, Jerry Johnson
22 from Fox Rothschild, the Land Use Council to Madison
23 Capital. The actions that are before you today,
24 there are four and I'm just going to describe them,
25 and then I'll turn it over to- Have our architect

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2 give a presentation of the project, and the applicant
3 to speak more about the site. The four actions are
4 as follows: The first one is the disposition of
5 City-owned property. And then there are three
6 special permits pursuant to zoning that are required
7 for this action. I'm going to take the Bulk Waiver
8 under 74-712(b) first. When we were presenting the
9 project to the Landmarks Commission, we initially had
10 a building that was fully complying with the Bulk
11 Regulations of the underlying district, which would
12 limit the height of the building to 85 feet. During
13 the design considerations, Landmarks wanted the
14 building raised so that the fenestration on the
15 building matched the adjacent building on Broadway.
16 So we added a third action, which was the Bulk Waiver
17 for height under 74-712(b) in the Landmark District.

18 Now, the other two actions relate to the
19 retail use on the ground floor, and then extending up
20 to the second and the third floor. There is in the
21 M1-5B District, a regulation that prohibits retail
22 use below the floor level of the second story without
23 a special permit by City Planning. And so, we are
24 seeking a special permit through the Landmark

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2 Provisions for retail use in the cellar and the
3 ground floor.

4 In addition, the M-1 District Regulations
5 prohibit certain retail uses greater than 10,000
6 square feet. And here, we would like to extend the
7 retail use to the second and the third floor for a
8 total of a little under 15,000 square feet. So we're
9 seeing a special permit under 74-922 for a large
10 scale retail permit. With that, I can answer any
11 questions, or I can turn it over to architect to
12 discuss the building more.

13 CHAIRPERSON WEPRIN: Why don't we do all
14 -- If anyone wants to testify, let's do that first,
15 and then we'll turn it over for questions to the
16 panel.

17 NAVID MAQAMI: My name is Navid Maqami.
18 I'm the Architect for the project. We are presently
19 using this nine. [sic] I can describe it to you so-

20 JERRY JOHNSON: [off mic]

21 NAVID MAQAMI: Okay. So I think
22 everybody is familiar with this site. The location
23 is on the southwest corner of Houston, East Houston
24 Street and Broadway. It's a triangular site, a
25 wedge-shaped site. The site obviously not always

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2 configured this way. You can see on the photograph
3 on the top left corner that was what Houston Street
4 looked like in 1929. It was very similar to Spring
5 Street, and many of the east/west streets in SoHo
6 that you see. During 19-- Starting in the 1930,
7 Houston Street was widened to allow for the subway
8 expansion, and then further widened I think later on
9 in the '50s and '60s. And it's created certain
10 conditions, urban conditions where buildings, as you
11 can see, don't have a face towards the street. And
12 the minimize what- You know, it actually disrupted
13 the urban fabric, and the look and feel of the real
14 street on that portion of the site.

15 These are maps showing what had happened
16 and taken place during different eras and periods.
17 On the bottom right, you can see where the site was
18 demolished, the buildings were demolished and
19 widened. This is-- And you can probably remember
20 there used to be a billboard on the site. This is
21 why currently the imagine on the left has the
22 Hollister. And this happens actually in many, many
23 locations on Houston Street.

24 These little three diagrams show on the
25 left what the site used to be. Houston Street as a

1 narrow street, you know, full block. It was then
2 demolished. And what we intend to do is what's on
3 the right, which is build a-- the thread that was in
4 the urban fabric by building and placing the building
5 there with a facade facing the street. And really
6 turning Houston Street to more of a real street
7 rather than an east/west connector or highway. These
8 are other conditions around Houston Street that I'm
9 sure you are all familiar with, different billboards
10 and signage and graphics on the walls because there
11 really isn't a facade there or windows facing the
12 street.

14 So in our design what we tried to do, as
15 you can see, this is the existing condition. We are
16 trying to actually build a facade back there and
17 repair and heal the fabric and the repair there. But
18 at the same time, recall the slicing that took place
19 at this site. So, the intention is on Crosby Street
20 carry on the masonry facade of Crosby Street, and
21 then as you get to Houston Street, you notice the
22 slicing that took place. This is what we presented
23 to Landmarks, and was approved. The view from
24 Broadway, a very similar conditions, and you could
25 see it next to the building next door on the

1 Hollister Building, as it is called sometimes. And,
2 we have the design. I know we don't have the time to
3 go through all the complexities of the facade, but
4 the motions of Houston Street and other things that
5 were actually represented. And the facade itself get
6 more opaque as it goes up, as you can see in this
7 diagram. This is a close-up view. What was
8 important to us was really capturing the feel of SoHo
9 in a modern way. The facades in SoHo are very deep,
10 and we actually show this in this view, a close-up
11 view of the building.

12
13 This slide actually I will just talk
14 about it. It's easier to look at it here. This is a
15 previous scene that we had presented to LPC and the
16 Committee. So what I want to say is that we've
17 actually listened to comments from LPC as well as the
18 community in addressing many of the concerns. Some
19 of the concerns were the expression of the retail at
20 the base of the building, a two-story expression of
21 the retail, which will now eliminate it. There were
22 signs on the second floor, for example, around as
23 well that we have actually up here, that we have also
24 eliminated. The facade itself on Crosby used to be a
25 glass facade, and the windows did not relate or align

1 with the neighboring building, which modified that.
2 And the facades are now completely aligned with the
3 neighboring building and it's a masonry brick
4 building on Crosby. The facade at Crosby or at
5 Houston Street itself has been modified. Again,
6 based on feedback from LPC, which now they appreciate
7 and like. We have added cornices on both Houston
8 Street and Crosby, again, based on what they
9 suggested. We have also removed any advertising sign
10 in the Atrium portion at the nose of the building.
11 Again, based on requests.

12
13 Now, this again that was what was
14 presented before, and this is the revised design. We
15 have on the plan I can also just summarize some of
16 the changes. As discussed before, the sidewalk has
17 been widened. That was a big concern from the
18 community. We have widened it by three feet. There
19 was concern about how the doors actually open into
20 the sidewalk. So what we're using is we recessed the
21 doors, but also using pivot doors where the doors now
22 only slightly project into or enter into the
23 sidewalk. There used to be a graphic wall at the
24 back of the MK stair in our proposal, and we have
25 removed that.

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We have actually, as mentioned also earlier, widened and really aligned the front, the stairs to the subway creating more room and ample space in front of it. There used to be a dedicated loading entrance that based on feedback from the committee is now removed. We only have an office entrance into the building, and a loading zone has been proposed on Crosby Street. I think I covered most of the items. I'm going to turn it over to Jonathan Ratner.

JONATHAN RATNER: Good morning. I'm Jonathan Ratner. I'm with Madison Capital. We're the developer of the site. Madison Capital is a New York City based real estate companies with holdings in SoHo and other neighborhoods around the City. So we've been working on the project for a little over two years, almost two and a half years since the RFP was originally issued. We were awarded the RFP in April of last year. So, you know, we're happy to be here.

So I want to address three issues that have been raised as significant concerns with regards to the project. The first being size. We have a 6,000 square foot site. The entire building is

1
2 31,000 feet. So this is a small building. It's a
3 small site. It's going to be a retail space on the
4 ground floor of about 4,600 square feet. So there
5 are a lot of concerns with regards to the impact that
6 the building will have on the neighborhood, and on
7 this area. So we did a survey of other large retail
8 stores in SoHo, and what we determined is that our
9 store above grade is about 15,000 feet. All in with
10 the basement is about 17,000 feet, and you can see
11 the list of stores above us. This is just retail
12 square footage that are in excess of our location.
13 So just to keep us in context, we're a small site.
14 We're a very broad site because we have a lot of
15 frontage on Houston Street.

16 But again, the idea that this site is of
17 a certain size that would have the type of impact
18 that is being considered to be problematic for the
19 area, it needs to be kept in context of how large
20 this site really is. Our neighboring properties are
21 highlighted in yellow. Their retail sizes alone
22 range between 24,000 to 40,000 feet. Our building is
23 31,000 feet. So again, we're a small site. I just
24 want everyone to keep that in mind. This graphic
25 further describes our site relative to others that

1
2 we've been compared to in SoHo. For example, the
3 bottom of the page 546 Broadway is the Uniglo
4 Building. You know, they have an 18,000 square floor
5 plate. We have a 4,600 square foot floor plate. So
6 they are four times the size of us. At the Puck
7 Building we have a 10,000 square foot plate at 303
8 Lafayette. Adias [sp?] across the street has a 9,000
9 square foot plate. They are twice as large as us.
10 So, again, we understand that this is a meaningful
11 site to everybody in this room. But it should still
12 be kept in context as far as how large it actually
13 is.

14 The next issue I want to address is the
15 sidewalk. So we spent a lot of time and effort to
16 try to improve its condition, and we listened to the
17 concerns of everybody in the community and at DOT.
18 And we really think that we've proposed solutions
19 here that are going to drastically improve the
20 conditions. So on the top part of the page, that's
21 the current conditions of the sidewalk. And as you
22 can see there are curb plots, a phone booth, and
23 other obstructions. And if you stand on the Houston
24 Street block today, and you watch people walk, people
25 are not utilizing a significant portion of the

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2 sidewalk. So the proposal, which is on the bottom
3 part of the page, is going to take away a lot of
4 those obstructions. We are putting in grates because
5 we have to vent out the ventilation shaft from the
6 site onto the street. But even with the grates, we
7 think that there is going to be a significant better
8 pedestrian flow on this block. Also, you can see
9 here the subway stair widened versus the current
10 subway stair. And also, rotated, which is going to
11 increase flow better in and out of the subway. So
12 we're very happy to be able to include that as part
13 of the project.

14 So, lastly, the issue that has been
15 raised and that we responded to has been illumination
16 and imagery. So there are a couple of images up on
17 the screen that I'll just walk you through. On the
18 top left is the original Landmarks Proposal, and as
19 Navid described, the initial concern about
20 illumination from this proposal was on Crosby Street
21 the glass brick that we had detailed providing too
22 much illumination for residents on Crosby Street. So
23 we had changed that because we listened to all
24 concerns and responded to each and every one
25 throughout the last years we have been working on

1 this. And we resulted in an approval of our design,
2 which is detailed in the bottom on the top right.
3

4 On the bottom left is a marketing
5 rendering that after we got our design approvals we
6 hired a marketing company to go help us lease the
7 site. Now, this rendering caused a lot of concern
8 because it showed very bright illumination from the
9 building. And it is not our intent to light pollute
10 this area. So we listened to a lot of the concerns,
11 and when we started looking back at what was done
12 here, what we realized is that this rendering was not
13 architecturally factual. The imagery into the site,
14 doesn't consider a lot of the structural and
15 architectural members that are going to change
16 visibility into the building during night time. It
17 also shows a very clear, crisp image of the activity
18 inside the building, which is just not based in
19 reality. Because this is really more of an
20 animation. So we regret that this was perceived to
21 be something that was going to be detrimental to the
22 neighborhood. And what we did was we put together an
23 architectural rendering, which Navid helped us
24 produce. This was produced by a marketing company.
25 This was produced by an architect. So this rendering

1
2 is a little bit-- is more factual in how it
3 interprets the design of the building, and a lot of
4 the structural members and the varying opacities of
5 the glass rhythm that we designed. And how it will
6 affect the visibility of the building. It also
7 contemplates the new building that is projected to go
8 up across the street at 300 Lafayette, which is
9 constructed of similar materials.

10 So lastly, again we listened to more
11 concerns about lighting, and we met with Council
12 Member Chin. And she advised us that she was
13 concerned about the third floor retail, and how SoHo
14 being a mixed-use district, a third floor retail may
15 be considered somewhat out of context. So we thought
16 hard about this, and the solution that we have come
17 up with is that if we install screens along the third
18 floor, then we can block some of the imagery coming
19 out of the retail space on that level. So that could
20 continue to allow the project to have a third floor
21 retail, but potentially limit some of the visibility
22 into the site. And create the building to be more of
23 a mixed-use character than what is being interpreted
24 currently. And this is another rendering looking
25

1
2 down Houston Street from the third floor with the
3 screens.

4 So with that, I just want to thank you
5 all for your time, and for evaluating our project.
6 It's been a long road, and we're very excited to be
7 able to be at this point. Thank you.

8 CHAIRPERSON WEPRIN: Thank you, Mr.
9 Ratner. Before we get to questions, we are joined by
10 Jumaane Williams, member of the Subcommittee who
11 wanted to cast a vote on the cafe. I would like to
12 call Ann McCoy to please call Mr. Williams' name.

13 COUNSEL MC COY: Council Member Williams
14 on Land Use 110.

15 COUNCIL MEMBER WILLIAMS: May I be
16 excused to explain my vote?

17 CHAIRPERSON WEPRIN: Mr. Williams to
18 explain his vote.

19 COUNCIL MEMBER WILLIAMS: Thank you very
20 much. Obviously, very rarely two people disagree.
21 Somebody is not going to be happy, and I did want to
22 hear a lot of what Council Member Mendez had to say
23 because obviously it had its arbitrary lines, but it
24 will be affecting her. But in the end, I was
25 persuaded one, that the applicant had a continuous

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2 use. Two, that they were going to occupy that space
3 that hadn't already been occupied by an enclosed
4 structure. Three, that the building co-op actually
5 supported it, and the Community Board seemed to be
6 supportive of the lower amount that Council Member
7 Johnson was able to get to. So for those reasons,
8 I'm going to vote aye. Thank you.

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

11 COUNSEL MC COY: The vote on Land Use 110
12 now stands six in the affirmative, zero negatives,
13 and one abstention.

14 CHAIRPERSON WEPRIN: Thank you. I'd like
15 to call on Council Member Margaret Chin whose
16 district this is in, and she's been mentioned a few
17 times who has comments and question or whatever you
18 would like. Ms. Chin.

19 COUNCIL MEMBER CHIN: Thank you, Chair
20 Weprin. I'm going to make a couple of comments, and
21 then I have to start off with a couple of questions,
22 too. Good morning. I wanted to thank, you know,
23 everyone for being here today, the Applicant and also
24 a member of the Community Board.

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2 We all know that the MTA needs an
3 infusion of capital dollars, and the project is meant
4 to contribute to the City's capital commitment to the
5 MTA of \$250 million. However, this location is also
6 extremely prominent, and in a position to set the
7 tone for the neighborhood. And it is very important
8 to me and to the community that whatever is approved
9 for this location fits the context of the area. 19
10 Houston is part of the SoHo Cast Iron Historic
11 District. It is also located at the gateway to SoHo.
12 So the use that is approved, and the way that we vote
13 on it will very visible, and greatly influenced what
14 visitors experience when they come to SoHo.

15 For this reason, I have already raised a
16 number of issues about this application with the
17 Applicant based on what I have heard from the
18 community and other elected officials. Number one, I
19 think we heard about the signage, and the branding,
20 and what would be allowed there. One of the concerns
21 I know we heard from the community is that when we
22 look at the rendering, we just don't want it to be
23 Times Square. To be a whole facade of advertising.
24 You know, it looks good now, but we need a commitment
25 that we're not going to do that. The illumination of

1
2 the glass facade, how bright it's going to be. The
3 number of floors to be used by retail versus offices,
4 and the impact of relocating the grates on the
5 ventilation shaft of the subway. The length of the
6 bump-outs on Broadway, and evaluating Crosby for a
7 new crosswalk and a bump-out. So I wanted to thank
8 the Applicant and the community for being here this
9 morning, and I hope that we will have some productive
10 discussion on these issues.

11 The question that I have, the first one
12 is on the signage and branding. I appreciate the
13 Applicant's letter that you sent to my office with a
14 proposal to screen the windows, but from the picture,
15 we need to like- And also I appreciate the rendering
16 that you sent from Crosby Street. That was very
17 helpful. However, beyond a rendering, I would like
18 more specifics in regards to the opaque city and the
19 illumination that these screens will allow. And also
20 versus the screen will go all throughout the floor,
21 or just at only a specific site. That's question
22 number one.

23 Question number two is on the MTA vent
24 shaft, right. I understand that the engineer told
25 you that moving of the grates will have no effect on

1
2 the ventilation shaft. However, if this was the
3 case, how come it was included in the original RFP,
4 and why was it originally set that a study would be
5 needed, and now that it is not necessary? Okay.
6 Because I think that's a very important issue. We
7 want to make sure that subway riders that the shaft
8 will have no impact. So that's something that we
9 needed to get it on the record.

10 My third question is on the retail. As
11 you know, the Manhattan Borough President and the
12 Community Board both expressed concern about having
13 three floors of retail. My understanding is that
14 it's not just about square footage, but also the type
15 of business that three floors requires. Now, the
16 Borough President wants to see multiple retails
17 there. I understand that because of the strange
18 floor plate, this may not be possible. But what
19 about the community request to restrict retail to
20 only up to the second floor, and that is consistent
21 with many of the stores in SoHo. Many of the stores
22 in SoHo do not have third floor retail.

23 And lastly, the DOT has been- I wanted
24 to ask the DOT if there has been any update about
25 looking at putting a crosswalk and bump-out at Crosby

1 Street, and also linking the bump-out at Broadway.
2 Those are the issues that we raised when we met a
3 couple of weeks ago.
4

5 LOIS TENDLER: Why don't I do the
6 ventilation and the fan part first. Okay, so during
7 the RFP period, EDC and MTA made it clear that in
8 order to move the ventilation grates, and those are
9 just like for the subway, right. In order to move
10 the grates, they would have to be an analysis done
11 and a study done. And while Madison was developing
12 their proposal, they did that analysis and they
13 shared with our engineers, who concluded on a
14 conceptual level it was okay. They would, if they
15 build out the project would have to come in with more
16 detailed drawings and get actual technical approval
17 on the plans.

18 I just want to spend a second talking
19 about what the fan at Broadway/Lafayette does and
20 what it is. First of all, these vents are just to
21 supply air. They will pull air down into the
22 station. And as long as they are within a certain
23 circumference of where the actual fan is, they're
24 fine because the air we get, you know, on the corner
25 of Broadway and Houston is the same air we get 30

1
2 feet down the block. And the fans just lead the air
3 to be within that universe. And one of the things
4 that Madison did with their engineers in the
5 conceptual phase was sort of establish a zone as to
6 how far the grates could go where they would no
7 longer be effective for the fan we have in the
8 station. Where they are proposing to relocate the
9 vents are fine. They will be, you know, two feet
10 here, two feet there. Wherever the exact location
11 will be approved on final plans as Madison builds out
12 the project.

13 When we're done here, and they're ready
14 to go, they will be dealing with the MTA a lot
15 because building over a subway station requires our
16 approval on everything, a fun process. The fan at
17 Broadway/Lafayette is one of about 12 in the system.
18 They were built with the IND [sp?] when the IND was
19 originally built. Their supply only. The fans we're
20 installing now are all supply and exhaust. They're a
21 much higher level. We do not anticipate- And, they
22 are not ever used for temperature control. The fan
23 is not turned on when it's hot outside. The fan is
24 there for in case of an emergency or a smoke
25 condition to help pull out smoke. We do not have any

1
2 plans doing any work on that fan for at least the
3 next 20 years. So, I don't know if that answered all
4 your questions, but we believe that the relocation of
5 the events has no impact on the operation of the fan.

6 JONATHAN RATNER: I'll address the
7 question of the advertising where I think it relates
8 to more detail in how we are going to install these
9 screens. So we agreed within the City Planning
10 Agreement that we would not include advertising in
11 the advertising signage in the Atrium of the
12 building. We have agreed to that. So we have
13 limited it. We have also within this proposal, and
14 what we think have proposed here with regards to
15 visibility the screens on the third floor, which do
16 extend throughout the floor area of the third floor,
17 will block the visibility into that area of the
18 building. So we understand there is concern about
19 multiple levels of retail creating too much branding,
20 and that's how we've addressed it. As far as the
21 physical construction of the screens, they will be
22 interior. So they will be on the inside of the
23 building.

24 COUNCIL MEMBER CHIN: Can you also
25 address the retail question about the third floor?

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2 JONATHAN RATNER: Yes, because of the
3 geometry of the site, again, the floor plate being
4 4,600 square feet on the ground, the third floor
5 request is we believe in line with the overall
6 context of retail in SoHo. Now, we understand that a
7 lot of retailers are not up on third floor space in
8 SoHo. Some do. So we think that because of the
9 challenges, and the constraints of the site, and the
10 fact that the depth of the site becomes so narrow
11 approaching Broadway that a lot of that space becomes
12 unusable. That the third floor is necessary for a
13 certain program, and also is in context considering
14 the overall envelope.

15 COUNCIL MEMBER CHIN: Will there be any
16 signage in the Atrium of the building that is not
17 defined as advertising under the Zoning Resolution.

18 JONATHAN RATNER: We have restricted the
19 advertising signage. We're going to be leasing the
20 Atrium of the building to a retailer. The retailer
21 is going to be restricted to all of the Zoning and
22 DOB regulations in regards to the signage and
23 displays. Now, as far as exactly what a retailer is
24 going to display in that area, they're going to be
25 limited to whatever those restrictions are. They

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2 will not be able to be put advertising signage in the
3 Atrium.

4 CHAIRPERSON WEPRIN: Can you just make
5 sure you mentioned your names when you speak.

6 JERRY JOHNSON: Jerry Johnson, Fox
7 Rothschild. And just one other thing that the Zoning
8 Resolution limits the advertising signs- Not the
9 advertising. The accessory business signage to no
10 higher than 25 feet and 150 square feet for the
11 overall use.

12 COUNCIL MEMBER CHIN: Does that include
13 inside the Atrium?

14 JERRY JOHNSON: To the Zoning Resolution
15 to signage to whatever is accessory business signage
16 to the retail. It's 25 feet and 150 square feet. If
17 something is inside the Atrium, and it's not a sign,
18 I don't- That's not regulated by the Zoning
19 Resolution.

20 CHRISTINA DE ROSA: My name is Christina
21 De Rosa with EDC, and I can address your questions
22 Council Member about DOT. I'll take it in two parts.
23 The first one is your question about the corner of
24 Broadway, the bump-out. If you can go back to the
25 site. EDC has been speaking with DOT. I think it's

1
2 in the bottom corner about the bump-out. There's
3 been a question of if the bump-out could be extended
4 to the subway entrance. And we have been speaking to
5 DOT, and DOT feels that as a result of the current
6 traffic conditions on Houston Street, that they need-
7 The bump-out can only go about as far as it is right
8 now because they need that area for vehicular
9 traffic, specifically drop-off. Regarding creating a
10 corner- a bump-out on the corner of Crosby, which is
11 sort of on the left end, DOT is currently
12 contemplating creating a pedestrian crossing across
13 Houston Street at Crosby. And there is currently a
14 median that blocks it, and they're contemplating
15 eliminating that median to block vehicles from going
16 through Houston Street. And giving that DOT is
17 contemplating that project, they're willing to
18 considering a bump-out and how a bump-out would fit
19 in with that larger project on Houston Street.

20 [Pause]

21 CHAIRPERSON WEPRIN: Did I miss you?

22 COUNCIL MEMBER: No.

23 CHAIRPERSON WEPRIN: Does anybody else
24 have a question? Just a couple of questions. First,
25 do we have the number of how much the MTA is getting

1
2 for this project? Was there a number that was public
3 and cited?

4 CHRISTINA DE ROSA: The purchase price is
5 \$25 million.

6 CHAIRPERSON WEPRIN: Is how much, \$25
7 million?

8 CHRISTINA DE ROSA: Yes.

9 CHAIRPERSON WEPRIN: You're supposed to
10 say it loudly so-

11 CHRISTINA DE ROSA: \$25.8 million.

12 CHAIRPERSON WEPRIN: It's like the
13 lottery commercial, you know. The MTA has gotten
14 \$25.8 million.

15 CHRISTINA DE ROSA: Which is over 10%.

16 LOIS TENDLER: And they brought us a
17 replacement site for the parking they had to replace,
18 and that was Jonathan another- Another 13. For
19 another \$13 million.

20 CHAIRPERSON WEPRIN: Okay. The Hollister
21 ad, is that a legal ad? Is that legally there on the
22 side of that building? Yeah.

23 JERRY JOHNSON: Jerry Johnson. I believe
24 it is legal advertising sign, but it will disappear
25 with this project.

1
2 CHAIRPERSON WEPRIN: Oh, well it will be
3 there, but no one will see it is what you're saying.
4 Have you heard from the owners of that building about
5 that particular item? No. Okay. Just curious.

6 JERRY JOHNSON: I have not.

7 CHAIRPERSON WEPRIN: All right. Just was
8 curious about that. I'd like to call on David
9 Greenfield who has a question for you.

10 COUNCIL MEMBER GREENFIELD: Thank you
11 very much. Actually, it's for the MTA and EDC. How
12 many sites did you identify four years ago that will
13 be available for sale?

14 LOIS TENDLER: There were seven sites
15 identified. We have disposed of one substation in
16 the Bronx. We are beginning. We are somewhere in
17 the New York process. We're scoping a second site in
18 the Bronx, and you weren't here, Mr. Greenfield, when
19 I said this earlier I don't think, but just Houston
20 and the site in the Bronx were the two sites we
21 really though had value in the market. So we're
22 scoping one in the Bronx, and this is the one that's
23 in process.

24 CHRISTINA DE ROSA: [off mic]

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COUNCIL MEMBER GREENFIELD: Got it.

2

Okay, very good. Thank you.

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CHAIRPERSON WEPRIN: All right. We have a number of people here to testify. So I am going to excuse this panel. Thank you all very much.

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[Pause]

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CHAIRPERSON WEPRIN: Okay. All right, we're going to alternate panels and we only have a couple, one or two people in favor. So after this, we'll bring up favor. But first we want to bring up a panel in opposition, and they are my old friends from Community Board 2, Terry Koo, who is here. Tobi Bergman, and is David Gruber here? No. I didn't see him. All right, so he's not here. I was like, Wow, I didn't see him. All right, I'd like to call on James Caras. You're taking the whole floor up here I think. James Caras, Jim will you come in. Wow. And then, let's have one more. Can you move around to get someone. I didn't know someone was here. Sarah Diaz is here on behalf of Assembly Member Deborah Glick. I'm sorry, Ms. Diaz. I didn't realize that. And Jim Caras is here on behalf of our former colleague Gale Brewer. So, welcome. We're going to try to limit this within two minutes. I understand

25

1
2 those of you who are representing elected officials
3 are reading a statement. So we'll try to give as
4 much leeway as possible, but let's try to keep it-
5 Who wants to go first? Terry. Oh, all right.

6 TOBI BERGMAN: Yeah, thank you very much
7 because I unfortunately have to leave soon after I
8 speak.

9 CHAIRPERSON WEPRIN: Okay.

10 TOBI BERGMAN: I'd like to read just the
11 first portion of a statement I leave here for you. I
12 know that you've all read our Resolution so you are
13 acquainted with what the Community Board thinks about
14 this. I'll read the first portion. The context,
15 we've been working very hard with all parties to try
16 to come up with a way of adopting this project, and
17 making it more suitable for the site. But I have to
18 start by saying, putting it into the context that we
19 still oppose this project. Historically, one can
20 fairly say that SoHo saved New York City at a certain
21 point, and it's had a consistently important role in
22 the economic success of Downtown Manhattan. Its
23 success is based on the built context, and on a
24 mixed-use character. This project proposes to harm
25 both. The RFP process began and proceeded with no

1
2 community participation at all. The RFP was written
3 one goal, money.

4 City land should never be treated with
5 the assumption that its only value to the city is
6 cash. In this case, we are talking about a
7 significant site at the most important gateway to
8 SoHo. And no one even asked the Community Board or
9 the neighbors or the elected officials what they
10 thought its most valuable use would be. It was just
11 decided. The process was then deeply flawed. Well,
12 I'm going to skip that part. I'm going to leave it
13 out for you to read. Our concern is that this site
14 has tremendous value to SoHo and to Downtown
15 Manhattan, and it should not be sold just for cash.
16 It should be the cash value, the need of MTA is
17 extremely important, and we don't belittle that. But
18 the use of this site is very, very important. We
19 have a problem in SoHo where SoHo, a mixed-use area
20 where people live, and a very important landmark
21 site, very important historic district. People are
22 looking only, and what they're saying is, We can-
23 [bell] I'm sorry.

24 CHAIRPERSON WEPRIN: I'm sorry. Please
25 finish up.

1
2 TOBI BERGMAN: We can build anything here
3 because other people have already done the same. We
4 can put in three stories of retail because other
5 people have done the same. I'm going to now go to
6 just two points with respect to what we've been
7 working on with our concerns, and where we think the
8 project is. With respect to the sidewalk extension,
9 which is very important, we think we're almost there,
10 and we think there is a solution at hand. I'm not
11 going to focus on that. With respect to the amount
12 of retail and the presence this building will have on
13 the SoHo- in the SoHo Historic District, we're not
14 there, yet. We think that this should be a two-story
15 retail site like many, many sites. There are very
16 few multiple story retail sites, and this is like a
17 gateway to SoHo. It should not make SoHo look like a
18 mall, which is what is proposed. So we think allow
19 two stories. That still requires a 74-922. It still
20 is over 10,000 square feet. It's going to be 12-1/2
21 thousand square feet, but that's big retail store.
22 Allow that, but on the second floor, assure us.
23 Create a restricted declaration that prevents that
24 second floor from being used as a store window. We
25 don't need store windows on the second floor. Put in

1
2 an attractive window on the first floor, two floors
3 of retail with no available display on the second
4 floor.

5 CHAIRPERSON WEPRIN: Okay, thank you, Mr.
6 Bergman. We appreciate it. You're welcome to go.

7 TOBI BERGMAN: Thank you very much.
8 Sorry I can't stay.

9 CHAIRPERSON WEPRIN: I understand. We
10 understand. There are things to do in life. Terry,
11 do you want to be next? Good to see you again.

12 TERRY KOO: Hello, nice to see you, Chair
13 Weprin and Committee. I'm Terry Koo, Manhattan CB2's
14 Second Vice Chair, Vice Chair of the CB2 Land Use
15 Committee. CB2 in its Resolution and testimony has
16 reiterated its concern that SoHo, a vibrant historic
17 mixed-use neighborhood is increasingly being turned
18 into a circus of lights and screaming visual shopping
19 messages. While the first inroads of retail were not
20 significant enough to change the character, the trend
21 is now the developers point to the prior retail creep
22 as justification for upping the ante. This furthers
23 a vicious cycle that creates and accelerates the
24 change, which is highly undesirable to the
25 neighborhood character. In addition, the technology

1
2 has changed. While the original upload or backload
3 static images were relatively unobtrusive, we now
4 have some stores installing LED moving signage that
5 blasts light onto neighboring streets, not the impact
6 on the cast iron facades. There are not yet zoning
7 or landmark controls written to control these
8 displays. So the developers' assurance that they
9 will keep to zoning restrictions doesn't mean
10 anything. This intrusive trend must be materially
11 controlled, and new, possibly even more disruptive
12 technologies that we haven't even seen must be
13 protected against with real numerical controls on
14 light emissions.

15 City Planning Commissioners expressed
16 agreement with CB2's concern about the loss of mixed-
17 uses including arts and artists, affordable housing
18 and mom and pop retail within the typical historic
19 cast iron facade. This application has the potential
20 for blaring messages and oversized multiple-floor
21 retail. Whether the applicant intends or not, we
22 need better control over light emissions in this
23 gateway to SoHo. If you must approve this
24 application, and we ask that you don't, please look
25 in this. Controls on the opacity and light reducing

1 performance must be quantified in order to be
2 meaningful.

3
4 Another priority, as Tobi mentioned, is
5 the oversized flagship stores. [bell]

6 CHAIRPERSON WEPRIN: Just if you could
7 finish up quickly, I would appreciate it.

8 TERRY KOO: Thank you. I will be quick.
9 We would ask for under 10,000 square feet especially
10 since these oversized stores have loading and
11 unloading and trash collecting pressures as well as
12 visibility issues. Crosby Street is Belgian block.
13 It's a very narrow street. So loading and unloading
14 there will tie up traffic for many, many blocks
15 around. Broadway is very heavily trafficked.
16 Houston Street is a major artery. In the immediate
17 area, there are really no third-floor displays. So
18 we say that at best a compromise would be to limit-
19 to remove the third story of retail. And it's still
20 25% greater than permitting it with a third story.
21 So, thank you.

22 CHAIRPERSON WEPRIN: Thank you, Ms. Koo.
23 I appreciate it. Mr. Caras, welcome home.

24 JAMES CARAS: Thank you. Nice to be
25 here. Good morning, Chair Weprin, Land Use Committee

1
2 Chair Greenfield, and members of the Subcommittee on
3 Zoning and Franchises and Council Member Chin. I'm
4 here on behalf of Manhattan Borough President Gale
5 Brewer. My name is Jim Caras. I'm the Land Use
6 Director and General Council. I am here in
7 opposition to the Application for the Disposition of
8 City-Owned Property and the three special permits for
9 19 East Houston Street. In concept, the Borough
10 President also supports the disposition of this
11 property, which would provide the MTA much needed
12 revenue for what is currently an under-utilized site.
13 However, the Borough President cannot support the
14 current proposal. The Borough President believes the
15 applicant has proposed a well-designed and handsome
16 new building. But the goal of using this oddly
17 configured site in a congested area for a single
18 flagship large-scale retail store is likely to impair
19 the essential character of and have adverse effects
20 on the surrounding area. The Borough President
21 believes that the process by which this development
22 program is selected they have to take into account
23 community priorities for the area, or the unique
24 challenges of this particular site. The most
25 significant concern is the request for the special

1 permit for a large retail establishment. Such large
2 retail establishments require a special permit
3 because they take up large portions of building
4 frontage, changing the character of neighborhoods.
5 And because they have potentially unique impacts due
6 to vehicular pedestrian traffic and merchandise
7 loading.
8

9 While recognizing that the area has
10 evolved into a retail destination, and that more
11 frequently larger national and international retail
12 chains are locating along Broadway, the Borough
13 President does not believe that this is an
14 appropriate goal for every site in the area that can
15 be made to accommodate such a use. This is even more
16 the case at this site, which is small, oddly shaped,
17 with a narrower sidewalk than that adjacent to many
18 of the other flagship stores in the vicinity, and
19 containing an entrance to a busy subway station. We
20 originally shared Community Board 2's concerns in
21 regards to the lighting, signage, and sidewalk width.
22 But we understand that some progress has been made on
23 these issues, and our office brought the parties
24 together and began the process [bell] of negotiating
25 a wider sidewalk. Though the proposed bulk

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2 modifications in retail use are appropriate for the
3 neighborhood, it is difficult to separate these
4 actions from the disposition, which proposes use of
5 city-owned land in a way that is not beneficial to
6 the public. At this site, a retail establishment of
7 this size proposed is inappropriate. The size of the
8 retail facility should be reduced, and should include
9 at least two stores to promote a vibrant retail
10 mixture in the neighborhood, and ameliorate the
11 negative impacts on the area that would come from
12 large-scale retail. In sum, we believe that the
13 retail use should consist of two stores on two
14 floors. Thank you for your time and consideration.

15 CHAIRPERSON WEPRIN: Thank you, Mr.
16 Caras, and please give our regards to the Borough
17 President.

18 JAMES CARAS: Thank you.

19 SARAH DIAZ: Good morning and thank you
20 for the opportunity to testify. My name is Sarah
21 Diaz. I'm here on behalf of State Assembly Member
22 Deborah Glick. As we believe our full testimony has
23 also been reflected in the comments from the
24 Manhattan Borough President's Office and Community
25 Board 2 members, as well as the questions raised by

1
2 Council Member Chin, I'm just going to give an
3 overview of our most major concerns. While we do
4 appreciate that the Council Member and the Borough
5 President have made a lot of progress on this
6 application, there are three main areas that remain a
7 concern for the Assembly Member. One is sidewalk
8 width. The other is the use of the space, and the
9 overall appropriateness of the application for the
10 neighborhood. In terms of sidewalks, there are still
11 concerns about the negative impact that this
12 development would have on the pedestrian flow and
13 movement. While it has been agreed to widen the
14 sidewalks by three feet, we are still concerned that
15 this does not offset the impact of increased
16 pedestrian traffic or the addition of four feet of
17 sidewalk curbing.

18 We would ask that the applicant continue
19 to work with the relevant agencies, and with their
20 design to at the very least compensate for the loss
21 of usable sidewalk space created for the addition of
22 the grates. We agree that the space should-- with
23 Community Board 2 and others, that the space should
24 not be allowed to become one large flagship store.
25 We would hope that smaller stores would diversify the

1
2 neighborhood, and help prevent this new retail space
3 from becoming just another destination large box
4 store. No retail should be allowed past the second
5 floor, and there should be a minimum of two stores in
6 the space.

7 Finally, due to the glass facade, there
8 remains concern about the potential for this building
9 to become an illuminated billboard under the design,
10 under the current design. We feel that this would be
11 completely inappropriate for the Historic District in
12 which the building is located. While the developers
13 propose a graduated tinting under window treatments
14 on the upper floor, the details of this event must be
15 clear to ensure that these conditions are applicable
16 to all future owners and occupants of the site. And
17 we must be sure that something like merchandise
18 displays that might fall outside of the relevant
19 zoning regulations in the windows are not used as a
20 loophole to do inappropriate advertising. [bell]

21 In conclusion, we just want to agree that
22 the land is owned by the City, and that profit should
23 not be the primary motive. That community use is
24 extremely important for this application. Thank you.

1
2 CHAIRPERSON WEPRIN: Thank you, Ms. Diaz,
3 and as well please tell Council Member, Assembly
4 Member Glick I said hello. We all said hello, and
5 before you leave, Ms. Chin do you have any comments
6 or questions for this panel? Mr. Greenfield, Mr.
7 Gentile? No, thank you. All right. Thank you very
8 much. Careful. Okay.

9 We have one person in favor of the site,
10 and he is here to testify. Mark Simon is it, or did
11 I mess up that last letter? I don't know.

12 MARK SIMON: No, you got it.

13 CHAIRPERSON WEPRIN: Okay. Is there
14 anyone else here in favor of this item from the
15 community who wants to testify or from anywhere else?
16 Because this is the time to speak. No? All right.
17 So, Mr. Simon, whenever you're ready. Just try to
18 limit it to two minutes. Thank you.

19 MARK SIMON: Sure. Good morning, Council
20 Members. My name is Mark Neil Simon. I'm an artist.
21 I'm an architect licensed in New York State. For
22 more than the past two decades I've made my living in
23 the practice of real estate in New York City. I've
24 been very active in SoHo completing many retail and
25 commercial transactions in the neighborhood. My

1
2 office for the past 12 years is one block from the
3 property, and I pass it daily. In addition, I've had
4 the pleasure of knowing the developer of this project
5 for many years, and I've worked with them on other of
6 their properties. I well know and respect their
7 creativity, their sensitivity, and their appreciation
8 of true quality.

9 I wish to speak strongly in favor of this
10 project. This site represents many unusual
11 challenges, including its location, its shape and
12 configuration, and its relationship to a major
13 transportation mode. Any developer working with such
14 challenges also faces the responsibility of working
15 in this amazing and vibrant neighborhood. That being
16 said, I believe sincerely that the design represents
17 a beautiful and intelligent solution to those
18 challenges while meeting the responsibilities of
19 working on this important site within SoHo. An
20 unattractive and under-utilized property will have a
21 remarkable new building whose design is sensitive to
22 the context, and will bring an appropriate new use to
23 its prominent location.

24 The scale and materials are modern, yet
25 they allude to the history of the location in a

1
2 creative and unique way. The building will be an
3 intriguing complement as a gateway to SoHo through
4 all of its neighbors across the street at 599
5 Broadway. The improvement of access to the MTA
6 Station is sorely needed, and will benefit all who
7 use it. The specific design will promote safety of
8 pedestrians on the street with the clarity of its
9 design, as well as the improved circulation. The new
10 retail and office users of the building will attract-
11 that the building will attract will be exactly in
12 line with what makes SoHo vibrant and lasting.

13 Many years ago, I had the pleasure of
14 studying with Chester Rapkin. His 1962 [bell] study
15 --I'll be one more minute--is largely credited with
16 saving SoHo from destruction and, in fact, Mr.
17 Rapkin, Professor Rapkin gave SoHo its name. He also
18 sat on the New York City Planning Commission under
19 Mayors Lindsay and Beame, and I like to thin that he
20 would approve of this project, and that you will
21 recognize its merits and do so, as well. Thank you.

22 CHAIRPERSON WEPRIN: Tank you very much,
23 Mr. Simon. I apologize. I'd like to call up now- I
24 think we have five people left to testify in
25 opposition. I'm going to read their names and see if

1
2 they're here. Peter Davies, Jean from SoHo Neighbors
3 is it Wilkie [sp]? Oh, okay. Laura Tenenbaum, Anna
4 Palmer. Anna, please come on up, and Ingrid
5 Wheeland?

6 INGRID WIEGAND: WIEGAND.

7 CHAIRPERSON WEPRIN: WIEGAND. Yeah.
8 It's a combination of my eyes and your handwriting.
9 I can't figure out which is worse.

10 INGRID WIEGAND: Yes, it's WIEGAND.

11 CHAIRPERSON WEPRIN: Okay. So how many?
12 That's three only. Okay, right? Come on up.

13 INGRID WIEGAND: There's four.

14 CHAIRPERSON WEPRIN: Four? Oh, four are
15 here. Okay.

16 CHAIRPERSON WEPRIN: I know I've been
17 giving a lot of leeway, but if you could try to limit
18 it to two minutes, I would appreciate it. I know
19 people have meetings to go to. All right.

20 [background conversation]

21 CHAIRPERSON WEPRIN: So whenever you're
22 ready. I just want to remind everyone to please
23 state your name when you testify.

24 ANNA PALMER: Okay, my name is Anna
25 Palmer. I live at 284 Lafayette Street. Our

1
2 building faces Lafayette and Crosby. We are
3 basically one-quarter of a block down from this
4 building facing Crosby. I have two major concerns.
5 One is the design of the building and one is the
6 increase in truck traffic on Crosby. I appreciate
7 the changes that have been made, but I am very
8 concerned about it mega retail store, and the truck
9 traffic that it will bring outside my windows. We
10 already have enough trucks on Crosby as it is, and an
11 additional loading area will not only create
12 congestion, but also a lot of noise, and above all,
13 I'm concerned about the trash that this building will
14 generate in a mega store, and the trash truck noise
15 and damage to the street. We are in the Historic
16 District of SoHo. The cobblestones on the street is
17 part of that Historic District. It gets damaged as
18 it is, but the amount of truck traffic we have on
19 that street, additional truck traffic from a mega
20 store will increase the damage to the cobblestone and
21 cut-away [sic].

22 Well, I'm also concerned- Well, the
23 noise is frankly my main concerned. I' concerned
24 about the facade of the building facing Houston.
25 Yes, it does look like it belongs in Times Square

1
2 more than SoHo. It actually reminds me of a '70s
3 department store in Northern European more than
4 anything else with a glass facade. I see no
5 resemblance of this building trying to match a cast
6 iron SoHo building. And as everyone in the Community
7 Board has pointed out, this is a city-owned site. It
8 should be sold to, or the purpose of it should be
9 something that benefits the people of the city, not
10 just a profit-driven enterprise. Thank you.

11 CHAIRPERSON WEPRIN: Thank you, Ms.
12 Palmer, and where in Northern Europe are you from?

13 ANNA PALMER: Sweden.

14 CHAIRPERSON WEPRIN: Sweden. Okay.
15 Thank you. A lucky guess of somewhere, but thank
16 you.

17 LAURA TENENBAUM: My name is Laura
18 Tenebaum. I've lived in SoHo since 1973, and I've
19 served as Vice Chair, Chair of the Zoning Committee
20 [bell] and Chair of the Business and Institutions
21 Committee--

22 CHAIRPERSON WEPRIN: Thank you very much.
23 I'm kidding. Sorry about that.

24 LAURA TENEBAUM: --of CB2 Manhattan, and
25 I used to that. [laughs] I support the

1
2 recommendations and comments made by CB2, Borough
3 President Gale and Assembly Member Deborah Glick for
4 respecting 19 East Houston Street. Today, I will
5 specifically address concerns about the future of the
6 Emergency Air Intake Fan Plan System currently
7 located below and at ground level on the site.

8 First, let me say, happy 80th birthday to
9 the emergency air intake fan. I was shocked to hear
10 that they don't plan to replace it for another 20
11 years. It was birthed with the Broadway-Lafayette
12 Street Subway Station in 1934. Many of us are
13 concerned that the \$26 million gained through the
14 sale of the city-owned site could prove to miniscule
15 in comparison to future costs of upgrading this out-
16 of-date fan plan if it is capped by a new structure
17 and the ventilation grating moved to the sidewalk as
18 proposed. The EDC actually wrote in the RFP that
19 future upgrades to the Fan Plan would be needed, and
20 elaborated in its Q&A that moving the grate into the
21 sidewalk would make any upgrade including increasing
22 the aged fan's capacity much more difficult. In the
23 Q&A it wrote that a very detailed analysis and
24 investigation would be needed before any proposal
25 involving new location of the sidewalk would be

1 accepted, and then they accepted the current
2
3 proposal.

4 Today, we heard them say the OK is
5 conceptual, and that they will have to have technical
6 parts later. Could the actual benefit to the MTA and
7 citizens of New York prove to be a phantom benefit,
8 ultimately resulting far higher costs to provide the
9 subway user with emergency air due to the development
10 now planned atop this site? We don't know. There
11 was detailed analysis or investigation. We don't
12 have the technical report. We're faced with the
13 possibility that the MTA is selling away the future
14 safety and comfort of subway riders with this very
15 busy station used by riders from all across the city
16 to satisfy a budget line. We urge the Committee and
17 the City Council to [bell] to clarify the supposed
18 benefit versus the actual costs current and future
19 before approving the sale of this site.

20 CHAIRPERSON WEPRIN: Thank you very much.

21 LAURA TENEBAUM: Can we take this?

22 CHAIRPERSON WEPRIN: It's up to you. I
23 don't know. If you guys put it there--

24 INGRID WIEGAND: No, we were planning to
25 put it there. [sic]

2 CHAIRPERSON WEPRIN: Oh, you did it. You
3 switched it? Okay.

4 COUNCIL MEMBER: Just move it back a
5 little bit.

6 CHAIRPERSON WEPRIN: All right. Just
7 don't let it block our view of the panel.

8 COUNCIL MEMBER: Yeah.

9 CHAIRPERSON WEPRIN: Okay. Are you using
10 the thing? Are you using any pictures in your
11 testimony?

12 INGRID WIEGAND: No. No, I'm not. No.

13 CHAIRPERSON WEPRIN: All right. You can
14 switch them around as they go. All right, whenever
15 you're ready, we'll start. That's better. Okay,
16 understood. All right.

17 INGRID WIEGAND: I'm Ingrid Wiegand. I
18 was a member of the SoHo Artist's Association. In
19 1969, I was personally a negotiator with the City
20 Planning Commission on the original zoning, and I was
21 an artist. I had one of the first artist
22 certifications existing. And so, when you're talking
23 about the character of SoHo, I know what I'm speaking
24 about. But in the relation to this particular
25 situation, I'm also LEED Accredited Professional, and

1
2 one of the things we deal with is light pollution,
3 and that is what I would like to address. This
4 building as planned will be an enormous sort of
5 source of light pollution. And nothing has been said
6 on the upper stories, which at this point could blast
7 whatever occupant signage it has right out on the
8 street. I think that the most important thing
9 regarding lighting is that the Council consider
10 limiting in lumens the amount of light that any
11 occupant of a commercial, of any building on Broadway
12 or Houston can send out to the city. It is very
13 important that that be done. Of course, having a
14 major retail store on the first, on three floors
15 would push for that. And I think it's very important
16 also that the amount of retail signage be limited as
17 well. [bell]

18 CHAIRPERSON WEPRIN: Thank you. Wow.
19 Okay, thank you very much. This picture is being
20 used for your testimony or all of you?

21 INGRID WIEGAND: All of us.

22 CHAIRPERSON WEPRIN: I'm just asking
23 because this photograph, this picture is the one that
24 was discussed before I believe. Is this the
25 architect's rendering or just the-- You know, you

1
2 heard the testimony before where they described the
3 difference. This is between the marketing one and
4 the architect. This shows a lot more light than the
5 applicant claims will be there. This gives a false
6 impression. You heard that testimony.

7 PETE DAVIES: Yes.

8 CHAIRPERSON WEPRIN: Okay.

9 PETE DAVIES: Should I start?

10 CHAIRPERSON WEPRIN: Go ahead. Start.

11 PETE DAVIES: My name is Pete Davies.

12 I'm a 35-year resident of SoHo on Broadway. I'm also
13 the Residential Representative on the SoHo Business
14 Improvement District. This 19 Houston Plan is out of
15 character with the mixed-use SoHo neighborhood. I am
16 in favor of the progress that's been made in regard
17 to the sidewalk. I am in favor of the proposal to
18 limit the retail use to the second floor only. One
19 thing that should be noted about this, this is viable
20 because this is what is allowed under the zoning, the
21 non-existent zoning regulations for interior
22 lighting. The intention without a restricted
23 declaration really means nothing. This developer
24 could build this building, and then sell it, and the
25 next builder could do whatever they want without the

1
2 restricted declaration. I also want to point out
3 that this building in opposition to all other
4 buildings in SoHo actually is a series of bay
5 windows. Where all of the windows extend out rather
6 than recede into the facade. You will notice that
7 all of these smaller panels are inboard, as described
8 by the architect. All the 15-foot glass panels are
9 outboard. Ninety percent of this facade is glass,
10 somewhat, about 27% has some big minimized degree of
11 transparency. About 67% of it is translucent, and
12 that is far in excess of anything you'll find in
13 SoHo.

14 So the possibility of this building to
15 emit light, to convey movement inside is far in
16 excess of anything you will find in SoHo. It also
17 puts at risk the wall, which was mentioned. It will
18 overwhelm the wall. My written testimony goes into
19 detail about a lot of this. I don't have time to get
20 into it. I've got ten seconds left. I would also
21 like to point you to the final page, which is the
22 actual Q&A from the MTA where they talk about the
23 need for [bell] upgrades in that Fan Plan. We heard
24 today that the only thing the MTA cared about was
25 money. That is all they cared about. They went

1
2 against their own Q&A. They went against their own
3 RFP in making the decision here, and this really
4 needs to be examined. Whether or not that will cause
5 this to be rejected, I don't know. But it's in the
6 interest of the people of New York to know that the
7 MTA is doing something that will not harm the health
8 and safety of the passengers with the MTA now and in
9 the future. Thank you very much.

10 CHAIRPERSON WEPRIN: Thank you, Mr.
11 Davies, and thank you for your testimony, and this
12 very impressive packet that you gave us. Ms. Chin,
13 do you have any comments or questions for this panel?
14 I see none. Thank you all for coming. We appreciate
15 your patience. I would like to ask now if there is
16 anyone else here to testify on this item that we have
17 not already called? I don't see anyone. So, I would
18 like to close the public hearing on Land Use Nos. 115
19 through 118 inclusive on 19 East Houston Street. So
20 we are going to close this hearing. We are not going
21 to be voting on this today. There were obviously a
22 lot of issues raised here today, a lot of discussions
23 still to come. And I know Council Member Chin is
24 going to be very involved in this as well as with the
25 community, and with that applicants.

1
2 So with that in mind, stay tuned on this
3 item, and we thank everyone for their patience today,
4 for their cooperation, and we looking forward to
5 seeing you all very soon. Thank you very much. The
6 meeting is now adjourned. [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. 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 17, 2014