

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

SUBCOMMITTEE ON ZONING AND FRANCHISES

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May 19, 2015  
Start: 10:04 a.m.  
Recess: 10:32 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)

Jeremiah Candreva  
Legal Counsel  
Toutman Sanders

Michael Kramer  
Urban Strategist  
Park It Management

2 [sound check, pause]

3 CHAIRPERSON WEPRIN: [laughs] All right.

4 Good morning everyone. My name is Mark Weprin. I am  
5 the Chair of the Zoning and Franchises Subcommittee,  
6 and I am joined by the following members of the  
7 Subcommittee: Council Member Vincent Gentile, who go  
8 the gold star today. Council Member Dan Garodnick,  
9 Council Member Donovan Richards and Council Member  
10 Antonio Reynoso. We are also delighted to be joined  
11 by the Chair of the Land Use Committee, David  
12 Greenfield, and we have one item on our agenda today,  
13 and only one item. Land Use No. 223, which is the  
14 510 to 512 West 23rd Street in West Chelsea  
15 Application. We have with us already in place,  
16 Jeremiah Condruca. [sp?]

17 JEREMIAH: [off mic] Candreva.

18 CHAIRPERSON WEPRIN: Okay, if that's what  
19 you said, and Michael Kramer. Gentlemen, when you  
20 speak please state your name, and if you alternate on  
21 who's speaking, try to keep stating your name every  
22 time speak so the record is clear. Members of the  
23 Committee are ready to hear your description of your  
24 application.

25

JEREMIAH CANDREVA: Thank you, Council Member Weprin and members of the Land Use Subcommittee. My name is Jeremiah Candreva. I'm counsel to the applicant. I'm accompanied by Michael Kramer, a representative of the company as well. The proposal before you today is a Text Amendment to the provisions of the Special West Chelsea District that would permit the transfer on an as-of-right basis of residential floor area for those parcels that are located outside of rural subareas and within the High Line Transfer Corridor that are zoned C6-2A and C6-3A. These parcels are located within the 100-foot wide High Line Transfer Corridor between West 22nd and West 23rd Street. A brief history here. In 1999, for those of you who remember prior to the creation of the Special West Chelsea District, this area was zoned MX-3. The zoning district designations of the MX-3 district were M1-5 R8A and M1-5 R9A. The MX-3 district contained no limitations on the transfer of residential floor area from those zones. And those same residential equivalent zones are which--are what exist today. In other words, the C6-3A and the C6-2A are the same equivalent zoning

2 district designations as the prior R8A and R9A  
3 district designations.

4           At the time that the Special West Chelsea  
5 District was created in 2010, ten subareas were  
6 adopted, which had special zoning regulations.  
7 However, this area or the area in which this--these  
8 sites are located is within another area. And in the  
9 other areas at the time, the amount of transfer was  
10 limited to the maximum amount of commercial FAR. So,  
11 in other words, it was capped at 6.0 FAR, which left  
12 a residual amount of FAR in the C6-2A of .02 and in  
13 the C6-3A as 1.52. So it's a very small residual  
14 amount of FAR.

15           We initiated this application under the  
16 prior administration. The Department of City  
17 Planning at one time was considering processing this  
18 as a FUCA, a Follow-Up Correction Action, which you  
19 all know they do at times through their own  
20 department initiated text amendments. And we were  
21 hoping that that would have come to fruition years  
22 ago. Be that as it may, we're here today because we  
23 took the ball and--and brought the application to the  
24 public review process. So what's before you today is  
25 to ask that text be amended to permit the transfer of

2 the greater of residential or commercial, which  
3 essentially allows us to transfer either .02 in the  
4 C6-2A or the 1.52 residual in the C6-3A.

5 CHAIRPERSON WEPRIN: Thank you very much.  
6 So, I--I know that the Community Board and the  
7 Borough President both approve with certain  
8 conditions. Can you describe what conditions they--  
9 the issues they had and what the discussions were on  
10 those?

11 JEREMIAH CANDREVA: Yes, the Community  
12 Board, they were--we have three Community Board  
13 letters. One dating back to 2009; one dating March  
14 3rd of 2015; and one of March 16th of 2015. If you  
15 don't mind, I'd like to take them in reverse order.  
16 The March 16th Community Board letter essentially  
17 clarified some of erroneous language that was in the  
18 March 3rd letter. And so, essentially, we are--we  
19 are proposing exactly what the Community Board would  
20 like us to propose in terms of its text, which is  
21 outlined in the March 16th letter. That's the text  
22 that we propose.

23 The letter that dates back to 2009 that  
24 the Community Board drafted and distributed we had  
25 prior--we had a former language that doesn't track

1 today's language, and it was--we had conforming use.  
2 In other words, we were proposing at that time to  
3 allow for the transfer of--pursuant to the online  
4 district regulations [sic] we had a conforming use as  
5 opposed to residential versus commercial, whichever  
6 is greater. And you will see there are three  
7 conditions that are outlined in the 2009 letter.  
8 Number one, that City Planning certify that the  
9 change conforms to DCP's original intent. In fact,  
10 this change does conform to the original intent. The  
11 whole purpose of creating the High Line Transfer  
12 Corridor was to allow development of properties that  
13 were encumbered by the High Line to transfer off  
14 their floor area. Doing so permits light and air to  
15 penetrate the High Line, and it preserves views from  
16 the High Line. So what we're proposing is exactly  
17 what the Department and City Planning initially  
18 proposed when they adopted the Special West Chelsea  
19 District and created the High Line Transfer Corridor.

21 Their second condition was they asked  
22 that City Planning certify that the change would  
23 apply to two properties that had been--that was done  
24 initially. Now, it's been narrowed down to one  
25 property, which is our client--my client's property.

1                   And then the third change was interesting  
2  
3                   language that City Planning drafted appropriate  
4                   language limiting the amount of transfer floor area  
5                   to the maximum floor area for an as-of-right use  
6                   permitted at the time that the West Chelsea District  
7                   was created. And, I will note that the West Chelsea  
8                   District was created in 2005. So what the Community  
9                   Board had asked for is that the transfer amount is  
10                  limited to the floor area that existed in 2005. I  
11                  will tell you the transfer--the floor are that exists  
12                  on this site has not changed since 1999, and it  
13                  remains. The residential equivalent for 1999 remains  
14                  today under the C6-2A and C6-3A. So 16 years. And I  
15                  didn't go back further than that, but essentially has  
16                  not been a change in the amount of residential floor  
17                  area for at least the last 16 years. And I note that  
18                  that third condition I believe can--applies to our  
19                  prior text, which included conforming use.

20                         CHAIRPERSON WEPRIN: Does anyone have any  
21                         questions for these gentlemen. We've been joined, by  
22                         the way, by Vincent Ignizio. Welcome, Mr. Ignizio.  
23                         Anybody else here want to announce they're leaving or  
24                         anything while we're having the meeting?

25                                 [background comments]



2 CHAIRPERSON WEPRIN: Okay, then. That's  
3 terrific. Sorry about that Vinny. All right.

4 [Speaks Spanish] So anyway, I know that Council  
5 Member Johnson has been in discussions with you and  
6 to address some of the concerns raised by the VP and  
7 the Community Board as well as him. I know there's a  
8 modification that he is suggesting to this, in which  
9 case he does support the application if the  
10 modification is incorporated. So I'm going to read  
11 the suggestion modification into the record. For the  
12 record we love the term FUCA. It's one of our  
13 favorite land use terms, and you should always hire a  
14 lawyer when you do a FUCA because you don't want to  
15 FUCA yourself. That would be a very bad thing to do.  
16 [laughter] So we don't want to get that.

17 [pause]

18 CHAIRPERSON WEPRIN: Okay. Well, so any  
19 other questions here before I read the Modification?  
20 We're going to close the hearing if there are no  
21 other question. So we move to close this hearing,  
22 and I am going to, as I mentioned, Council Member  
23 Johnson does support this plan with the following  
24 modifications: On the condition that the  
25 Subcommittee approve that the--approve this

1 modification as a proposed text to limit the amount  
2 of floor transferrable from a granting site to a  
3 receiving site to the greater of the maximum  
4 commercial or residential floor area permitted on the  
5 affected parcels at the time that the Special--  
6 Special West Chelsea District was enacted. So this  
7 modification is consistent with the conditions  
8 requested, as you mentioned with the Community Board  
9 and the Borough President and their approvals of this  
10 application. So we are going to recommend this  
11 modification be incorporated, and with that in mind,  
12 we're going to go right to a roll call and make this  
13 real short and sweet. So I'd like to call on Anne  
14 McCaughey to please call the roll.  
15

16 LEGAL COUNSEL: Chair Weprin.

17 CHAIRPERSON WEPRIN: I vote aye.

18 LEGAL COUNSEL: Council Member Gentile.

19 COUNCIL MEMBER GENTILE: I vote aye.

20 LEGAL COUNSEL: Council Member Garodnick.

21 COUNCIL MEMBER GARODNICK: Aye.

22 LEGAL COUNSEL: Council Member Richards.

23 COUNCIL MEMBER RICHARDS: Aye.

24 LEGAL COUNSEL: Council Member Reynoso.

25 COUNCIL MEMBER REYNOSO: Aye.

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2 LEGAL COUNSEL: Council Member Ignizio.

3 COUNCIL MEMBER IGNIZIO: Aye.

4 LEGAL COUNSEL: By a vote of 6 in the  
5 affirmative, 0 abstentions and no negatives, Land Use  
6 Item 223 is approved with modifications and referred  
7 to the full Land Use Committee.

8 JEREMIAH CANDREVA: Thank you.

9 MICHAEL KRAMER: Thank you

10 CHAIRPERSON WEPRIN: Thank you very much.

11 We are going to leave the rolls open for 15 minutes,  
12 and with that in mind the Subcommittee on Zoning and  
13 Franchises is now adjourned.

14 [gavel]

15 [pause]

16 LEGAL COUNSEL: Council Member Williams.

17 COUNCIL MEMBER WILLIAMS: I vote aye.

18 LEGAL COUNSEL: The final vote on Land  
19 Use 223 approved with modifications by a vote of 7 in  
20 the affirmative, 0 abstentions and no negatives.

21 COUNCIL MEMBER WILLIAMS: The meeting is  
22 adjourned.

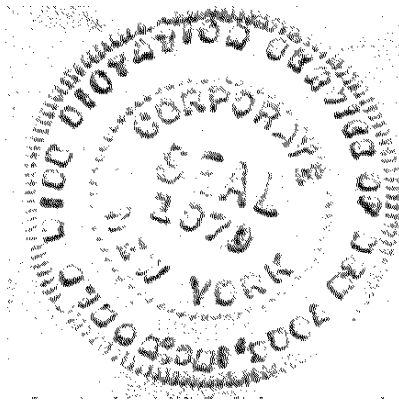
23 [gavel]

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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 May 27, 2015