

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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August 9, 2017
Start: 11:26 a.m.
Recess: 11:40 a.m.

HELD AT: Committee Room - City Hall

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

COUNCIL MEMBERS:
Daniel R. Garodnick
Jumaane D. Williams
Antonio Reynoso
Ritchie J. Torres
Vincent J. Gentile
The Speaker (Council Member)
Melissa Mark-Viverito
Margaret S. Chin
David G. Greenfield
Brad S. Lander

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

2 [sound check]

3 [pause]

4 [gavel]

5 CHAIRPERSON RICHARDS: Good morning. I
6 am Donovan Richards, chair of the Subcommittee on
7 Zoning and Franchises and this morning we are joined
8 by Speaker Melissa Mark-Viverito and Council Members
9 Torres, Greenfield, Chin, Gentile, Lander -- did I
10 say Chair Greenfield? -- Council Member Garodnick --
11 and I said chair.

12 Today we have.. oh, Reynoso -- we're also
13 joined by Reynoso and Miss Reynoso as well, and their
14 bundle of joy. Today we have four items on our
15 calendar. We held and closed the public hearing on
16 all of these items in prior meetings, so we will only
17 be holding a vote today. We will be voting to
18 approve Land Use Item No. 715, the Manhattan West-
19 Phase III Text Amendment. This application is for a
20 zoning text amendment that would alter the design
21 requirement for a public access area associated with
22 a development in the 9th Avenue rail yard in the
23 Special Hudson Yards District. The site is located
24 in Council Member Johnson's district and he supports
25 approval.

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2 Secondly, we will be voting to disapprove
3 a café in Council Member Chin's district, Land Use
4 Item No. 712, Pret A Manger, located at 125 Chambers
5 Street. Council Member Chin does not support this
6 application for a café obstructing the sidewalk,
7 primarily due to safety concerns for pedestrians in
8 this very crowded area undergoing significant
9 construction activity and she is here in attendance
10 and I guess I will go to Council Member Chin for a
11 statement and then we will proceed.

12 COUNCIL MEMBER CHIN: Good morning.
13 Thank you, Chair Richards and members of the
14 Subcommittee.

15 Today I'm here to recommend disapproval
16 of a sidewalk café application in my district, the
17 Pret A Manger application for a café at 125 Chambers
18 Street, on the north side of Chambers Street near
19 West Broadway. Members of the Community Board asked
20 my office to review this application after having
21 been unable to come to an agreement with an applicant
22 that did not appear before them with enough time to
23 come to a true agreement. The Board was unable to
24 support the application, citing significant concerns
25 regarding safety, in addition to a lack of clarity

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3 regarding the café's plans that they were shown and
4 the applicant's failure to appear at scheduled
5 meetings.

6 The north side of Chambers Street is a
7 major thoroughfare for thousands of Borough of
8 Manhattan Community College and Stuyvesant High
9 School students each day, and significant changes
10 have occurred in the neighborhood since the area was
11 deemed appropriate for sidewalk cafes. The MCC,
12 PS 89, PS 234 all moved into this area afterwards and
13 the volume of students walking the street was
14 unforeseen; indeed, significant changes are still
15 happening. There is a major construction project one
16 block to the east, the whole block of Church between
17 Chambers and Warren; there's also a smaller project
18 on the southeast corners of Chambers and Church, and
19 still yet another block-long project one block south
20 on West Broadway between Warren and Murray.

21 Additionally, the Warren Street water main project
22 closed off blocks into intermittently [sic], and the
23 Worth Street water main project, which has shifted
24 bus routes and westbound traffic to neighboring
25 streets and there are still various other
 construction projects I cannot even keep track of.

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3 All these projects means delivery, street closures,
4 obstructions and more congestion as pedestrians and
5 vehicles are rerouted to accommodate a variety of
6 changes; this particular intersection at Chambers and
7 West Broadway is very dangerous and congested as a
8 result.

9 Chambers Street, which is a narrow and
10 heavily used lane, with frequent double parking,
11 cement trucks and closed lanes with vehicles known to
12 drive on the curb to get around stalled traffic.
13 Congestion often forces pedestrians, including
14 children, into the street. I do not believe that
15 this is a safe space for a sidewalk café for people
16 walking between road traffic and the café. I know
17 this street well and I'm concerned about the volume
18 of traffic there. While we tried working with the
19 applicant to come to an agreement, I'm deeply
20 concerned about the risks that a sidewalk café in
21 this location pose to the health and safety of
22 residents nearby, as well as the thousands of
23 pedestrians that traverse these streets daily.

24 I am also further concerned that the
25 applicants seek the original proposed sidewalk café
against the wishes of the Community Board, who

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2 believed the café was much smaller and despite being
3 made aware of my concern about this process.

4 Furthermore, the applicant indicated to
5 my office that a primary reason for pursuing this
6 café related to the desire to install partitions
7 between the tables and chairs and pedestrians. These
8 partitions **[inaudible]** Pret A Manger were intended to
9 extend its branding present into the sidewalk so that
10 it would be more visible to potential customers. Our
11 streets are not and must not become advertisement
12 space for franchises at the expense of the safety and
13 local conditions.

14 I cannot recommend approval of this café
15 and believe that the safety concerns of my
16 constituents and pedestrians must be taken
17 precedence. Thank you.

18 CHAIRPERSON RICHARDS: Thank you, Council
19 Member Chin.

20 Next we will be voting to approve with
21 modifications the ECF East 96th Street application,
22 Land Use Items No. 700-703. This application is for
23 a zoning map amendment, zoning text amendment and two
24 special permits to allow for the development of a
25 full block site located in The Speaker's district.

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3 The site currently contains Marx Brothers Co-Op
4 Playground and the Co-Op Tech High School. The new
5 development would include the reconstruction of the
6 Marx Brothers Playground, a new space for the Co-Op
7 Tech High School, two new spaces for public high
8 schools containing 430 and 340 students, and nearly
9 one million square feet of residential space; 30% of
10 apartments will be reserved for affordable units
11 averaging 60% of the AMI; there will also be 20,000
12 square feet of retail. The Speaker supports approval
13 of this application with modifications to the plan to
14 clearly cap the height of the mixed-use building at
15 673' 10" and has also achieved deeper affordability,
16 with more units reaching 40% AMI and below and an
17 additional tier of units at 30% of AMI. The plan
18 also calls for improvements to a nearby park and
19 outreach for local hiring. The Speaker is in
20 attendance and will make remarks. Congratulations.

21 SPEAKER MARK-VIVERITO: Thank you,
22 Mr. Chair.

23 The public benefits of the ECF East 96th
24 Street project are unprecedented, with nearly half a
25 billion dollars of private investment supporting the
 creation of new schools, playgrounds, parks, and

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3 affordable housing. All this will be achieved
4 without any use of City capital. Ambitious projects
5 of this scope and complexity are rare and I want to
6 thank all the team members of the applicant team, the
7 New York City Educational Construction Fund and
8 Avalon Bay, allowing those who have worked so hard to
9 shape the final project, including Community
10 Board 11, the Office of the Borough President,
11 Department of Education, and members of the
12 Subcommittee.

13 The height of the building has been a
14 challenge from the start, with an inherent tension
15 between the scale of the building and the ability to
16 deliver the variety of public benefits outlined
17 above. We were able to reduce the building by five
18 stories through the ULURP process and arrive at a
19 place where the numerous public benefits help
20 mitigate the concerns.

21 This project invests \$300 million of
22 school construction to build 270,000 square feet of
23 brand new modern facilities for three East Harlem
24 high schools -- Co-Op Tech, Park East and Heritage
25 High School. These will be the first new high school

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2 facilities in East Harlem in nearly 50 years and will
3 expand classroom space by 60%.

4 Co-Op Tech will be able to expand their
5 career and technical education programs to meet high
6 demand, while Park East and Heritage High will be
7 outfitted with a modern gymnasium, cafeteria,
8 auditorium, library, lab, and arts spaces. This is
9 also the first time that Heritage and Park East will
10 have access to outdoor recreational space.

11 The relocation of these high schools will
12 open up opportunities to reprogram their existing
13 spaces for community-serving uses. DOE has committed
14 that the existing Park East facilities will continue
15 to be used for educational purposes. Heritage High
16 is currently located in the Julia De Burgos Cultural
17 Center, which will be able to expand cultural
18 programming once the high school moves to its new
19 facility.

20 I am pleased that the project will also
21 invest \$8 million to reconstruct and improve the Marx
22 Brothers Playground and that the applicants have
23 agreed to incorporate local community input in the
24 final design.

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3 The applicants have also committed to
4 funding upgrades of the neighboring Stanley Isaacs
5 Park, partnering with local CBOs to develop a local
6 hiring and workforce development plan, and providing
7 20,000 square feet of commercial and retail space in
8 the project.

9 Finally, the project delivers a
10 tremendous number of affordable housing units, with
11 30% of the project -- approximately 315 units -- set
12 aside as affordable housing, reaching deep levels of
13 affordability, including units at 30% and 40% of AMI.

14 I would like to commend the applicants
15 for going beyond the MIH minimum and delivering a
16 project that addresses a diversity of community
17 needs.

18 During the public hearing we heard
19 concerns voiced over the elimination of the Marx
20 Brothers Playground and ability of the playground to
21 generate floor area for development purposes and I
22 heard loud and clear the concerns about building
23 scale. I respect and appreciate these concerns, but
24 in the context of a once-in-a-generation project
25 which will deliver new state-of-the-art school space
for hundreds of students, 300 units of affordable

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2 housing, new park space, hundreds of new jobs -- many
3 of which will be available to the local community,
4 new cultural space in the Julia De Burgos, there is
5 much here to celebrate as well.

6 So with that, I ask my colleagues to vote
7 yes on this application as modified.

8 CHAIRPERSON RICHARDS: Thank you, Speaker
9 for your leadership.

10 We will be also voting to file Land Use
11 Item Nos. 694-699, the Bay Chester Square
12 application, which has been withdrawn. I understand
13 that Council Member King has worked extensively with
14 EDC, the developer and other City agencies to find a
15 compromise on this application, but in the end was
16 unable to support approval or modification.

17 I want to thank EDC and the developer for
18 all the time and effort they put into this project
19 and we look forward to continuing to work on a plan
20 for the site in the future.

21 Alrighty. Now do any Subcommittee
22 members have any questions or statements on these
23 applications? No? Okay. Seeing none, I will now
24 call on a vote to approve Land Use Item No. 715,
25 approve Land Use Item Nos. 700-703 with

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2 modifications, and disapprove Land Use Item No. 712,
3 the café, and file 694-699. Counsel, please call the
4 roll.

5 COMMITTEE COUNSEL: Chair Richards.

6 CHAIRPERSON RICHARDS: I vote aye.

7 COMMITTEE COUNSEL: Council Member
8 Gentile.

9 COUNCIL MEMBER GENTILE: I vote aye.

10 COMMITTEE COUNSEL: Council Member
11 Garodnick.

12 COUNCIL MEMBER GARODNICK: Aye.

13 COMMITTEE COUNSEL: Council Member
14 Williams.

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

17 CHAIRPERSON RICHARDS: Yes, sir.

18 COUNCIL MEMBER WILLIAMS: Thank you. I'm
19 voting aye on all, but I wanted to speak on The
20 Speaker's project. I know there's been a lot of talk
21 about it and I just wanted to congratulate her on the
22 work that she did. I was also concerned about what I
23 was hearing, so I always try to view it in terms of I
24 know everybody's always going to be opposed to change
25 and what are we getting in return for that change and

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3 it seems that we actually got quite a lot, we got
4 some real affordable housing -- everybody hates the
5 80/20; this is 70/30 -- we can always do more, but I
6 think it's great, particularly at the lower income
7 spectrum of 30%, 40% AMI; that park will be returned
8 in very close proximity to where the original was,
9 and we're getting additional schools. So I think for
10 all in all, it's a pretty good project and want to
11 say congratulations, and vote aye on all.

12 CHAIRPERSON RICHARDS: Thank you, Council
13 Member Williams.

14 COMMITTEE COUNSEL: Council Member
15 Reynoso.

16 COUNCIL MEMBER REYNOSO: I vote aye.

17 COMMITTEE COUNSEL: Council Member
18 Torres.

19 COUNCIL MEMBER TORRES: I vote aye.

20 COMMITTEE COUNSEL: By a vote of 6 in the
21 affirmative, 0 in the negative and 0 abstentions,
22 Land Use Item 715 is approved; 700-703 are approved
23 with modifications, Land Use Item 712 is disapproved,
24 and 694-699 are filed and these items were referred
25 to the full Land Use Committee.

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2 CHAIRPERSON RICHARDS: Thank you. We are
3 going to lay over Land Use Item No. 720, the 34th
4 Street Heliport application. And before we close
5 out, I just wanted to thank the Land Use staff for
6 their diligence and hard work on these applications,
7 starting with Raju Mann, Julie Lubin, Amy Levitan,
8 John Douglas, Dylan Casey, Liz Lee, Rosie Perez, and
9 Jeff Yuen. Thank you all for your work on all of
10 these applications.

11 With that being said, this meeting is
12 adjourned.

13 [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 August 17, 2017