

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 21, 2017  
Start: 10:03 a.m.  
Recess: 11:16 a.m.

HELD AT: 250 Broadway - Committee Rm.  
16<sup>th</sup> Fl

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

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

Patricia Sullivan  
CRC Hospitality Group, LLC

Matthew Cruz, District Manager  
Bronx Community Board 10

Fabrico Alanzo, New Owner  
Made in Puerto Rico

Salman Khan  
Friends of the Highline

Michael Bradley  
New York City Parks

Giovanni Goya  
Planning and Development Specialist  
Goldman Harris

Joe Beaver, Real Estate Development  
Institute for Community Living, ICL

John Woelfling, Architect  
Dattner Architects



2 [sound check, pause] [gavel]

3 CHAIRPERSON RICHARDS: Alrighty. Good  
4 morning. Good morning. I'm Donovan Richards, Chair  
5 of the Subcommittee on Zoning and Franchises, and  
6 this morning we are joined by Council Members  
7 Gentile, Vacca, Chin and Mendez. I would also like  
8 to welcome back Lieutenant Commander James Lloyd  
9 back. He's back.

10 COUNCIL MEMBER: [off mic] Oh, yes.

11 CHAIRPERSON RICHARDS: Welcome him back.  
12 Everybody clap. [applause] He just came from  
13 serving our country. Where were you?

14 LIEUTENANT COMMANDER JAMES LLOYD: [off  
15 mic] I was on a ship. [off mic]

16 CHAIRPERSON RICHARDS: Okay, well welcome  
17 back. Today we have ten items on our calendar. We  
18 are going to start with public hearings on three café  
19 applications. Land Use Items No. 709, 710 and 711  
20 and the Special West Chelsea District Amendment, Land  
21 Use Item No. 729. Once we have completed these four  
22 public hearings, we will hold a vote on these  
23 applications in the Downtown Far Rockaway  
24 Development-Development Plan, the Ebenezer Plaza, the  
25 34<sup>th</sup> Street Heliport and the 462 Broadway

2 applications. After our vote we will move onto  
3 Public hearings for the rest of the items on the  
4 calendar, the 15 Evans Street Application, Land Use  
5 Items No. 730 and 731 and the 40 Wooster Street  
6 Application set, Land Use Item No. 732. First, I  
7 will open the public hearing for Land Use Item No.  
8 709 an unenclosed sidewalk café application for the  
9 Handcraft Kitchen and Cocktails Restaurant located  
10 367 Third Avenue in Manhattan in Council Member  
11 Mendez's district. I know she was here.

12 COUNCIL MEMBER MENDEZ: Here.

13 CHAIRPERSON RICHARDS: She's here?

14 [background comments] Oh, okay, you moved. Okay,  
15 we'll call up, applicant Patty Sullivan representing  
16 CRC Hospitality Group, LLC and I'm go to Council  
17 Member Mendez for comments if she so wishes. [pause]

18 COUNCIL MEMBER MENDEZ: Thank you very  
19 much, Mr. Chair. This when it was originally filed  
20 was filed to have 7 tables and 14 chairs. After  
21 meeting with the owners and going on the site, they  
22 agreed that that would be too many tables and chairs  
23 on a busy street, and have agreed to downsize the  
24 amount of tables and chairs to 5 tables, 10 chairs  
25 and 4 of the tables will also be made smaller, 18 x

2 24 instead of 24 x 24. The plans also adequately  
3 reflect now that there is a bus stop there without a  
4 shelter right in front of this location. I think the  
5 changes we made will help the business as well as  
6 help the surrounding community to have less  
7 obstruction when walking, and allow the business to  
8 have their sidewalk café. Thank you very much, Mr.  
9 Chair and thank to the applicant.

10 CHAIRPERSON RICHARDS: Thank you. Do you  
11 want to say anything on the record?

12 [off mic] I'm--

13 CHAIRPERSON RICHARDS: [interposing] If  
14 you can just hit your mic and just say--say your name  
15 and who you're representing and--

16 PATRICIA SULLIVAN: Sure. My name is  
17 Patricia Sullivan. I'm representing CRC Hospitality  
18 Group, LLC and we agreed to Council Member Mendez's  
19 suggestions. So, we're happy to do all of that. So  
20 thank you for working with us on that.

21 CHAIRPERSON RICHARDS: Thank you so much  
22 for your testimony. Alrighty, are there any other  
23 members of the public here who wish to testify on  
24 this issue? Alrighty, seeing none, we will not close  
25 the public hearing on Land Use Item No. 709.

2 I will now open the public hearing for  
3 Land Use Item No. 710 an unenclosed sidewalk café  
4 application for the Made in Puerto Rico Latin Cuisine  
5 and Sports Bar located at 3363 East Tremont in the  
6 Bronx in Council Member Vacca's district. I will  
7 call the applicant. [background comments] Oh, well,  
8 actually not the applicant, but Matthew Cruz who's  
9 representing Community Board 10, and I'll go to  
10 Council Member Vacca for comments.

11 COUNCIL MEMBER VACCA: Thank you, Mr.  
12 Chair. When a business owner hopes to add a sidewalk  
13 café to their property they must go through several  
14 steps to get approval. This process is not merely a  
15 formality, but takes place to ensure the sidewalk  
16 café will not pose any danger or disrupt the  
17 community. In my tenure at the City Council I have  
18 never had call up a sidewalk café. Yet, today, there  
19 is an applicant seeking to construct a sidewalk café  
20 that I worry would impact the community. Made in  
21 Puerto Rico located at 3363 East Tremont Avenue has  
22 had several issues over the past year or so, and do  
23 not feel that they should be granted approval.  
24 Community Board 10 whose District Manager Matthew  
25 Cruz will testify share this concern, and has already

voted against the sidewalk café application. Made in Puerto Rico has not had a good history in the community and has failed to prove that they will operate in a responsible manner. The business had their liquor license revoked by the New York State Liquor Authority for serving alcohol to minors as recently as this past spring. On August 16, 2016, the SLA also noted the business failed to comply with noise regulations and violated pre-mixing rules that the business had a history of being a disorderly premise using unauthorized DJs and security and non-compliance with local regulations. In addition, there have been at least two instances over the past five months when there were complaints filed about loud music coming from the restaurant. The Department of Consumer Affairs has also received complaints that the restaurant is violating the law by adding 20% tips to bills—to bills. It is true that there is a new owner for the business, but this individual was associated with the restaurant and in a position of responsibility when these problems occurred. Accordingly, I do not agree with the claim that the new ownership should allay community fears. The new owners must prove in their actions that the



2 business is a responsible community partner. As of  
3 now, I fear that if a sidewalk café is granted at  
4 this location, the issues they have will multiply and  
5 this will pose a threat to the quality of life for  
6 people in this community, and it is for this reason  
7 that I ask that this application be denied, and ask  
8 my colleagues to vote in the negative.

9 CHAIRPERSON RICHARDS: Okay, we're joined  
10 by Council Member Ritchie Torres from the Bronx as  
11 well, and we'll go to the Community Board for--

12 MATTHEW CRUZ: Thank you. Good morning  
13 Chairperson Richards and members of the Committee on  
14 Zoning and Franchises. My name is Matthew Cruz and  
15 I'm the District Manager of Bronx Community Board 10.  
16 I'm her before you today to voice my community's--my  
17 community's concerns and opposition to Made in Puerto  
18 Rico of MIPR, Incorporated. Made in Puerto Rico is a  
19 food and drinking establishment in my district  
20 located at 3363 East Tremont Avenue, Bronx, New York  
21 10461. Made in Puerto Rico is seeking to operate an  
22 unenclosed sidewalk café under Application No.  
23 2017.5396 TCX. Since 2015, the New York State Liquor  
24 Authority or SLA cited Made in Puerto Rico for  
25 operating a disorderly premises, for failure to

conform with this application on several occasions, for failure to comply with noise ordinances and for failure to supervise its staff on two separate occasion, which the SLA state is given to establishments only when it observes its poor--its prior infractions have gone unaddressed. In addition, the SLA cited Made in Puerto Rico for a sale to a minor on April 6--April 6, 2017, which resulted in the SLA cancelling the establishment's license and an order to the owner to surrender her license. To date, Made in Puerto Rico has paid nearly \$20,000 in civil penalties, and has been the subject of discussion at Community Board 10 for several years. On May 22, 2017, the SLA disapproved the transfer of the application from a previous owner to the new owner--who I believe is with us today--due to the pending charges aforementioned. Simply put, the extension of this establishment onto the sidewalk would do much to harm the quality of life our residents enjoy. Made in Puerto Rico has only shown that it cannot supervise its staff, cannot conform to its Liquor License Application, and cannot adhere to the City of New York's Noise Regulations, and is liable to sell its alcohol to minors. To be sure,

1 the approval of this unenclosed sidewalk café to an  
2 establishment that has been cited by the SLA for  
3 failure to post warning signs such as the ill effects  
4 of pregnancy whiled drinking alcohol runs contrary to  
5 the City of New York's Department of Health and  
6 Mental Hygiene's educational campaigns. Lastly,  
7 Bronx CB 10 voted to deny Made in Puerto Rico's  
8 license application on November 19, 2015, when it was  
9 just-when it was brought to us. The Board voted to  
10 deny the application for an unenclosed sidewalk café  
11 on May 26, 2017. In addition, on June 27<sup>th</sup>, I wrote  
12 a letter to the SLA clarifying that the Board objects  
13 to Made in Puerto Rico's method of operation and  
14 referred to our denial on the application of November  
15 19, 2015. Please find in this testimony a history of  
16 Made in Puerto Rico's New York State Liquor Authority  
17 infractions, and requested via the Freedom of  
18 Information Law on July 6, 2017. In addition, please  
19 find all the correspondence written by my office to  
20 the City of New York and the State of New York since  
21 2015. Thank you for your attention to this matter.

22  
23 CHAIRPERSON RICHARDS: Thank you so much  
24 for your testimony. Council Member Vacca, do you  
25 have any questions at this time.

2 CHAIRPERSON RICHARDS: Have--let me ask  
3 you, have you heard from neighbors or businesses or  
4 civic association leaders concerning this  
5 application?

6 MATTHEW CRUZ: Several. Several  
7 constituents and the--well, the South Community  
8 Association.

9 COUNCIL MEMBER VACCA: And has been their  
10 position?

11 MATTHEW CRUZ: Their position is they're  
12 in opposition to this sidewalk café. There are many  
13 instances of noise or fights at this--at this location  
14 for--for many years since 2015.

15 COUNCIL MEMBER VACCA: Thank you.

16 CHAIRPERSON RICHARDS: Thank you. Thank  
17 you for your testimony. Alright, we now go to the  
18 owner Fabrico I believe, Alanzo.

19 FABRICO ALANZO: [off mic] Yes

20 CHAIRPERSON RICHARDS: Okay. Please come  
21 forward. [pause] And Mr. Fabrico, you're going to  
22 state your name for the record and who you're  
23 representing, and then if you want to--if you have  
24 testimony, you may begin or otherwise we can hop  
25 right into questions.

2 FABRICO ALANZO: Fabrico-Alanzo. I'm the  
3 new owner of Made in Puerto Rico. Um, I just want to  
4 say I understand everybody's concern, the Community  
5 Board and everything that has been addressed to me.  
6 As the new owner, I am trying to make it better. I'm  
7 willing to work along with the community to make it  
8 better, and I'm—I'm just trying to change the  
9 restaurant. The previous owner, you know, I—I—I was  
10 associated with—with them, but, you know, I was just  
11 an employee at that time. Now, I'm an owner. So, now  
12 I can make change myself.

13 CHAIRPERSON RICHARDS: And when did you  
14 become the new owner?

15 FABRICO ALANZO: Shortly after May.

16 CHAIRPERSON RICHARDS: Shortly after May,  
17 and so you are aware?

18 FABRICO ALANZO: Well, we were in the  
19 transitions of negotiating dealings. So, I  
20 officially became the owner toward the end of May.

21 CHAIRPERSON RICHARDS: And--

22 FABRICO ALANZO: [interposing] Once that  
23 was legalized, it was surrendered from her.

24 CHAIRPERSON RICHARDS: Oh, this—this is  
25 one of the—what would we call it, you're—you're

2 shifting the chairs around a little bit since one  
3 person--

4 FABRICO ALANZO: No, no, she completely  
5 has nothing to do with it.

6 CHAIRPERSON RICHARDS: You're sure.

7 FABRICO ALANZO: 100% positive.

8 CHAIRPERSON RICHARDS: What would you say  
9 for some of the allegations that the Community Board  
10 just said?

11 FABRICO ALANZO: To be honest, I--

12 CHAIRPERSON RICHARDS: [interposing] And--  
13 and-and more importantly, how are you rectifying  
14 those issues?

15 FABRICO ALANZO: To be honest, I wasn't  
16 aware until I applied for the sidewalk café. I  
17 wasn't aware that these things were going around the  
18 community around--

19 CHAIRPERSON RICHARDS: Wait a minute.  
20 So, you weren't there.

21 FABRICO ALANZO: around the neighborhood

22 CHAIRPERSON RICHARDS: How long did you  
23 work there?

24 FABRICO ALANZO: About a year.

2 CHAIRPERSON RICHARDS: A year, and were  
3 unaware of the issues that--?

4 FABRICO ALANZO: I wasn't aware that all  
5 these complaints were going on. When we submitted  
6 and said we were going to renew the liquor license,  
7 Community Board 10 approved. Once we applied for the  
8 sidewalk café, they--they came up with all these  
9 issues. I had--I wasn't--I wasn't aware. No one from  
10 the Community Board reached out to me and said  
11 listen, we're getting these complaints. What's--  
12 what's going on? No one. They just--when I went to  
13 the Community Board, I was just bombarded with all  
14 these complaints. I-- wasn't--I was 100% unaware.

15 [bell]

16 CHAIRPERSON RICHARDS: Okay. I'm going  
17 to go to Council Member Vacca, but I just want to  
18 say, you're coming to ask for more, and you haven't  
19 rectified the current issues. So, it's going to be  
20 very hard for this committee.

21 FABRICO ALANZO: Well, I haven't been  
22 given the chance to.

23 CHAIRPERSON RICHARDS: Yes, right.

24 FABRICO ALANZO: The--the liquor license  
25 surrendered. I'm closing early now. I--I have no--I'm

2 not serving alcohol. The restaurant is still  
3 operating. So, all we're doing is just food so in  
4 reality I haven't had the opportunity to show that I  
5 could improve it.

6 CHAIRPERSON RICHARDS: Do you think you  
7 should show before we give more?

8 FABRICO ALANZO: I would like to get the  
9 opportunity yes to show that I can.

10 CHAIRPERSON RICHARDS: Okay. Alright.  
11 I'm going to go to Council Member Vacca.

12 COUNCIL MEMBER VACCA: You said that no  
13 one came to you, but you just also said that you  
14 started ownership in-toward the end of may. So, if  
15 there were complaints, they would have gone to the  
16 previous owner. That's number one, and number two,  
17 isn't it true that you were the, um, manager of the  
18 bar during the sale to liquor issues that arose? You  
19 were the bar manager. Am I correct?

20 FABRICO ALANZO: Yes.

21 CHAIRPERSON RICHARDS: Council Member  
22 Torres.

23 COUNCIL MEMBER TORRES: Today, what are  
24 the issues, quality of life concerns about it--the  
25 restaurant?



2 FABRICO ALANZO: [coughs] The issue is  
3 people having it and doing indecent acts in their  
4 personal car, the sidewalk. The street on the side  
5 people are—are littering leaving empty bottles and,  
6 you know, just people just stay hanging out, loud-  
7 loud noise around the corner.

8 COUNCIL MEMBER TORRES: Loud noise,  
9 littering-

10 FABRICO ALANZO: [interposing] Right.

11 COUNCIL MEMBER TORRES: -indecenty.

12 FABRICO ALANZO: Right.

13 COUNCIL MEMBER TORRES: And you said you  
14 were unaware of these?

15 FABRICO ALANZO: I was unaware because  
16 I'm—I'm basically concentrating on what's happening  
17 in front of my location. I don't have eyes around or  
18 in the back of the building.

19 COUNCIL MEMBER TORRES: And so, when were  
20 these concerns brought to your attention or when did  
21 you become aware of it?

22 FABRICO ALANZO: The last time I went to  
23 the full Community Board meeting about the sidewalk  
24 café.

2 COUNCIL MEMBER TORRES: Okay, but before  
3 then, you had not reach out and meeting with them?

4 FABRICO ALANZO: I-I had no idea at all.

5 COUNCIL MEMBER TORRES: Thank you.

6 CHAIRPERSON RICHARDS: Alright, and I'll  
7 just recommend this because I had the same issues in  
8 my district along one of my busiest corridors is  
9 perhaps sitting down with the Council Member and  
10 perhaps local community members and stakeholders, and  
11 I think that, you know, this committee is going to  
12 look for you to do those things before we move  
13 forward on-on this application. Alrighty. I will  
14 now close-any other questions from my colleagues?  
15 No. Alrighty, thank you so much for your testimony.

16 FABRICO ALANZO: Thank you.

17 CHAIRPERSON RICHARDS: Are there any  
18 other members of the public who wish to testify on  
19 this issue? Alright, seeing none, I will not close  
20 the public hearing on Land Use Item No. 710. We will  
21 not move onto Land Use Item No. 711 and unenclosed-an  
22 unenclosed sidewalk café application for While We  
23 Were Young Restaurant located at 183 West Tenth  
24 Street in Manhattan in Council Member's district-  
25 Council Member Johnson's district. I now open the

2 public hearing on this application. The two  
3 applicants are Patty Sullivan, While We Were Young,  
4 and Bradford Dunnigan, While We Were Young as well.  
5 You may approach. Is she back again?

6 PATTY SULLIVAN: Right.

7 [background comments]

8 CHAIRPERSON RICHARDS: Alright, welcome  
9 back Patty.

10 PATTY SULLIVAN: Thank you.

11 CHAIRPERSON RICHARDS: So, you're busy  
12 today.

13 PATTY SULLIVAN: Yeah.

14 CHAIRPERSON RICHARDS: Alrighty.

15 PATTY SULLIVAN: Okay. So my name is  
16 Patricia Sullivan. I'm representing While We-

17 CHAIRPERSON RICHARDS: [interposing] And  
18 is your mic on.

19 PATTY SULLIVAN: I think so. Yes.

20 CHAIRPERSON RICHARDS: Okay.

21 PATTY SULLIVAN: And then I'm here with  
22 Bradford Dunnigan who's the owner the of the  
23 establishment at 183 West Tenth Street in the-in the  
24 Village. Um, Bradford had agreed to reduce his  
25 tables and chairs to a total of three tables with six

2 chairs, and he also agreed to close the café at 10:00  
3 p.m. seven days per week. We met with Council Member  
4 Johnson's office to discuss some of these things. We  
5 also presented them with the 800 plus signatures that  
6 he received in support of his liquor license plus an  
7 additional 60 signatures in support of his café along  
8 with about five letters of support for the café. So,  
9 essentially we're just—we're asking for the three  
10 tables and six chairs so that he may begin operating  
11 the café.

12 CHAIRPERSON RICHARDS: Alrighty, thank  
13 you. Do you want to say anything, sir?

14 BRADFORD DUNNIGAN: Nope.

15 CHAIRPERSON RICHARDS: Alrighty. Thank  
16 you for your testimony today.

17 PATTY SULLIVAN: Thank you.

18 CHAIRPERSON RICHARDS: Are there any—any  
19 other members of the public who wish to testify on  
20 this café? Alrighty, seeing none, we'll now close  
21 the public hearing on Land Use Item No. 711. Our  
22 next hearing will be on Land Use Item No. 729, the  
23 Special West Chelsea Text—Text Amendment. This  
24 application would modify the Zoning Text to  
25 facilitate the construction of an operation facility

2 for the Highline and a staff-only access stairway at  
3 property located at 131 Tenth Avenue in Council  
4 Member Johnson's district. Alrighty. We will call  
5 Salman-Salman Khan, and I can't make out this name.

6 MICHAEL BRADLEY: Michael Bradley.

7 CHAIRPERSON RICHARDS: Oh, Michael.

8 Okay. Your handwriting is like mine. Alright,  
9 Michael Bradley from NYC Parks and Recreation and  
10 we're joined by Chair Greenfield. [pause]

11 SALMAN KHAN: Good morning to Chair-to  
12 Chair Richards and to the Committee. My name Salman  
13 Khan. I'm here with Friends of the Highline, and I'm  
14 here with Michael Bradley from New York City Parks.  
15 We're here to present on the West Chelsea DB&G Text  
16 Amendment. So the site that we-the application is  
17 related to a site located between 18<sup>th</sup> and 19<sup>th</sup>  
18 Streets just west of Tenth Avenue. The-I'll just-  
19 the-the application is to modify a portion of the  
20 zoning text to allow what would be a stair and  
21 elevator to become a much needed maintenance and  
22 operations facility for NYC Parks and Friends of the  
23 Highline. (coughs) In the current zoning this site  
24 is a bonus site that is required-is permitted to  
25 purchase additional floor area, and as part of that,

1 they're required a stair and elevator to the park to  
2 Highline Park. What we're hoping to do is because we  
3 have a number of access points already including one  
4 just to the north as well as an elevator that will be  
5 constructed one block to the south at 18<sup>th</sup> Street  
6 within about a year and a half. We are hoping to use  
7 this opportunity to modify this requirement to—to be  
8 used as a much needed maintenance and operations  
9 facility. Currently, the only permanent operations  
10 space that we have is at the southern end of the  
11 park, which means that we have staff walking from—  
12 excuse me—from 34<sup>th</sup> Street all the way down to access  
13 any kind of restroom, storage area or a maintenance  
14 facility. And as I mentioned, we have a number of  
15 access points throughout the park including elevators  
16 at about half of our—our locations. We've worked  
17 closely with both Council Member Corey Johnson as  
18 well as the Community Board and Manhattan Borough  
19 President and have received their support for this  
20 application. This is a—a couple of photos of the  
21 existing conditions of the sites. The two top photos  
22 show the area where the—the easement would be  
23 constructed. The—the bottom two show some of the  
24 issues we have with crowding on Highline. We have  
25

2 received a significantly higher number of visitors  
3 than we expected throughout the years, and this  
4 facility would allow us to alleviate a lot of these  
5 operation issues that we have as a result of the—the  
6 high usage of the Highline. There are a couple of  
7 the site photos. The development is being  
8 constructed by the Related Companies (sic). They are  
9 also on board with this application and are very  
10 supportive. Construction would begin early next  
11 year, and the easement would be constructed by the  
12 Related Companies and would be provided probably  
13 towards the middle of 2019. This is s a plan of the  
14 sites. We would use it for custodial staff,  
15 horticulture, a rest area as well as to support our  
16 low cost of free public programs, and it would be the  
17 only space that we have, as I mentioned, north of the  
18 southern end of the park. So this is very  
19 strategically located at the center of the Highline,  
20 which is a mile and a half long. So, it created  
21 some—some difficulties for operations. So, this  
22 would be a tremendous opportunity for us, and that's  
23 it. Michael Bradley with Parks, do you have any--?

24 MICHAEL BRADLEY: I'm Michael Bradley,  
25 Program—Project Administrator and former Highline

2 Administrator for New York City Parks. Parks is co-  
3 applicant. We strongly support this application.  
4 Our partners Friends of the Highline are invaluable  
5 in maintaining the Highline at no cost to the public,  
6 and we had seen first hand the difficulties that they  
7 have in the operational maneuvering of—of staff and  
8 equipment north and south along the Highline just  
9 because of the enormous crowding on the Highline, and  
10 if there are nay questions, I'm happy to answer them.

11 CHAIRPERSON RICHARDS: Thank you so much  
12 for your testimony. Just go back through—so  
13 obviously you're getting a bonus ,and how much  
14 investment is Related putting in?

15 SALMAN KHAN: The number is—I have it  
16 here actually. Related provide a \$5.8 million and  
17 received 116,000 additional square feet for their  
18 property.

19 CHAIRPERSON RICHARDS: And that bonus  
20 area is going into housing, correct?

21 SALMAN KHAN: Correct.

22 CHAIRPERSON RICHARDS: And how much is  
23 that again? Is Related here or no?

24 SALMAN KHAN: I don't believe that they  
25 are here.



2 CHAIRPERSON RICHARDS: Okay.

3 SALMAN KHAN: I don't know the number of  
4 units, but I can find out and send them to you.

5 CHAIRPERSON RICHARDS: Okay. Alrighty,  
6 alrighty. Are there any questions from my  
7 colleagues? Alrighty, thank you for your testimony.

8 SALMAN KHAN: Thank you so much.

9 MICHAEL BRADLEY: thank you.

10 CHAIRPERSON RICHARDS: Any other members  
11 of the public wish to testify on this issue?

12 Alright, seeing none, I will not close the public  
13 hearing on Land Use Item No. 79. Okay. I'm hopping  
14 around here. Alright, we're going to go to Wooster  
15 Street now. Our next hearing will be for Land Use  
16 Item No. 732, the 40 Wooster Street Application.

17 Okay, great. [background comments] Alright. [pause]

18 Alrighty, Frankie, just state your name for the  
19 record and who you're representing, and then you may  
20 begin, and we're also joined by Council Member Barron  
21 before you begin, sir. [pause] Alright, hit your mic  
22 and you'll have to start again.

23 FRANK ANGELINO: Frank Angelino on behalf  
24 of 40 Wooster Restoration, LLC, the owner of 40  
25 Wooster Street, Manhattan. That's on the west side

1 of Wooster Street between Grand and Broom Street in  
2 the southern portion of SoHo. [pause] We've  
3 distributed plans and I-if you will look at the-  
4 there's two sets of plans. One is the City Planning  
5 plans, which are printed in black and white. The  
6 other are in color. If you could go to the color  
7 plan first, which is the landmark plan, and go to  
8 page 82, you see a drawing of or a rendering of the  
9 building itself. This is in the set of colored  
10 landmark plans by the lessee (sic) and architect and  
11 [background comments, pause] On-on the screen you  
12 will see the building. This is at 74-711, a special  
13 permit application, which requires two actions, one  
14 by Landmark Commission and the other by the City  
15 Planning Commission on the zoning aspect of the  
16 application. The proposal is a change of use-a  
17 zoning change of use only. No bulk waivers, 440  
18 Wooster Street. The building was constructed about  
19 120 years ago by relatively anonymous architects, but  
20 it is one of those very handsome anonymous buildings,  
21 which add a great deal of character to the Historic  
22 District. It's located in Chelsea, and in SoHo. The  
23 Landmark Commission in 2015 voted to approve the  
24 preservation plan for the building, which includes  
25

2 the entire—basically remaking the entire exterior of  
3 the building, and it has all sorts of different  
4 elements from steel metal cornices to terracotta,  
5 handsome terracotta work. So that the windows it has  
6 brick of a distinguished character and the  
7 restoration plan is to restore it completely to the  
8 original storefronts, which are not there now, but we  
9 will be restored, and all of the windows will be new  
10 wooden windows as opposed to present aluminum  
11 windows. The terracotta will be restored, all three  
12 sides of the building. The fourth side has a party  
13 wall with the building to the north. It will be  
14 restored completely. The Landmark Commission issued  
15 a report saying that the owner has agreed to an  
16 ongoing maintenance plan for the building, and the  
17 report went to the City Planning Commission asking  
18 their action on the Land Use application. The Land  
19 Use application would be to convert a building, which  
20 has been used basically for office use, and some arts  
21 related use, but non-residential use over the last  
22 120 years ground floor retail use, about 1,800 square  
23 feet, and the four units of residential use on the  
24 upper floors of the six-story building. The—the  
25 application went to the Community Board, which said

2 that they would approve it on condition that the  
3 owner agreed that there be no eating and drinking  
4 establishments in the ground floor retail use, and  
5 that he works with to give space to an arts related  
6 use no matter what the retail use is in the ground  
7 floor to use the space together with the retail use  
8 on a regular basis. The organization Indy Space,  
9 which is a not-for-profit group, which is focused on  
10 having rehearsal space for, you know, theater groups  
11 has submitted a letter to the City Planning  
12 Commission saying that they're working together with  
13 the owner to have this use incorporated in the retail  
14 space. And the owner has offered Indy Space the use  
15 of the space for one month if this application is  
16 approved so that they can see how the space works,  
17 and what type of a use that they would—what works  
18 best. You know, whether it's a cluster of days or  
19 whether it's a periodic—some other periodic basis.  
20 The application then went to the to the Borough  
21 President's Office, which asked that the owner work  
22 with both the Department of Cultural Affairs and  
23 Economic Development in order to get, if possible, an  
24 arts related use, which the owner is interested in  
25 getting for the ground floor retail use. Then it

2 went to the City Planning Commission, which handled  
3 the zoning aspects of the application, and the  
4 Planning Commission found that the application met  
5 the requirement of 74-711, the two requirements in  
6 that it had minimal impact on the community, which is  
7 a mixed-use district with two residential buildings  
8 nearby and retail use on a number of the floors of  
9 the buildings on the immediate block and in the  
10 neighborhood, and the City Planning Commission found  
11 that its change of use will have minimal impact on  
12 the SoHo neighborhood. So that in a thumbnail sketch  
13 has been our experience of the last two and a half  
14 years of going through ULURP process and now we are  
15 before you for the final step, and we respectfully  
16 request your consent to allowing this application to  
17 be approved.

18 CHAIRPERSON RICHARDS: Yeah, I'll go to  
19 Margaret Chin for comments and questions.

20 COUNCIL MEMBER CHIN: Thank you, Chair. I  
21 know that the—the Community Board and the Borough  
22 President had made some recommendations. So, I do  
23 support that to make sure that there is opportunity  
24 to have some creative space available because I mean  
25 the applicant didn't say it, but the residential unit

2 on top it's going to be luxury housing—I mean it's  
3 going to be market rate housing, right?

4 FRANK ANGELINO: That's correct.

5 COUNCIL MEMBER CHIN: Yeah, so it's not  
6 adding to any kind of affordable housing and the  
7 threshold I guess from the applicant is under the  
8 MIH--

9 FRANK ANGELINO: [interposing] Correct.

10 COUNCIL MEMBER CHIN: --right? So, then  
11 we have no opportunity to create affordable housing.  
12 But I think that you are renovating. You know, you  
13 are renovating the building to maintain the historic  
14 character that—that's important to the neighborhood,  
15 and I think it's really important that we find the  
16 opportunity for creative and usage in the retail  
17 space, and I know that the Chair also asked about  
18 MWBE and local hiring. So, as many commute-community  
19 benefits that we can bring as much as possible, will  
20 make this project something that I would support.  
21 You know, due to the lack of affordable housing being  
22 created once again.

23 FRANK ANGELINO: Thank you. The—the  
24 applicant supports the initiatives that have come as  
25 we've done through the process.

2 CHAIRPERSON RICHARDS: And we're going to  
3 request, likely request a letter from you on the MWBE  
4 piece and local hiring piece as well. So, before we  
5 vote this item out in the committee, we're going to—  
6 we want to hear a little bit more and see that letter  
7 actually come to our best, to both Council Member  
8 Chin's and my desk to ensure that, you know, local  
9 hiring is a part of this process and MWBE procurement  
10 as well. So, you are getting luxury units, but we do  
11 recognize partially the trade-off of ensuring that  
12 the community has benefits, and we understand that  
13 you're under 11-unit threshold and square footage  
14 threshold to trigger MIH. So, we're sensitive to  
15 that, but we want to hear more of how those community  
16 benefits are going to continue to translate to the  
17 local community. So, thank you so much for your  
18 testimony

19 FRANK ANGELINO: Thank you very much.

20 CHAIRPERSON RICHARDS: Do you have  
21 anything that you wanted to add? No? Just a smile.  
22 Okay, that's alright.

23 FRANK ANGELINO: That's the intent of my  
24 testimony.

2 CHAIRPERSON RICHARDS: [laughs] Alright,  
3 are there any other members of the public who wish to  
4 testify on this issue? Alrighty, seeing none, we  
5 will now close the public hearing on Land Use Item  
6 No. 732, and we are going to lay over this item for  
7 future consideration as all of the other  
8 applications. Oh, no, actually, we don't have to say  
9 that yet. Just skipping around. [background  
10 comments] Okay, we will now go to 15 Evans Street,  
11 Land Use Items No. 730 and 731 located in Council  
12 Member Steven Levin's district, and I will call  
13 Giovani and Goldman Harris, LLC; Joseph Eber, I  
14 believe and John Wolfleng. [pause] Do you have any  
15 handouts or anything or I guess—

16 FEMALE SPEAKER: We do.

17 CHAIRPERSON RICHARDS: Okay. Alright,  
18 you're getting some. Okay. [background comments,  
19 pause] Alrighty. Once your mic is lit up, you may  
20 begin.

21 GIOVANI GOYA: Sure. Good morning. My  
22 name is Giovani Joya. I'm a Planning and Development  
23 Specialist with Goldman Harris.

24 CHAIRPERSON RICHARDS: Just bring your  
25 mic—mic a little closer to you. Thank you.



1                   GIOVANI GOYA: I'm sorry. We represent  
2  
3                   Institute for Community Living, ICL. They are the  
4                   owner and operator for 15 Nevins, which is also the  
5                   subject site for our ULURP application located in  
6                   Downtown Brooklyn, which is also in the special  
7                   Downtown Brooklyn District. Our zoning-our ULURP  
8                   application is twofold. It's for a zoning map  
9                   amendment for a portion of the site to rezone, up-zone  
10                  from a C6-1 to C6-4, and in consort with the rezoning  
11                  is also for a Zoning Text Amendment for an MIH  
12                  mapping for which the applicant is requesting to map  
13                  the MIH Option 1 and Option 2 onto the site and, in  
14                  fact, that's the next slide. So, our site at 15  
15                  Nevins is located on a-it's a corner lot. It is  
16                  located on Nevins Street between Schermerhorn Street  
17                  and State Street in Downtown Brooklyn, and it is  
18                  also-again, it is in the Downtown Special District-  
19                  Downtown Brooklyn Special District, and it is also  
20                  within the, um, Schermerhorn Limited Height District  
21                  Area B, in which the height is capped at 140 feet.  
22                  Also, it is served mass transit. Here are just a  
23                  couple of views about some adjacent built context.  
24                  Schermerhorn Street is a very highly dense commercial  
25                  corridor with developments rising about anywhere

1 between 14 to 25 stories. And then here are some of  
2 the existing building, 15 Nevins, which was actually  
3 built in 1913, which, you know, the YMCA that's seven  
4 stories with the small two-story penthouse. It's  
5 just a couple of other context shots. And so, from  
6 the Land Use map, you can see that we have  
7 Schermerhorn street again a very high dense  
8 commercial corridor and State Street more residential  
9 townhouse five and six stories. Our zoning  
10 application is to up zone the northern portion of our  
11 site. Our zoning lot is bifurcated with an R6-b,  
12 which is 32% of the zoning lot and a C6-1 which is  
13 68% of the zoning lot. The up-zoning is to increase,  
14 um, the development potential for a programmatic  
15 need, which Joe Beaver from ICL will describe the  
16 mission of ICL and the programmatic need for that,  
17 and in-in order to do this, the existing building  
18 right now is at 4.28 FAR at 150 SRO units for  
19 existing residents, and the proposed development will  
20 result in a 7.43 community facility building with 128  
21 units.  
22

23 JOE BEAVER: Thanks, Giovanni. Good  
24 morning. My name is Joseph Beaver. I work with ICL  
25 on Real Estate Development. The Institute for

1 Community Living is a 30-year-old non-profit  
2 organization, which provides mental health services  
3 and supportive housing in all five boroughs of New  
4 York. Currently, ICL operates about 2,400 units of  
5 supportive housing. About half of those scattered  
6 site and the other half congregate, and this building  
7 at 15 Nevins as--as Giovanni mentioned, is a former  
8 YWCA. ICL has been operating the building since 1986  
9 for 150 rentals, all single adults. The building was  
10 acquired by ICL in 1995. The development proposal is  
11 to substantially rehabilitate the existing building  
12 and build new additional housing on the adjacent  
13 parking lot, which ICL also owns. John Wilson will  
14 describe that project. The plan would result in 128  
15 self-contained apartments. I mentioned that  
16 currently all of the units are SRO rooms of about 120  
17 square feet each. There will be a mix of studios, 2  
18 and 3-bedroom apartments, and this will unlike the  
19 current project, which is transitional housing,  
20 funded through the State Office of Mental Health.  
21 The new project will be permanent affordable housing,  
22 and supportive housing. Sixty percent of the units  
23 will be supportive housing. The other 40%  
24 affordable. So, there will be 77 units of supportive  
25

2 housing and 50 units of affordable housing with an  
3 additional on-site superintendent. There will also  
4 be on-site social services to provide services to  
5 disabled individuals and families as well as 24/7  
6 front desk security. The development will enable ICL  
7 to importantly modernize what's really an obsolete  
8 SRO building. It currently has the same layout as  
9 the original YWCA. It will also create additional  
10 supportive and affordable housing. Again all in  
11 self-contained apartments and—and it will enable ICL  
12 to comply with the Federal Homestead Act, which  
13 requires that disabled persons be fully integrated  
14 into the community. So, whereas it's now exclusively  
15 mentally ill single adults, the new project will be  
16 60% disabled. It will also include, and as I said,  
17 0% affordable. There will be a mix of singles and  
18 families and it will accomplish that—the goal of the  
19 Homestead Act. So with that, let me just introduce  
20 John Woelfling from Dattner Architects to describe  
21 the project.

22 JOHN WOELFLING: Good morning. My name  
23 is John Woelfling from Dattner Architects. The—the  
24 projects as has been described very sufficiently by—  
25 by Giovanni and Joe is in Downtown Brooklyn. It

1 bridges a—a zoning district. The expansion that we  
2 are going to be doing is in a—a parking lot area,  
3 which is the area in green that you see on the  
4 screen. So, we are expanding horizontally and also  
5 vertically. The—the two expansions are going to be  
6 integrated in that the building will act as one  
7 building. There will be one core, one entrance to  
8 the building for the residents. So, it really is a  
9 very efficient way of development and expansion of  
10 this building. We are expanding vertically, and as  
11 Giovanni had mentioned, we are not going—we're still  
12 under the 140 foot limited height district, and that  
13 is because the existing building only has a certain  
14 amount of capacity to expand vertically. So, we are  
15 limited by the physical constraints of the existing  
16 building, and because of that we are actually not  
17 even utilizing all of the available floor area as  
18 well. As you can see, the building is a very  
19 handsome building. This is the existing building.  
20 Our design approach, which you saw in the initial  
21 rendering, which I'll go back to at the end of this  
22 is intended to be very respectful of the existing  
23 fabric of the building. We're going to be retaining  
24 that--the large cornices at the top of the building,  
25

2 expanding vertically above that, and bringing the two  
3 masses together, and—and having them kind of held  
4 back with a reveal. So, it's—it's like a sensitive  
5 intervention to the existing building and really  
6 respectful of the existing historic nature of the  
7 building. So you can see here the massing. The yellow  
8 is the existing building. The green is the proposed.  
9 The architectural treatments are indicated a little  
10 more formally in the—I'll go back to the initial  
11 rendering. You can see how we're wrapping these two  
12 masses together. We don't—we didn't want to  
13 replicate the existing building. We wanted to be  
14 honest and—and bold about what this—this expansion is  
15 going to be. So, a different color of brick,  
16 different fenestration treatments, but the—the  
17 windows will be allowed, you know, a tremendous  
18 amount of daylight to get into the apartments. We're  
19 going to be doing some sus—some sustainable measures  
20 for the project. We're going to be using a heating  
21 and cooling system, a mini-split system, VRF. It's a  
22 very efficient system not only for operational  
23 issues, but the existing building doesn't really lend  
24 itself to punching new holes into the envelope. So,  
25 our—we are doing that just for a variety of reasons.

2 We may do extensive planting of roofs or maybe a high  
3 albedo roof to reduce the energy consumption on the  
4 building. So, there's a variety of things that we're  
5 doing. You know, good practice as far as sustainable  
6 design goes. That's it.

7 CHAIRPERSON RICHARDS: Thank you. Thank  
8 you so much for your testimony. Can you just go  
9 through--so, you're going from FAR. What was the  
10 prior FAR? So, you're going to a 7.44?

11 JOHN WOELFLING: So, actually the  
12 existing building right now the--

13 CHAIRPERSON RICHARDS: [interposing]  
14 Okay.

15 JOHN WOELFLING: --actual built is a 4.28  
16 and that's a result--

17 CHAIRPERSON RICHARDS: [interposing]  
18 Okay.

19 JOHN WOELFLING: --because the adjusted  
20 floor area max, the R6-B grants you a 4.

21 CHAIRPERSON RICHARDS: Yes,

22 JOHN WOELFLING: And then the EC6-1  
23 actually is a six, and then so after the rezoning,  
24 the proposed is a 7.43 and I believe the adjusted  
25 floor area--area max permitted is just under a even 8

2 because the C6-4 is an R10, which is bonusable into  
3 an R-sorry, FAR 12.

4 CHAIRPERSON RICHARDS: Alrighty, and I  
5 know these were 150 SRO units that currently house  
6 there right. So are we losing--so everyone whose--are  
7 people actually in the location now. So people  
8 actually reside in the location at this time?

9 JOE BEAVER: That's right.

10 CHAIRPERSON RICHARDS: Correct?

11 JOE BEAVER: Right and they'll be  
12 relocated to other ICL community residences,  
13 community residences operated by the non-profits.

14 CHAIRPERSON RICHARDS: Uh-hm.

15 JOE BEAVER: Treatment apartments  
16 programs funded through the Office of Mental Health  
17 specifically for this purpose, and--and those who wish  
18 to return who are appropriate and clinically  
19 appropriate for the new housing and would like to  
20 return will be given priority.

21 CHAIRPERSON RICHARDS: And how will you  
22 ensure that that actually happens?

23 JOE BEAVER: Well, I mean ICL will  
24 continue to--to--to work with the other--



2 CHAIRPERSON RICHARDS: [interposing] So  
3 you're the conduit?

4 JOE BEAVER: That's right.

5 CHAIRPERSON RICHARDS: Okay, and can you  
6 go through community facility space as well.

7 JOE BEAVER: Sure I mean there--

8 CHAIRPERSON RICHARDS: And what sort of  
9 programming is it?

10 JOE BEAVER: There will be a roughly  
11 3,800 square foot retail space, if that's what you're  
12 referring to that fronts on Schermerhorn, and the  
13 Brooklyn Borough President has asked us to consider a  
14 cultural use for that space--

15 CHAIRPERSON RICHARDS: [interposing] Okay.

16 JOE BEAVER: --which ICL is-is-is-is very  
17 receptive to, and has agreed to work with the Borough  
18 President with the City Council and any other sort of  
19 relevant key stakeholders to try to identify--

20 CHAIRPERSON RICHARDS: [interposing] Uh-  
21 hm.

22 JOE BEAVER: --the cultural use that  
23 would complement the--the main cultural district. We  
24 have not committed to that because it also has to be  
25 economic, and because this project is really a good

2 year and a half off from even starting construction.  
3 We're in the early stages of the actual structuring,  
4 and—but we are committed to a process, and—and even  
5 to working with the potential cultural use to raise  
6 funds to supplement rent if that's required.

7 CHAIRPERSON RICHARDS: Uh-hm, and then  
8 for residents, what does community facility look  
9 like?

10 JOE BEAVER: The—the rental apartments?

11 CHAIRPERSON RICHARDS: Will there be  
12 community rooms or--?

13 JOE BEAVER: Right. Okay, so right, there  
14 will be on-site--

15 CHAIRPERSON RICHARDS: And what sort of  
16 services come with that?

17 JOE BEAVER: Right, we'll be on site--

18 CHAIRPERSON RICHARDS: [interposing] And  
19 have there—and— Sorry and lastly.

20 JOE BEAVER: Sure.

21 CHAIRPERSON RICHARDS: Have there been  
22 complaints about this facility or from the local  
23 community all? Have you heard any complaints?

24 JOE BEAVER: There haven't been any  
25 recent complaints. There were some issues several

2 years ago that were mediated actually by Council  
3 Member Levin's office--

4 CHAIRPERSON RICHARDS: Okay.

5 JOE BEAVER: --and the State Street Block  
6 Association, and we've presented to the Boreham Hill  
7 Association, which has included special outreach to  
8 the State Street Block Association, and haven't had  
9 any concerns, any current concerns.

10 CHAIRPERSON RICHARDS: Okay.

11 JOE BEAVER: As far as the on-site  
12 services, there will be case management services,  
13 mental health services, assistances in job training  
14 and placement.

15 CHAIRPERSON RICHARDS: Okay.

16 JOE BEAVER: Sort of comparable--similar  
17 to other support housing projects. I'm sure you've--  
18 you've reviewed here. Those will be--those will be on  
19 site. There will also be an onsite, as I mentioned a  
20 super. There's a current community space, which  
21 we're considering using for a shared space that the  
22 community could use in terms of potentially an art  
23 gallery or other.

24 JOHN WOELFLING: [off mic] There's a  
25 ground [on mic] there's a ground floor plan on the

2 last page of the handout that illustrates the  
3 proposed ground floor that indicates that community  
4 space.

5 JOE BEAVER: And that will be largely  
6 restored in its current configuration.

7 CHAIRPERSON RICHARDS: Okay, alright.  
8 Okay, thank you. Any other questions from members.  
9 Except for any? No. Alright seeing now, we now close  
10 the hearing. [background comments] Oh, are there  
11 any members of the public who wish to testify on this  
12 issue? Alright, seeing none, we will close the  
13 public hearing on Land Use Item No. 730 and 731.  
14 Thank you.

15 JOE BEAVER: Thank you. [background  
16 noise, pause]

17 CHAIRPERSON RICHARDS: Alrighty, now onto  
18 the fun part. We are now going to hold a vote to  
19 approve two of the three sidewalk cafes in the  
20 Special-Special West Chelsea Text Amendment, which  
21 will have the support of the local council members,  
22 and to disapprove Made in Puerto Rico sidewalk café,  
23 which, as you just heard, does not have the support  
24 of Council Member Vacca due to the establishment's  
25 history of disorderly behavior, noise and liquor

violations. We will also vote to approve with modifications the following applications for which hearings were held at prior meetings excuse for Land Use Item No. 717, which we will vote to disapprove. Alrighty. So we're going to do [pause] Alright, so we're going to start with Downtown Far Rockaway, and we'll be voting on a series of modifications to the Downtown Far Rockaway Development Plan, which is located in my district. Today, we begin a new chapter in the history books for the Far Rockaway community, a community that for decades has felt the remnants of Robert Moses Era planning that created both an economic and social tsunami that this community still hasn't recovered from today. To make matters worse, the lack—the lack of city investment for nearly 40 years created cynicism in government and a life of hopelessness for young men and women I grew up with whose limited options to educational programming and jobs created a conduit straight into the present industrial complex. When I set out on this journey 15 years ago as a naïve City Council intern looking to change the world, I was disheartened to see children as young as four years old learning something called bullet drills. Yes, you

1 heard it right. It was so dangerous at that time  
2 that children learned into their cubbies when the  
3 sounds of gunfire erupted and on a few occasions,  
4 those bullets pierced their daycare threats.  
5 However, let's be clear for a minute that those  
6 bullets pierced a hole in our children's innocence as  
7 well. This is why today's agreement to rezone  
8 Downtown Far Rockaway is much bigger than just about  
9 the words: density, bulk and height. This rezoning  
10 engages and rectifies the compounding issues that  
11 have plagued this community for decades. Today, we  
12 being the journey of building on the progress we have  
13 made over the past four years by infusing hundreds of  
14 millions of dollars into infrastructure, quality  
15 jobs, parks, streetscape, transit improvement in both  
16 community facility and open space. These investments  
17 will ensure that the Far Rockaway community enjoys  
18 the amenities that so many other communities in the  
19 city have. Today, I'm happy to say it's a new day in  
20 Far Rockaway. I'll start with some of the  
21 modifications we're going to be approving, which  
22 applies—which require for this plan to include a  
23 zoning text amendment, zoning map amendment,  
24 designation of the Downtown Far Rockaway Urban  
25

Renewal Area, approval of the Downtown Far Rockaway Urban Renewal Plan and two approvals for dispositions of city-owned property both inside and outside the Urban Renewal Area. We will be voting to modify the zoning text amendment in order to add the deep affordability option to the MIH area designation. We also require more extensive signage, hours of operation and litter receptacles in the designated open areas. We will also restrict the proposed authorization to allow waivers of bulk regulations so that only rules governing yards and distance between buildings can be waived and restrict the waiver to buildings containing only income restricted dwelling units. We also make a series of change just to clarify the Zoning Bulk Regulations to ensure that zoning reflects the understanding of the community. We will also be voting to modify the disposition approval to exclude the site on the northwest corner of Augustina and Nameoke Avenues block and Lot Nos. 15, 534, Lot 70 in order to ensure that this area is developed as a park by the Department of Parks and Recreation. This proposal is expected to produce roughly three million square feet of residential floor area or 3,000 new housing units, 250,000 square

1 feet of retail space and 90,000 square feet of  
2 community facility space, and 36,000 square feet of  
3 of newly public-publicly accessible plaza space. As  
4 part of the Comprehensive Neighborhood Plan, the City  
5 of New York has committed to a series of investments  
6 to help revitalize the neighborhood. First, the city  
7 will make a significant investment to provide housing  
8 that is affordable to Rockaway residents. This plan-  
9 planning process will ensure that 100% of new housing  
10 built on public land will be affordable, and the city  
11 intends to create 1,700 new units in the Urban  
12 Renewal Area that will be 100% fordable-affordable  
13 set aside for families earning as low as 30% AMI or  
14 below ensuring our most vulnerable populations will  
15 share in the new investments made in this community.  
16 The city has also committed to help reserve  
17 affordable housing by providing free legal services  
18 for Rockaway residents facing unlawful evictions and  
19 tenant harassment, expanding legal services and  
20 financial tools for low-income homeowners and working  
21 with New York State to create a cease and desist zone  
22 to protect homeowners from unwanted solicitation. We  
23 will also-also through this process-we've also  
24 secured additional investment from the city that  
25



1 ensures that this important development plan is  
2 supported by essential infrastructure improvements  
3 that will benefit all Rockaway residents. We know  
4 that schools in the Rockaways are overcrowded and we  
5 have secured a commitment by the city to reserve a  
6 portion of the Urban Renewal Area for the School  
7 Construction Authority to provide a new school as the  
8 neighborhood grows, add additional resources to meet  
9 the needs of daycare providers in the area, and to  
10 add \$10 million in new funding that will be used to  
11 invest in our existing schools on top of accelerating  
12 over \$130 million in capital infrastructure  
13 investments for our schools as well, which will  
14 include playgrounds, libraries, auditoriums and signs  
15 flags. (sic) We know that attracting new residents  
16 to the area-area will also require needed  
17 improvements to the open space network in Downtown  
18 Far Rockaway. To that end, we have a commitment by  
19 the city to turn an existing DSNY site in Downtown  
20 Far Rockaway into a park. We've also secured an  
21 additional \$59 million for much needed improvements  
22 to Bays Water Park, and \$9 million for upgrades to  
23 the Redfern House playground. We wanted to ensure  
24 that our public housing residents, who will see new  
25

1 parks come up in their neighborhood will also have  
2 their parks upgraded as well. So, we're talking  
3 around nearly \$7 or \$8 million in park investments.  
4 The city has also committed over \$77 million to  
5 install the required sewer infrastructure  
6 improvements, sidewalk expansions, public plazas and  
7 other public amenities that improve the quality of  
8 life for all Rockaway residents. We also have a  
9 commitment by the city to pilot and expansion of the  
10 Rockaway Ferry Shuttle Service to Downtown Far  
11 Rockaway to ensure all residents on the peninsula are  
12 able to benefit from new ferry service, and we also  
13 look forward to seeing the city's completion of the  
14 ferry—an additional landing study in the fall as  
15 well. The Department of Transportation has committed  
16 to conducting follow-up traffic studies and making  
17 the necessary improvements to the Downtown Far  
18 Rockaway street network so that it can adequately  
19 handle new traffic that will be generated by incoming  
20 residents to the area. We also have a commitment by  
21 the Department of Small Business Services to greatly  
22 expand its outreach—outreach and programming to  
23 support local entrepreneurs and existing small  
24 businesses exploring options for creating a new  
25

1 business incubator space, upgrades for our 101 First  
2 Street Police Precinct facilities, establishing a new  
3 community land trust in Edgemere, new funding for the  
4 Queens Council for the Arts, renovating our Downtown  
5 library and a great deal of other needed investments  
6 for the Rockaway community. Finally, we have a  
7 commitment by the city to establish a local steering  
8 committee that will meet quarterly to monitor the  
9 progress of the development in Downtown Far Rockaway  
10 ensuring that the commitments made during this  
11 process will be realized for Rockaway residents.  
12 With these investments representing more than \$126  
13 million in new city funding, I am confident that this  
14 plan will help kick off a new period of prosperity  
15 for Downtown Far Rockaway. I'm happy to have worked  
16 with the Administration to make this plan a reality,  
17 and we have so many people to thank. I want to thank  
18 EDC, HPD, DCP, and the Mayor's Office and all the  
19 other agencies involved for their work on this plan.  
20 I'd like to especially thank Mayor de Blasio, who  
21 kept his word, you know, when he said he was going to  
22 change the face of Far Rockaway and invest in our  
23 community, he's really kept that commitment. So, I'm  
24 very grateful to the Mayor for his commitment to the  
25

1 Rockaway community, to Deputy Mayor Alicia Glen who  
2 toured Rockaway with a newly mentored Council Member  
3 and who came out and saw Downtown Far Rockaway, and  
4 really put her money where her mouth is. We're  
5 forever grateful to her. I'd also like to thank  
6 President and CEO James Patchett of EDC and Lenny,  
7 Callie, Rebecca. Eric and Nate Bliss from EDC,  
8 Commissioner Maria Torres Springer, Jordan Crest, and  
9 Paris Estrada from HPD, Commissioner Marissa Lego,  
10 Danube DeCalvo—I'm going to mess up all your names.  
11 I never say their last names, and John Young who I've  
12 known for like 15 years from Queens, DCP. John  
13 Polupo, Yu May, thank you. Sonam, thank you from the  
14 Mayor's Office and, of course, our Council Land Use  
15 staff Raju Mann, Dylan Casey, John Douglas, thank you  
16 and Amy Levitan and lastly, but certainly not least  
17 my staff, my Chief of Staff Mercedes Buchanan, Devany  
18 Brown, who deserves a lot of kudos. Thank you Devany  
19 for all the work you put in and all the hours, and  
20 Jordan Gibbons for his work as well. So, I want to  
21 thank everyone for their work on this application.  
22 [background comments] And—and now we are going to go  
23 to a vote. [pause] Alright, do any members of the  
24 Subcommittee have any questions or statements on  
25

2 these items? [background comments] Okay, alrighty.  
3 Okay, I will now call a vote to approve Land Use  
4 Items No. 709, 711 and 729. Approve with  
5 modifications Land Use Items No. 716, 718, 719, 720  
6 and 721 through 726 and to disapprove Land Use Item  
7 No. 710, Made In Puerto Rico Café, and 717, 462  
8 Broadway 74-922 Application. Counsel, please call  
9 the roll.

10 LEGAL COUNSEL: Council Member Gentile.

11 COUNCIL MEMBER GENTILE: [off mic]

12 Congratulations Council Member. I vote aye on all.

13 LEGAL COUNSEL: Council Member Torres.

14 COUNCIL MEMBER TORRES: Congratulations.

15 Aye on all.

16 LEGAL COUNSEL: Chair Richards.

17 CHAIRPERSON RICHARDS: Thank you, I vote

18 aye.

19 LEGAL COUNSEL: Council Member Williams.

20 COUNCIL MEMBER WILLIAMS: May I be

21 excused to explain my vote?

22 CHAIRPERSON RICHARDS: Yes, sir. You may

23 begin.

24 COUNCIL MEMBER WILLIAMS: Thank you very

25 much. I'm going to vote aye on all. I want to

2 congratulate the Chair for the work he did on this.

3 I still have some concerns about what's going to

4 happen after we do this because I know there's still

5 some--some negotiations that have to go on, but it

6 sound like we did pretty good on--on the deeper end,

7 and again this is what I believe MIH should have been

8 from the beginning. I'm glad that we're finally

9 doing it now particularly with some the term sheets

10 that have been brought to bear, but I think we missed

11 a lot of opportunities by not doing this type--

12 demanding this type of MIH from the beginning. Just

13 want to make sure I put that on the record every time

14 we deal with MIH, but I want to say congratulations

15 for the negotiations and aye on all.

16 CHAIRPERSON RICHARDS: Thank you.

17 Alright, counsel, please call the roll.

18 LEGAL COUNSEL: Sorry, I'm sharing with

19 you. [laughter] Council Member Reynoso.

20 COUNCIL MEMBER REYNOSO: I just want to

21 say congratulations to the Chair being a--a secondary

22 member for the Far Rockaway community, my wife is

23 from Far Rockaway and I--I visit often. I'm--I'm really

24 excited about the--the renaissance of--of Far Rockaway

25 and the work that you've done over the last couple of

2 years, and not including this rezoning has been  
3 second to none. So, congratulations, and I'm really  
4 excited to see the future Far Rockaway grow. I vote  
5 aye on all.

6 LEGAL COUNSEL: The Land Use items are  
7 approved in the number of 5 in the affirmative, 0  
8 negative and 0 abstentions and referred to the Full  
9 Land Use Committee. [background comments]

10 CHAIRPERSON RICHARDS: Thank you. Any  
11 other statement. Oh, we're going to go to Council  
12 Member Barron now for a statement on Ebenezer.

13 COUNCIL MEMBER BARRON: Thank you, Mr.  
14 Chair. I just want to say that we want to thank all  
15 of the persons who came together to resolve all of  
16 the issues that we had about Ebenezer Plaza. There  
17 were issues of height, of density of context, of  
18 shadow and of parking, and each of those issues was  
19 addressed by the parties. There were some very  
20 focused and intense and targeted and spirited  
21 meetings that we had, but we were able to come to  
22 that conclusion, and we're particularly pleased to  
23 see that this may be the type of project that will  
24 set an example for how we want to see minority owned  
25 business, women owned businesses significantly

2 involved in the decision making process because  
3 that's what we have here. So BRISA, as you have my  
4 know is owned by a black woman who took the business  
5 after her father had established the business many  
6 years ago, and we've been working with Procida as  
7 well to make sure that their operating agreement and  
8 the Memorandum of Understanding address all the  
9 issues. So, with this project of Ebenezer Plaza,  
10 which is Ebenezer from the Bible not from Charles  
11 Dickens' story. Okay, I want to make that clear.  
12 So, this will be a partnership with community base  
13 organizations for local hires. We're going to have  
14 retail space that's market to local community  
15 organizations. Twenty percent of the construction of  
16 the apartments will go for formerly homeless people.  
17 There will be a lottery, which it gives community  
18 preference to the community where it's located, which  
19 is Community Board 16 as well as Community Board 5,  
20 and there were will be ELLA term sheets so that  
21 families as well as 10% of AMI up to 27%. There will  
22 be another band for 37% AMI as well as 47 and 57%  
23 AMI. So, we're very pleased that the agreement also  
24 recognizes that in consideration of the fact that  
25 this building casts a shadow during part of the



2 growing season on the Green Valley Farms that's  
3 located directly across the street that the developer  
4 will provide \$10,000 a year for consideration of  
5 establishing the electrical units that need to be  
6 there and grow lights that will help to have the  
7 produce continue thrive as well as a community  
8 benefits agreement that will give \$15,000 annually to  
9 community-based organizations in attempts to help  
10 their programs as well as offer scholarships. So  
11 that's just a highlight of some of what we were able  
12 to achieve and once again, we're very thankful. We  
13 want to thank all of the parties that participated in  
14 coming to this successful conclusion. Thank you, Mr.  
15 Chair.

16 CHAIRPERSON RICHARDS: Thank you.

17 Alrighty, we're going to go to- Alright, so these  
18 are applications. So, we're going to go to 462  
19 Broadway Applications Land Use Items No. 716 and 717.  
20 These are applications for two zoning special permits  
21 on an existing six-story building located at 462  
22 Broadway in the SoHo Cast Iron Historic District in  
23 Council Member Chin's district. The Special Permit  
24 pursuant to Section 74-781, Land Use Item No. 716  
25 would allow retail uses in the cellar and ground

1 floor of the building. The applicant has agreed that  
2 no establishment will have more than 10,000 square  
3 feet of customer occupiable selling space and the  
4 Council will be modifying the plans to reflect this.  
5 The applicant has also agreed to operating conditions  
6 such as loading restrictions and trash storage, which  
7 will also be shown on the approved plans, and which  
8 the applicant will include in its leases with  
9 retailers to ensure that the appropriately sized  
10 retailers resulting from this approval are good  
11 neighbors. Under these conditions Council Member  
12 Chin is able to support this applicable. However,  
13 the second Special Permit under Section 74-922, Land  
14 Use Item 717, would allow for large retail uses over  
15 10,000 square feet. The applicant proposed to  
16 convert the ground floor through the third floor to a  
17 single large retail establishment of approximately  
18 20,634 zoning square feet exclusive of the seller.  
19 Council Member Chin is unable to support this big box  
20 retail because retail at this scale is not  
21 appropriate for this location. The community has  
22 articulated legitimate quality of life concerns that  
23 cannot be adequately addressed. They include  
24 concerns about loading and the amount that would be  
25

2 necessarily given—giving retail of this size lighting  
3 on multiple floors, the amount of trash and the trend  
4 of pop-up events at establishments of this size.

5 Council Member Chin recommends disapproval of this  
6 special permit for this very reason. I'll got  
7 Council Member Chin for a statement.

8 COUNCIL MEMBER CHIN: Thank you, Chair  
9 and thank you to the members of the Subcommittee.  
10 Today the Subcommittee voted on two items related to  
11 a building located at 462 Broadway in the SoHo  
12 neighborhood in my Council District. The applicant  
13 originally sought two special permits: one to allow  
14 retail in excess of 10,000 square feet, and another  
15 to permit retail use on the ground floor and cellar  
16 of the building following a good faith effort to  
17 market to manufacturing tenants. As proposed,  
18 approval of these special permits would create an  
19 astronomical 45,000 square feet of retail space, and  
20 this I cannot support. I thank the Subcommittee for  
21 hearing the reservations of residents, members of  
22 Community Board 2, and elected officials and deny the  
23 74-922 Large Scale Special Permit. In regard to the  
24 use change permit allowing ground floor retail, after  
25 careful deliberation, and public input Community

Board 2 insisted that this use permit to deny unless the applicant agrees that no single store have in excess of 10,000 square feet. That includes cellar space that usually not counted due to the definition the zoning resolution has allowed large scale retail to plague our community. In response to these concerns, the applicant agreed to modify the site plan that will be submitted to the Department of Buildings to include the following conditions:

1. No single retail establishment at 462 Broadway will include more than 10,000 square feet of retail selling space.

2. No after hour loading and unloading will take place on Crosby Street.

3. All trash will be stored on site collected by a single commercial sanitation hauler during reasonable hours.

4. No illuminated sign will be permitted to be displayed in windows.

5. No temporary shops will be permitted to host events, disturbing the peace and quite of the neighborhood.

6. For permanent tenants any special events will require customers to queue within the

premises or tenants must seek a stable permit with public review.

These site plans will be modified to reflect these conditions and DOB will be required to ensure that these conditions are met, and will be able to enforce them during the issuing of certificate of occupancy, or in event of complaints that the building is in violation of these plans. Furthermore, the applicant has agreed to take all possible efforts to require that tenants follow the guidelines set for by the Department of Transportation in order to curtail and mitigate noise from the deliveries. The proposal being voted on today is vastly different than the massive cellar to third floor retail submitted earlier this year. Through the hard work and determinations of our residents and Community Board, we have won an acknowledgement that large scale retail has no place in this iconic and historic neighborhood. Together, we have drawn a line that I hope will never be crossed again. Most importantly, this agreement will become a model to which every retail use application will have to conform in order to receive Community Board or City Council approval. I like the Borough

2 President, Community Board and member of the SoHo  
3 Neighborhood remain concerned about the increased  
4 number of good faith marketing and use change permits  
5 that are changing the character of SoHo. I welcome a  
6 conversation with City Planning and manufacturing  
7 advocates to determine how policy can better reflect  
8 the needs of creative and non-traditional  
9 manufacturing firms in our city. SoHo is a vibrant  
10 art based community and maker (sic) is crucial to the  
11 special character of this neighborhood. That being  
12 said, the applicant has agreed to significantly  
13 modify their proposal in order to meet reasonable  
14 community requirements and accommodate the use change  
15 permits. So, I urge the committee the Subcommittee  
16 to deny the special large scale use permit. I  
17 recommend the approval of the use permit with all of  
18 these quality of life and good faith marketing  
19 conditions attached. In countless meetings, hearings  
20 and emails, residents have made it clear that they  
21 need enforceable common sense protection to ensure  
22 that they do not become merely guests in a gigantic  
23 outdoor mall. With this agreement we are beginning  
24 the process of ending the plague of large scale  
25 retail and taking back SoHo so that it remains the

2 special place that we know and love today. So thank  
3 you. Thank you, Chair.

4 CHAIRPERSON RICHARDS: Thank you, Council  
5 Member Chin. We are going to lay over for future  
6 consideration all of the other applications that we  
7 did not vote one earlier, and with that being said,  
8 this 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 August 23, 2017