

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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November 23, 2009

Start: 09:57 am

Recess: 12:17 pm

HELD AT: Council Chambers  
City Hall

B E F O R E:

TONY AVELLA  
Chairperson

COUNCIL MEMBERS:

Christine C. Quinn  
Tony Avella  
Simcha Felder  
Eric N. Gioia  
Robert Jackson  
Melinda R. Katz  
Joel Rivera  
Larry B. Seabrook  
Helen Sears  
Albert Vann  
G. Oliver Koppell

## A P P E A R A N C E S

Robert Bookman  
Pesetsky and Bookman  
Representing Cafeteria

Gerilyn Myelo  
Representing  
Caswell/Pearson Enterprises, Ltd.

Jay Segal  
Land Use attorney  
Greenberg Traurig

Larry Davis  
SDS William Street

Ro Sheffe  
Chair  
Final District Committee

Ann Weisbrod  
President  
Hudson Yards Development Corporation

Robert Paley  
Director of Transit-oriented Development  
Metropolitan Transportation Authority

Jay Cross  
President  
Related Hudson Yards

Edith Hsu-Chen  
Director of Manhattan Office  
NYC Department of City Planning

Holly Leicht  
Deputy Commissioner for Development  
NYC Department of Housing Preservation and Development

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

Seth Robert Berliner  
Legislative Aide  
State Senator Thomas Duane

Elisa P. Gerontianos  
Co-chair  
Clinton/Hell's Kitchen Land Use Committee  
Manhattan Community Board 4

Lee Compton  
Manhattan Community Board 4

Edward Kirkland  
Co-chair  
Landmarks Committee  
Manhattan Community Board 4

Anthony Borelli  
Director of Land Use  
Manhattan Borough President Scott Stringer

Peter Mullan  
VP for Planning and Design  
Friends of the High Line

Auzelle Epeneter  
Staff Member  
Friends of the High Line

Joe Restuccia  
Co-chair  
Housing Committee  
Manhattan Community Board 4

Sarah Desmond  
Co-chair  
Clinton Land Use Committee

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

Jean-Daniel Noland  
Manhattan Community Board 4

Dave Hanzel  
Co-chair  
Housing, Health and Human Services Committee  
Manhattan Community Board 4

Marguerite Yaghjian  
West Side Neighborhood Alliance

Mitchell McGuire  
American Federation of Television and  
Radio Artists

Jackie Del Valle  
Director of Organizing  
Housing Conservation Coordinators

Sarah Johnson  
On behalf of  
Kevin Doyle  
Executive VP  
SEIU 32BJ

Jeffrey LeFrancois  
For Assembly Member  
Richard Gottfried

Allison Tupper  
West Side Neighborhood Alliance

Kathleen McGee Treat  
Hell's Kitchen Neighborhood Association

Vivian Riffelmacher  
West Side Neighborhood Alliance

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

Delea Garzonelli  
Chelsea Cultural Partnership

Anita M. Black  
West Side Neighborhood Alliance

Michael Gary  
Resident

Jan Levy  
Former Member  
Manhattan Community Board 7

Christine Berthet  
Co-chair  
Transportation Committee  
Manhattan Community Board 4

2 CHAIRPERSON AVELLA: Good morning,  
3 everyone. I'd like to call this meeting of the  
4 Subcommittee on Zoning and Franchises to order.  
5 Joining me, first of all, committee members, Helen  
6 Sears, Simcha Felder, Robert Jackson, Larry  
7 Seabrook and Joel Rivera and also joining us this  
8 morning is Oliver Koppell.

9 Let me just do a little bit of  
10 housekeeping first. Item number C 080039 ZMM, the  
11 West 129th Street zoning change is being laid over  
12 once again at the request of Council Member  
13 Jackson. It will be laid over until my meeting on  
14 December 1st.

15 We will do the first two sidewalk  
16 cafes and then we will also 115 William Street.  
17 We will then hear the Western Rail Yards. We will  
18 do the public hearing on that. We will not be  
19 voting on that item today. Then, at approximately  
20 11:30, I told the administration to be ready to  
21 come back to discuss the Kingsbridge Armory and we  
22 will also not be voting on that today.

23 So let us move first to application  
24 by 119 7th Avenue Cafeteria to continue to  
25 maintain and operate an unenclosed sidewalk café

2 with 21 tables and 42 chairs at 119 7th Avenue.  
3 This lies within Speaker Quinn's district. I will  
4 call up the representative of the applicant to  
5 give the presentation. Application 20095499 TCM.

6 ROBERT BOOKMAN: Good morning Mr.  
7 Chairman and members of the committee. Before we  
8 just start, I would like to state to you Mr.  
9 Chairman, that it has been my honor over the years  
10 to represent the small businesses to appear at  
11 this committee before you. We have some and we  
12 have lost some, but we always felt that we had a  
13 fair hearing. On behalf of the small business  
14 community, we wish you well and thank you for your  
15 fairness these years. I'm representing here today  
16 Cafeteria. It's a well-known restaurant in  
17 Manhattan.

18 CHAIRPERSON AVELLA: Bob, you got  
19 to introduce yourself first.

20 ROBERT BOOKMAN: I thought  
21 everybody knew who I was. For the record, Robert  
22 Bookman from the law firm of Pesetsky and Bookman,  
23 representing Cafeteria. With me are the three  
24 owners of Cafeteria, Mark Amadei, Stacy Pisonne  
25 and Susan Leonard.

1  
2 We have been what we hope to be is  
3 a good neighbor for the last 12 years. There have  
4 been operational issues. We have been working  
5 closely with Speaker Quinn's office and Kate  
6 Seely-Kirk, her excellent chief of staff. We met  
7 with them on Friday after they met with the  
8 neighbors, drafted this letter which you have  
9 before you which has met with the approval of  
10 Speaker Quinn's office. It summarizes actions we  
11 have taken, actions we will continue to take,  
12 expenses and operational changes that we will  
13 make. It has all of the contact information for  
14 all of the various managers and owners so that is  
15 available to the public. We believe with that we  
16 will satisfactorily continue to operate the café  
17 that we have had for ten years.

18 CHAIRPERSON AVELLA: You're  
19 referring to the letter dated November 23rd to  
20 Speaker Quinn.

21 ROBERT BOOKMAN: That is correct.

22 CHAIRPERSON AVELLA: If you could  
23 just for the record since I just got a copy of  
24 this and my committee members don't have copies,  
25 if you can just summarize what's in the letter.



1  
2                   ROBERT BOOKMAN: Absolutely. We've  
3 agreed to mark the boundaries in a way that will  
4 be acceptable to DCA and in keeping with our long  
5 approved sidewalk café plans. We have agreed to  
6 continue to close the café an hour earlier than  
7 the law allows and in addition to close our  
8 French-type doors, garage doors at that same time  
9 that we discontinue the sidewalk café.

10                   We also agreed that we will  
11 instruct servers an hour before closing to stop  
12 seating people and to inform them that they may  
13 have to move inside at closing time.

14                   The kitchen's exhaust, while not a  
15 land use issue, is a big issue for the residents  
16 of the building that we're in. We stated that we  
17 are now spending about \$30,000 a year cleaning it,  
18 well in excess of what is usually done. But  
19 because we are a high volume restaurant we're not  
20 satisfied with the results either. We have made  
21 applications at the Buildings Department to change  
22 the venting up the wall of the building to the  
23 roof. There are some Building Department issues  
24 with that apparently and Speaker Quinn's office  
25 agreed to work with us at the Buildings Department

2 to see what approvals we could obtain, whether it  
3 be through them or special permits and we will  
4 pursue that.

5 When it comes to noise, we have  
6 retained a security company that works on a  
7 nightly basis with us, 7 nights a week, 365 days a  
8 year from 12 to 6 a.m. because we're a 24-hour  
9 establishment and basically we're well known for  
10 late-night food after the bars and the clubs  
11 close. So there is a need for it, even though  
12 we're a restaurant. We're currently spending  
13 almost \$100,000 a year on that security. We have  
14 agreed to have further communications between the  
15 security company owner that we use which is bonded  
16 and the neighbors to determine when there is ever  
17 any cracks in the system and address those cracks  
18 as they develop. We have provided the phone  
19 number of the security company in this letter for  
20 the community.

21 We have an outstanding offer and  
22 have already replaced a number of apartments'  
23 windows at our cost with what we call City Windows  
24 which block about 95% of the noise transmission.  
25 That is a standing offer. We are also going to

2 do additional sound renovation to our ceiling and  
3 having a sound engineer, Rosner Sound Systems,  
4 come in to test all the speaker placements in any  
5 apartment that is still complaining about bass or  
6 anything else.

7 We've had a sign, a nice brass  
8 plaque on the outside asking for some years asking  
9 our customers to be cognizant and courteous to  
10 nearby residents. We are told that while it's  
11 very good looking, it's not easy to read. So  
12 we're going to have something more easily readable  
13 and little more garish so people can actually see  
14 it. We've provided contact numbers, again, for  
15 everybody and have agreed to attend any meetings  
16 that the community, CB 4 or local elected  
17 officials think are necessary. We further agree  
18 to organize these meetings quarterly for the next  
19 year.

20 CHAIRPERSON AVELLA: Thank you. As  
21 I mentioned, this lies within Speaker Quinn's  
22 district. With the letter and the agreements  
23 stated within, she is in favor of the application.  
24 Are there any questions from my colleagues?  
25 Seeing none thank you.

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ROBERT BOOKMAN: Thank you very much.

CHAIRPERSON AVELLA: I see no one signed up to speak on the public hearing on this item. Is that correct? Seeing none close the public hearing.

We now move on to the second sidewalk café, an application by Caswell/Pearson Enterprises to continue to maintain and operate an unenclosed sidewalk café at 202 West 14th Street for a two-year term. Call up the representative of the applicant. I heard they were here.

[Pause]

GERILYN MYELO: Gerilyn Myelo [phonetic].

CHAIRPERSON AVELLA: And you are the owner?

GERILYN MYELO: No. I do the renewals for the licensing and everything. But I work for the company. There's a bunch of us.

CHAIRPERSON AVELLA: The application is for?

GERILYN MYELO: Caswell/Pearson.

CHAIRPERSON AVELLA: No, I mean how

2 many tables and chairs. I'm sorry.

3 GERILYN MYELO: Oh, it's a small  
4 sidewalk café. It's 3 tables and 12 chairs.

5 CHAIRPERSON AVELLA: I see that the  
6 community board approved the application.

7 GERILYN MYELO: Yes.

8 CHAIRPERSON AVELLA: This also lies  
9 within Speaker Quinn's district. It is my  
10 understanding that she's in favor of the  
11 application. Are there any questions from my  
12 colleagues? Council Member Sears.

13 COUNCIL MEMBER SEARS: I'm just  
14 curious. What time do they close the outdoor  
15 café?

16 GERILYN MYELO: Well they close the  
17 restaurant at 11, so I would say about 10 or  
18 10:30.

19 COUNCIL MEMBER SEARS: Is that the  
20 last time for serving or is it the last time that  
21 they--

22 GERILYN MYELO: [interposing] The  
23 last time for serving is 10:00.

24 COUNCIL MEMBER SEARS: Thank you.

25 CHAIRPERSON AVELLA: I understand

2 that you have submitted a letter to Speaker Quinn  
3 dated November 22nd which states some of the  
4 agreements that you've reached. Do you have a  
5 copy of that?

6 GERILYN MYELO: I do. It's in my  
7 bag though. Do you need it right now, I'll get  
8 it?

9 CHAIRPERSON AVELLA: I'll make it  
10 easy for you. I'll read some of the stipulations  
11 in it and you just say yeah, that's true. All  
12 railings and signs for the sidewalk café have  
13 since been removed. All sidewalk café tables and  
14 chairs will be in compliance with approved sizes  
15 and setup. Furthermore, the boundary around the  
16 sidewalk café area will be properly and clearly  
17 marked. Delivery bicycles will be chained to bike  
18 racks only and will not hinder pedestrian traffic.

19 The planter that is in violation of  
20 the approved plans in is the process of being  
21 removed due to the fact that it is mounted and  
22 extremely cumbersome; it is difficult to remove  
23 without the proper tools and/or professional  
24 assistance which we are seeking. When do you  
25 anticipate having the planter removed?

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GERILYN MYELO: We're not really sure it's ours. I have to call the landlord. It's like next to the sidewalk café. I don't know where it came from, so I'm going to find out. If it's someone else's I will get a letter stating that. Is that okay?

CHAIRPERSON AVELLA: Yes.

GERILYN MYELO: If not, we're going to have to remove it. It's like 700 pounds.

CHAIRPERSON AVELLA: If you can notify the Speaker obviously, this committee and the community board as to what happens with the status of that.

GERILYN MYELO: Yes, no problem, I will.

CHAIRPERSON AVELLA: And everything I said in the letter, the owners have agreed to?

GERILYN MYELO: Yes.

CHAIRPERSON AVELLA: Any other questions from committee members? You're so nervous.

GERILYN MYELO: I've never done this before.

COUNCIL MEMBER SEARS: If I could

2 make a comment. It's very refreshing to have  
3 somebody who sits before us and hasn't done it  
4 before and very cooperative rather than sitting  
5 there and that you know the whole city charter.  
6 So it's very refreshing.

7 GERILYN MYELO: Make the best out  
8 of things, right? What are you going to do?

9 COUNCIL MEMBER SEARS: Thank you.

10 CHAIRPERSON AVELLA: Seeing no  
11 other questions, thank you.

12 GERILYN MYELO: Thank you.

13 CHAIRPERSON AVELLA: I see no one  
14 signed up to speak on the public hearing on this  
15 item. Is that correct? Seeing none, I'll close  
16 the public hearing on this item. We will now move  
17 to 15 William Street, C 090293 ZRM, an application  
18 from SDS 15 William Street for amendment of the  
19 zoning resolution concerning the Special Lower  
20 Manhattan District, relating to curb cut  
21 prohibitions. Immediately after this item, we  
22 will be going to Western Rail Yards hearing.

23 JAY SEGAL: Good morning, Chair  
24 Avella and Council Members. My name is Jay Segal.  
25 I'm a land use attorney with Greenberg Traurig. I



2 represent the owner of this property known as 15  
3 William Street. The property is approximately  
4 24,000 square feet and it's located at the  
5 intersection of William and Beaver Streets in  
6 Lower Manhattan. This is it over here. You do  
7 have a letter before you from me that's being  
8 distributed that has a copy of every photograph or  
9 board that I'm presenting.

10 The street at issue is on Beaver  
11 Street, 15 William and Beaver Street intersect.  
12 It's one of the nearly 200 block fronts in Lower  
13 Manhattan which do not permit curb cuts. For many  
14 years this property had been unimproved and it was  
15 used only for occasional parking lot and for  
16 access for trucks to provide off-street loading  
17 for adjacent buildings.

18 Our client purchased the property  
19 approximately four years ago to construct an as-  
20 of-right residential building with 320 apartments.  
21 This building is allowed a 65-space accessory  
22 garage. Our client wanted to construct a public  
23 parking garage with 195 spaces in the building's  
24 cellars and also wanted to continue to provide for  
25 off-street truck loading. The Department of

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2 Buildings concluded that only a 10-foot curb cut  
3 was grandfathered for the garage.

4 We applied to the City Planning  
5 Commission for a text amendment to the zoning  
6 resolution to allow the 10-foot curb cut to be  
7 widened to 20 feet and for a curb cut for off-  
8 street parking and a curb cut for off-street truck  
9 loading. We also applied to City Planning for a  
10 special permit for the public parking garage.  
11 Everyone has supported the application for the  
12 off-street truck loading curb cut and City  
13 Planning approved the amendment. It is before you  
14 for consideration today. We ask that you also  
15 approve the curb cut for off-street truck loading.

16 Initially the Department of City  
17 Planning was also supportive of the 195-space  
18 public parking garage. Our client constructed the  
19 new building with three below grade cellar levels  
20 to house these spaces. Prior to the application  
21 being certified, we were told by the Department of  
22 City Planning that Chair Burden thought 15 William  
23 was the wrong location for a public parking garage  
24 because Lower Manhattan had narrow streets and was  
25 well served by mass transit.

2 In response, we changed the  
3 application so the garage would be only for  
4 monthly parking for area residents. We offered to  
5 provide Con Ed bills as proof of residents. We  
6 had the support of the community board, the  
7 Downtown Alliance and Councilman Gerson for this  
8 application. However, at City Planning's hearing,  
9 Chair Burden made it clear that she was not in  
10 favor of widening the garage curb cut from 10 feet  
11 to 20 feet.

12 This is what we're talking about.  
13 This is the existing 10-foot garage curb cut and  
14 we wanted to widen it to 20 feet. The yellow  
15 shows the widening and this yellow shows where the  
16 curb would necessarily not be level because of the  
17 fact that there would be a curb cut.

18 As a compromise once Chair Burden  
19 indicted she wouldn't support the widening, we  
20 proposed keeping the curb cut at 10 feet and  
21 increasing the capacity of the garage from 65  
22 spaces to 95 spaces. The City Planning Commission  
23 report turning down our application for a special  
24 permit refused to widen the curb cut. You have a  
25 copy of the report before you. City Planning said

1  
2 it would "further compromise the street and erode  
3 the primacy of pedestrians over vehicular  
4 traffic."

5 We don't think this curb cut would  
6 at all affect the pedestrian path and let me just  
7 show you why for a minute. The pedestrian path  
8 here is in blue. City Planning stated that these  
9 existing sidewalk grates were not part of the  
10 path. They pointed out that there was a three  
11 foot path next to the property line.  
12 Consequently, if people are walking along this  
13 path, the fact that there is a curb cut here would  
14 not erode the pedestrian experience. We can show  
15 it to you from two other angles as well.

16 This is looking at the proposed  
17 curb cut from west to east. This is a 25-foot  
18 curb cut for the building next to us. This is the  
19 loading berth curb cut. This is our as-of-right  
20 10-foot curb cut and this is the widening. You  
21 can see the blue pedestrian path wouldn't be  
22 impacted by this widening. The same thing is true  
23 looking at it from the other side.

24 This looks at it from east to west.  
25 Right in front of the widening, there is a fire

2 hydrant and a couple of bollards. Nobody is going  
3 to be walking there. If you're walking down, as  
4 City Planning says, this blue path, nobody is  
5 going to be walking near the area of the proposed  
6 curb cut. So, contrary to what the City Planning  
7 report says, we believe that the pedestrian  
8 experience would not be adversely affected by a  
9 widening of the curb cut.

10 Now, the City Planning Commission  
11 report also refused to increase the garage  
12 capacity from 65 to 95 spaces. The City Planning  
13 Commission report concluded a 10-foot curb cut is  
14 not safe because, and I quote, "It has the  
15 potential to create vehicular and pedestrian  
16 conflicts." Well, we believe that if a 10-foot  
17 curb cut is not safe for a 95-car garage, it is  
18 not safe for a 65-car as-of-right garage which we  
19 have. We ask the Council to modify the text  
20 amendment approved by City Planning to allow the  
21 curb cut to be widened to 20 feet.

22 Councilman Gerson has written a  
23 letter urging you to so modify the text and I  
24 believe you have a copy of it before you. We're  
25 not asking, nor can we ask that the garage special

2 permit be granted because City Planning turned it  
3 down. We only have the 65 spaces but we'd like  
4 them to be safe. We request that you widen the  
5 curb cut from 10 feet to 20 feet.

6 CHAIRPERSON AVELLA: Just to simply  
7 if it a little bit, I'm going to ask you to go  
8 over it once again because this has been a very  
9 complicated application. I know you've gone  
10 through so many variations that it gives you a  
11 headache. But what's the first thing that you're  
12 actually asking the Council to approve? What did  
13 you get approved by City Planning that you're  
14 asking us to approve?

15 JAY SEGAL: The Council approved--

16 CHAIRPERSON AVELLA: [interposing]  
17 No, not the Council.

18 JAY SEGAL: Sorry. City Planning  
19 approved a loading berth curb on amendment to the  
20 text zoning resolution because this is on a street  
21 that doesn't allow curb cuts. They approved an  
22 amendment to allow a loading berth curb cut.  
23 We're requesting that the Council--

24 CHAIRPERSON AVELLA: [interposing]  
25 You want us to approve that?

2 JAY SEGAL: That's the first thing.

3 Yes.

4 CHAIRPERSON AVELLA: Now, then you  
5 want us to amend the application to widen the curb  
6 cut another ten feet.

7 JAY SEGAL: That's correct. That's  
8 the curb cut for the parking garage another ten  
9 feet.

10 CHAIRPERSON AVELLA: I think you're  
11 application shows the pictures and every Council  
12 Member has it. This actually lies, as the  
13 applicant said, within Council Member Gerson's  
14 district. He is in favor of the modification and  
15 I must say so am I. After reviewing the proposal,  
16 I don't understand why Amanda Burden was so  
17 obstinate on this one issue. Certainly the  
18 additional 10 feet does not improve pedestrian  
19 flow. If you look at the pictures there's a fire  
20 hydrant right on the other side of the curb cut.  
21 So nobody is going to walk in a straight line then  
22 cut across and then walk back again, it just  
23 doesn't happen in reality. Council Member Jackson  
24 has a question.

25 COUNCIL MEMBER JACKSON: Thank you,

2 Mr. Chair. Good morning.

3 JAY SEGAL: Good morning,  
4 Councilman.

5 COUNCIL MEMBER JACKSON: My  
6 question is with respect that this will be an  
7 entrance to a garage or truck loading? Which one  
8 or both?

9 JAY SEGAL: That's a good question,  
10 Councilman. Let me clarify that. This is the  
11 entrance to the loading. This is a 10-foot  
12 entrance to the garage.

13 COUNCIL MEMBER JACKSON: I know it,  
14 but I can't see it through your head. I'm  
15 following it on the paper here.

16 JAY SEGAL: This is the 10-foot  
17 garage curb cut that's grandfathered. This is  
18 where we're seeking a widening to 20 feet. So the  
19 parking garage will now have a 20-foot curb cut.  
20 That's what we're asking for.

21 COUNCIL MEMBER JACKSON: So in  
22 essence there are not going to be any trucks that  
23 are sticking halfway out of the building blocking  
24 the sidewalks. That's really what my question is  
25 because I see that happen all the time.



2 JAY SEGAL: That's correct. We  
3 were approved with a curb cut for the loading  
4 berth over here. All truck off-street loading  
5 will be on the property going through a truck curb  
6 cut.

7 COUNCIL MEMBER JACKSON: Is that  
8 where it says no parking, that other 20 foot curb  
9 cut you're talking about to the left? Is that it  
10 over there?

11 JAY SEGAL: That's correct.

12 COUNCIL MEMBER JACKSON: So are the  
13 trucks going to block the passageway of people  
14 walking? That's what I want to know.

15 JAY SEGAL: No. The trucks will  
16 come in through the truck loading curb cut, go  
17 onto the property at least 100 feet before they  
18 load and unload. There will be absolutely no  
19 trucks blocking the sidewalk.

20 COUNCIL MEMBER JACKSON: When you  
21 talked about the path, you said the blue path is  
22 where pedestrians walk. I'm looking at one in  
23 which there is garbage that's piled up right in  
24 the middle of the blue walking path. Not there,  
25 the other side. That one there.

2 JAY SEGAL: You're absolutely  
3 right.

4 COUNCIL MEMBER JACKSON: What's  
5 happening with that? That's just a couple of  
6 bags, but as you know, there may be five or ten  
7 bags and then people have to walk around that and  
8 to walk around that garbage would have to go into  
9 the curb cut area.

10 JAY SEGAL: Yes, Councilman. This  
11 is our neighbor's property. This is an existing  
12 25-foot curb cut for 55 Broad. That's their  
13 garbage.

14 COUNCIL MEMBER JACKSON: It's their  
15 garbage but it's on your building line.

16 JAY SEGAL: It's right on the  
17 building line between the two properties.

18 COUNCIL MEMBER JACKSON: Are you  
19 going to allow that to happen? I'm serious.  
20 People say, well what is the big deal? That's so  
21 minuscule in the whole scheme of things. It's not  
22 minuscule for me. That's why I'm asking the  
23 question.

24 JAY SEGAL: Councilman, the next  
25 speaker is Larry Davis.

2 COUNCIL MEMBER JACKSON: Why  
3 doesn't he introduce himself so he can comment on  
4 that then? Just introduce yourself and the  
5 position that you're in, sir.

6 LARRY DAVIS: My name is Larry  
7 Davis. I'm with SDS William Street, LLC. I am  
8 the developer of the property. I don't know  
9 exactly when this photograph was taken, sir, but  
10 we actually have an offsite garbage facility for  
11 this building. So if you look at that other  
12 picture here, this is actually on a pickup day.  
13 This building is open that there are over 100  
14 residents in it already. We actually have a  
15 compacter facility within the building and it's  
16 only on the pickup days where the porters bring up  
17 the garbage. We worked out an agreement actually  
18 with Department of Sanitation so we wouldn't have  
19 to put it on the sidewalk. So we actually worked  
20 that out with them because we are cognizant of the  
21 fact that it's a narrow street.

22 COUNCIL MEMBER JACKSON: But that  
23 other garbage belongs to whom?

24 LARRY DAVIS: I believe it belongs  
25 to 55 Broad Street. Obviously I can't confirm

2 that because I don't know exactly. We have spoken  
3 with them as well. That's a commercial office  
4 building by the way.

5 COUNCIL MEMBER JACKSON: It doesn't  
6 really matter to me.

7 LARRY DAVIS: No, I understand.

8 COUNCIL MEMBER JACKSON: All I see  
9 is the garbage in the blue path.

10 LARRY DAVIS: Absolutely.

11 COUNCIL MEMBER JACKSON: I'm just  
12 raising it as a concern.

13 LARRY DAVIS: I appreciate it.

14 COUNCIL MEMBER JACKSON: Thank you.

15 LARRY DAVIS: Thank you.

16 CHAIRPERSON AVELLA: Any other  
17 questions from committee members? Council Member  
18 Felder has a question.

19 COUNCIL MEMBER FELDER: Good  
20 morning. Can you do me a favor and put up the  
21 other, I think what's behind this picture. I'm  
22 not repeating it but I agree with Councilman  
23 Jackson. I just want to say this block, where  
24 does this block end? Can you just describe from  
25 the corner how much you have? Can you point to

2 your property, the beginning and end of your  
3 property?

4 JAY SEGAL: The property starts on  
5 the corner and it goes up until here.

6 COUNCIL MEMBER FELDER: In other  
7 words, I'm just using the garbage as a mark.

8 JAY SEGAL: The garbage is right  
9 here. The rest of the block is owned by 55 Broad.

10 COUNCIL MEMBER FELDER: Do you know  
11 how many feet the block is from corner to corner  
12 by any chance? The whole block from corner to  
13 corner.

14 JAY SEGAL: I understand. I think  
15 it's about 320 feet give or take.

16 COUNCIL MEMBER FELDER: As it  
17 stands now, how much of the block from corner to  
18 corner is occupied by a curb cut?

19 JAY SEGAL: Fifty.

20 COUNCIL MEMBER FELDER: Fifty out  
21 of 300?

22 JAY SEGAL: I think it's 320.

23 COUNCIL MEMBER FELDER: Now, the  
24 property adjoining yours, how wide is their curb  
25 cut?

2 JAY SEGAL: Twenty-five feet.

3 COUNCIL MEMBER FELDER: Twenty-five  
4 feet. And you're asking for?

5 JAY SEGAL: City Planning approved  
6 a 20-foot curb cut for loading. We're only using  
7 15. We have a 10-foot grandfathered curb cut for  
8 parking and we're asking it go to 20.

9 COUNCIL MEMBER FELDER: I don't  
10 know. It would just seem to me that it's a little  
11 bizarre; I would just want to echo the comments of  
12 the chair. Sometimes there's a block where there  
13 is a miniscule amount of parking and you don't  
14 want to ruin the walkway or anything else. It  
15 seems just from the pictures maybe my question was  
16 good enough, but at least from one corner to after  
17 the first parking from your adjoining property  
18 there is a lot of curb cut there. I can't imagine  
19 that somebody who is walking there is not  
20 cognizant of it. I would just make another  
21 argument that despite whatever they thought at  
22 City Planning, I can't imagine somebody walking  
23 from the first corner the other way that they're  
24 no going to be cognizant of the curb cuts all  
25 along and stick straight to the side of the

2 buildings. Can you just tell me, from your curb  
3 cut that exists, if you got what you wanted on  
4 this additional parking garage curb cut, from the  
5 end of it to the fire hydrants, how many feet is  
6 that?

7 JAY SEGAL: Probably about 20 to 23  
8 feet.

9 COUNCIL MEMBER FELDER: Even if you  
10 got the cut you wanted.

11 JAY SEGAL: Yes.

12 COUNCIL MEMBER FELDER: Thank you.

13 CHAIRPERSON AVELLA: Thank you.

14 Are there other questions from my colleagues? Did  
15 you want to say something else before we conclude?  
16 No, that's going to be part of the public hearing.

17 JAY SEGAL: I think we're finished.

18 CHAIRPERSON AVELLA: Thank you. We  
19 have one speaker, a representative of the  
20 community board. I'd like to call him up.

21 RO SHEFFE: My name is Ro Sheffe.  
22 I am chair of the Financial District Committee.  
23 I'm sure you've seen a resolution we passed, that  
24 the community board passed in July which is in  
25 favor of the applicant's request. I'm just

2 basically here to answer questions about it.

3 CHAIRPERSON AVELLA: You're in  
4 favor of the modification that they're seeking?

5 RO SHEFFE: We are.

6 CHAIRPERSON AVELLA: Any questions  
7 from the committee? Council Member Sears has a  
8 question.

9 COUNCIL MEMBER SEARS: Is there any  
10 explanation given by CPC as to why they rejected  
11 the application?

12 RO SHEFFE: Not to my knowledge.  
13 Not to us.

14 COUNCIL MEMBER SEARS: The  
15 community board did not ask the City Planning  
16 Commission?

17 RO SHEFFE: No. The applicant came  
18 to us with the same request.

19 COUNCIL MEMBER SEARS: I understand  
20 that.

21 RO SHEFFE: To my knowledge we did  
22 not hear from DCP.

23 COUNCIL MEMBER SEARS: I have to  
24 tell you, I think this is a time waster because it  
25 seems to me I would agree with you about approving



1  
2 this project.

3 RO SHEFFE: Well, we need the  
4 parking spaces really.

5 COUNCIL MEMBER SEARS: All right,  
6 thank you.

7 CHAIRPERSON AVELLA: Thank you.

8 RO SHEFFE: Thank you, Mr. Chair.

9 CHAIRPERSON AVELLA: Seeing no one  
10 else to speak on this item, I will close the  
11 public hearing. Before we move to Western Rail  
12 Yards, I would like to call on my colleagues for  
13 the vote on the three items that we have seen this  
14 morning. The Chair recommends approval of the two  
15 sidewalk café applications and approval of the  
16 application 15 William Street we just saw with the  
17 modification to widen the curb cut the additional  
18 ten feet. I'll call on counsel to call the vote.

19 CHRISTIAN HYLTON: Christian  
20 Hylton, counsel to the committee. Chair Avella?

21 CHAIRPERSON AVELLA: Aye.

22 CHRISTIAN HYLTON: Council Member  
23 Rivera?

24 COUNCIL MEMBER RIVERA: I vote aye.

25 CHRISTIAN HYLTON: Council Member

2 Felder?

3 COUNCIL MEMBER FELDER: Yes.

4 CHRISTIAN HYLTON: Council Member

5 Jackson?

6 COUNCIL MEMBER JACKSON: I vote aye

7 on all.

8 CHRISTIAN HYLTON: Council Member

9 Seabrook?

10 COUNCIL MEMBER SEABROOK: Aye on

11 all.

12 CHRISTIAN HYLTON: Council Member

13 Sears?

14 COUNCIL MEMBER SEARS: Aye.

15 CHRISTIAN HYLTON: Council Member

16 Vann?

17 COUNCIL MEMBER VANN: Aye on all.

18 CHRISTIAN HYLTON: By a vote of  
19 seven in the affirmative, none in the negative and  
20 no abstentions, LU 1272 and LU 1270 are approved  
21 and referred to the full Land Use Committee. LU  
22 1273 is approved with modifications and referred  
23 to City Planning.

24 CHAIRPERSON AVELLA: Thank you.

25 Now we move on to the Western Rail Yard

2 application. I'll call up the administration and  
3 the applicant to make the presentation. I would  
4 remind everybody that if you want to speak on the  
5 item, please see the sergeant-at-arms. We will be  
6 limiting the amount of testimony to two minutes  
7 each after the administration gives their  
8 presentation. We will be taking panels in favor  
9 and opposition alternating panels. After this,  
10 the administration will be coming back for further  
11 questions by committee members on the Kingsbridge  
12 Armory.

13 ANN WEISBROD: Good morning,  
14 Chairman Avella and committee members. My name is  
15 Ann Weisbrod. I am president of the Hudson Yards  
16 Development Corporation which was created by the  
17 city in connection with the 2005 rezoning of the  
18 Hudson Yards area. HYDC's mission is to manage  
19 the city's initiatives for transforming the Hudson  
20 Yards district into a vibrant pedestrian-friendly,  
21 mixed-use neighborhood and an extension of the  
22 Midtown Central Business District.

23 The city's plans are moving forward  
24 with great success. Thanks to our \$2 billion bond  
25 sale in 2006 we have acquired all the property for

1  
2 the phase one of the Hudson Park and Boulevard.  
3 Also the construction of the Number 7 subway  
4 extension to Hudson Yards is well underway. The  
5 entire 34th Street cavern has been excavated and  
6 as we speak, tunnel boring machines are making  
7 their way north under 11th Avenue.

8 The development of the MTA Rail  
9 Yards is an important component of the Hudson  
10 Yards Project. Because the rail yards are at the  
11 heart of the district, are adjacent to the future  
12 34th Street subway station and link the 11th  
13 Avenue and 34th Street corridors. The Eastern  
14 Rail Yards was rezoned in 2005 for mixed use  
15 development and the proposal before you would do  
16 the same for the Western Rail Yard.

17 The proposed Western Rail Yard  
18 rezoning is based on design guidelines that were a  
19 product of an outstanding collaboration among the  
20 MTA, the city and Speaker Quinn and an extensive  
21 process of outreach and dialogue with the  
22 community and other stakeholders. Between  
23 November 2006 and May 2007, the city organized  
24 more than a dozen stakeholder meetings or forums  
25 involving Community Board 4, the Hudson Yards

2 Community Advisory Committee, city and state  
3 agencies and elected officials and civic groups.

4 The Western Rail Yard design  
5 guidelines were a central feature of the 2007  
6 memorandum of understanding between the city and  
7 the MTA that laid out a set of principles to guide  
8 the development of the rail yards. The MOU  
9 recognized the MTA's goals of maximizing  
10 development revenue without interrupting rail  
11 service and the city's goals of promoting growth  
12 in accordance with sound planning principles.

13 In addition to adopting the design  
14 guidelines, the MOU also specified Western Rail  
15 Yards affordable housing and school requirements.  
16 The MOU includes an onsite affordable housing  
17 program. Also, because of the extraordinary costs  
18 of developing over the rail yard, the MOU  
19 maximizes the development of affordable housing by  
20 calling for the creation of permanent affordable  
21 housing at two city-owned sites within Community  
22 Board 4, an integral part of the overall project.  
23 Further, the city has made an extraordinary  
24 commitment to provide \$40 million to support that  
25 offsite housing. That funding will produce up to

1  
2 300 units of permanently afford housing for middle  
3 and moderate income families. In July 2007,  
4 Speaker Quinn in her capacity as the local Council  
5 Member for the Hudson Yards area voiced her  
6 support for the MOU and the design guidelines in a  
7 letter to the city and the MTA.

8 The collaboration between the MTA  
9 and the city culminated in the 2007 issuance of  
10 two requests for proposals for the development of  
11 each of the Eastern and Western Rail Yards, the  
12 2008 selection of Related to develop both sites  
13 and the current process to rezone the Western Rail  
14 Yards. Since Related's selection by the MTA, the  
15 city and Related have made significant progress on  
16 the street grid, open space and other aspects of  
17 the design and zoning rules for the Western Rail  
18 Yards.

19 The rezoning will be a tremendous  
20 benefit to the city. It will knit the Western  
21 Rail Yards into the fabric of the Hudson Yards  
22 District with transit-oriented development that  
23 will incorporate sustainability principles. The  
24 uses reflect an appropriate balance of residential  
25 and commercial development with residential unit

2 uses predominating.

3 Finally, in addition to the  
4 anticipated new school at the Rail Yards, the  
5 project will result in the development of both  
6 onsite and offsite affordable housing, a new major  
7 open space network that will function as an  
8 important amenity for residents, the neighborhood  
9 and the city as a whole. On behalf of the HYDC, I  
10 urge the Council's Zoning and Franchise Committee  
11 to support the proposed zoning. Thank you.

12 ROBERT PALEY: Good morning. I'm  
13 Robert Paley, director of transit-oriented  
14 development at the Metropolitan Transportation  
15 Authority, the owner of the Western Rail Yard.  
16 MTA is pleased to support the Western Rail Yard  
17 ULURP applications which will complement the  
18 Council's action in 2005 creating the special  
19 Hudson Yards Zoning District.

20 Productive use of the air space  
21 above the Rail Yard has been and remains an  
22 important MTA goal. When the yard was redeveloped  
23 in 1986 for the Long Island Railroad, it was  
24 designed to accommodate columns needed for future  
25 development of the site. The proposed development

2 plan comes from a highly productive collaboration  
3 between MTA and the city, which you just heard  
4 about, whose shared objectives include maximized  
5 value for MTA's capital investments, develop a mix  
6 of uses that will benefit the Hudson Yards area  
7 and the city, create affordable housing and  
8 provide new open space and enhance connections to  
9 other proposed open space including the high line.

10 In 2005, the Hudson Yards rezoning,  
11 the MTA Eastern Rail Yard was rezoned to C6-4 with  
12 an overall onsite FAR of 11. The Western Yard was  
13 not rezoned at that time because a stadium which  
14 did not require a city zoning action was  
15 contemplated and as you know, the stadium proposal  
16 did not go forward.

17 In September 2006, the city and the  
18 MTA agreed that the city's Hudson Yards  
19 Development Corporation and DCP in consultation  
20 with the MTA would establish design guidelines for  
21 the Western Yard.

22 In July 2007, after the design  
23 guidelines were completed, the city and MTA  
24 entered into an MOU for development of the Western  
25 Yard pursuant to those guidelines which



2 contemplated 10 FAR for the overall site plus a  
3 density bonus for permanently affordable housing  
4 and a floor area allowance for a school. The  
5 design guidelines set forth principles intended to  
6 establish a world class urban environment.

7 Council Member Christine Quinn, as you just heard,  
8 in July 2007 also supported the development of the  
9 Western Yard in conformance with the design  
10 guidelines as well as the offsite improvements.

11 The Related Company was designated  
12 the Western Yard developer in the fall of 2007 and  
13 subsequently to their RFP submission, they have  
14 improved the plan, as you just heard, with street  
15 grid and other open space improvements to reflect  
16 further consultation with the city and the  
17 community.

18 MTA is pleased that in addition to  
19 making a material contribution to the MTA's  
20 financial plan, the project before the Council  
21 will provide substantial community benefits  
22 including open space and provision for both onsite  
23 affordable housing and affordable housing at two  
24 offsite locations, one of which is currently  
25 controlled by New York City Transit, an MTA

2 affiliate. The MTA respectfully urges approval of  
3 the ULURP applications in order to permit this  
4 long contemplated and essential public project to  
5 move forward. Thank you.

6 JAY CROSS: Good morning. My name  
7 is Jay Cross. I'm the president of Related Hudson  
8 Yards which is the joint venture between the  
9 Related Companies and Goldman Sachs. Before you  
10 today are, specifically, four actions with respect  
11 to the Western Rail Yards.

12 The first is a zoning map change to  
13 change the Western Rail Yard from M2-3 to C6-4 and  
14 include the site within the Special Hudson Yards  
15 District.

16 The second action is the zoning  
17 text amendment which would create a new sub area F  
18 covering the Western Rail Yards which establishes  
19 street controls, the requirement of more than five  
20 acres of public accessible space and standards for  
21 that public space, maintenance standards, and the  
22 mechanisms by which they get approved on a phased  
23 basis.

24 Thirdly, there is a requirement to  
25 establish new grades on West 33rd Street which has

1  
2 to be rebuilt as part of the development of the  
3 yards.

4 Finally, there are two special  
5 permits for two parking garages on the Western  
6 Yards, one to the north and one to the south.

7 The Western Rail Yards is part of a  
8 more comprehensive master plan for the MTA  
9 property in general which consists of the Eastern  
10 Yards and the Western Yards. Today's feature is  
11 specifically the Western Yards which will end up  
12 as part of the master plan community and this is  
13 the latest rendering of how that community might  
14 look when it's fully built out.

15 As has been mentioned, we've had a  
16 very productive relationship with both the  
17 community board and the Department of City  
18 Planning starting in the fall of '08 when we  
19 issued the draft scope. We then had a community  
20 information session in September of '08, followed  
21 by a Hudson Yards Community Advisory Committee  
22 briefing, followed by certification in the spring  
23 of '09, a further public meeting in the early  
24 summer of '08 and a series of committee meetings  
25 with the committee board throughout the summer.

2 The hearing was on September 9th  
3 this past fall. The final EIS was issued on  
4 October 9th. The CBC vote took place October 19th  
5 and we hope to be on track for a final City  
6 Council vote in December of this year.

7 Just to quickly go through the  
8 zoning, the land use plan contemplates one  
9 commercial site, which is site 2, but the  
10 overwhelming density is for residential  
11 development of a 10 FAR. There are two caveats to  
12 that 10. There is an inclusionary bonus for 5%  
13 per building for permanently affordable housing  
14 onsite and an exemption for a public school which  
15 we anticipate will be in site 6, of approximately  
16 120,000 square feet.

17 As has been mentioned, I think one  
18 of the signature elements of this plan is the  
19 commitment to over five acres of publicly  
20 accessible open space. Specifically, the open  
21 space relates to two new streets, 31st and 32nd,  
22 including an alley which looks down 32nd Street.  
23 The alley is one of five principle spaces, the  
24 central open space in the middle, the waterfront  
25 lawn which faces the High Line and the Hudson

2 River, the southwest connection piece and the High  
3 Line itself which is part of the public space  
4 commitment.

5 The central open space will include  
6 a playground. It's designed to be a more active  
7 space. The western waterfront lawn has a minimum  
8 open requirement of one acre and minimum  
9 dimensions in the north/south direction and it's  
10 anticipated that it would form a continuous  
11 frontage with the High Line on the western side  
12 facing the Hudson River.

13 The southwest open space is more  
14 like a ravine, something you might see in  
15 Riverside Park which flows down from on top of the  
16 rail yards down underneath the high line to grade  
17 at 30th and 12th Avenue which allows for a  
18 pedestrian connection to the Hudson River Park.

19 In addition to the open space plan  
20 there are ground floor controls that require  
21 transparency in retail throughout the site,  
22 including some maximum dimension for residential  
23 lobbies.

24 There are tower controls which  
25 anticipate the size of various towers. The Twin

2 Tower site, site one and site six combined, cannot  
3 exceed 25,000 square feet. The commercial site  
4 cannot exceed 40,000 square feet per floor and has  
5 a maximum east/west dimension of 250. Sites  
6 three, four and five which are rather unique, are  
7 confined to 12,000 square feet. That has to fit  
8 within a 145-foot diameter circle leading to  
9 rather curvilinear buildings.

10 In addition to the floor plate  
11 design, there are height requirements.  
12 Specifically the southwest building is limited to  
13 a maximum height of 350 feet and then there are a  
14 series of cascade steps from that lowest building  
15 to the highest building which is the commercial  
16 building at the corner of 33rd and 11th. So we  
17 have minimum steps in the buildings.

18 Finally, we have new tower top  
19 regulations that apply to all of the building  
20 except the southwest corner building where the  
21 maximum height is 350.

22 The final element that you're asked  
23 to vote on today are the two garages. They're  
24 both rather different from a standard garage. The  
25 north garage has to be built on top of the train

1 shed and yet slide in underneath the new  
2 landscaped open space. So it's what we would  
3 consider kind of an interstitial space between the  
4 top of the shed and the bottom of the new road  
5 bed. That's why it has a rather sort of  
6 meandering shape as it has to conform to grades.  
7 You would enter both off of the new 33rd Street  
8 and also our new 32nd Street.

10 Within that garage there is a limit  
11 of 250 spaces for commercial use and a further  
12 limit of 800 spaces total. The south garage  
13 equally has a limit of 800 spaces. The site in  
14 general has a maximum of 1,600 spaces, all  
15 required to be for accessory use.

16 Along with the zoning actions that  
17 are before you today, there will be a restrictive  
18 declaration that will be registered on the site.  
19 Broadly speaking, this rather voluminous  
20 declaration falls into two broad categories. The  
21 first is to enshrine all of the elements of the  
22 environmental plan that we the developer must  
23 conform with.

24 It includes commitments to lead  
25 silver for all buildings, additional energy

1 sources onsite and we're actively pursuing a cogen  
2 plan. There are extensive construction protection  
3 measures for air quality and noise and we've  
4 agreed to hire an environmental monitor to ensure  
5 that the measures are in place. There is an  
6 offsite active park contribution of \$2 million to  
7 be spread out over time, provision for a day care  
8 facility onsite if necessary and provision for the  
9 public school.  
10

11 In addition, also in the  
12 restrictive declaration, there are a number of  
13 commitments the developer is making to the  
14 community. Twenty percent of all rental housing  
15 onsite would be developed as affordable. There  
16 are public easements for the streets and the  
17 public spaces. We've created an open space  
18 programming management advisory board that  
19 includes members the borough president, the  
20 community board, the local Council Member and  
21 Hudson Yards Development Corporation.

22 We've also got commitments as to  
23 how the open space is phased with development so  
24 that there can be assurance that for every  
25 building as it's built there is an appropriate



2 amount of open space. And finally, there is up to  
3 16,000 square feet of community space to be  
4 provided for the use for the community board.

5 We're working with the Friends of  
6 the High Line and the city as the plans get  
7 further developed for the High Line to allow for  
8 access points to and from the High Line as  
9 appropriate. That's it for the Western Rail  
10 Yards. With this, I'll hand it off to Edith.

11 EDITH HSU-CHEN: Good morning  
12 Council Members. My name is Edith Hsu-Chen. I am  
13 the director of the Manhattan Office at the  
14 Department of City Planning. I am speaking to you  
15 today about the two affordable housing off-sites  
16 that are part of the Western Rail Yard proposal.

17 The provision of affordable housing  
18 has been a key and integral component of the  
19 Western Rail Yard project from its inception. As  
20 you heard from Ann Weisbrod earlier at the  
21 beginning of the presentation, at the time of the  
22 2007 MOU between the MTA and the administration,  
23 the city committed to provide \$40 million to  
24 create permanently affordable housing on offsite  
25 locations. Two city-owned sites in Community

1  
2 District 4 were identified in the MOU. One site  
3 is located at 48th Street and 10th Avenue and the  
4 other site is at 53rd and 9th Avenue. Together,  
5 these two sites can deliver approximately 300  
6 units of permanently affordable housing units. At  
7 the community's request, they will serve persons  
8 and families earning moderate to middle income  
9 levels, or those at 80-165% of the area median  
10 income.

11                   Looking to the sites briefly, the  
12 first site is located on the west side of 10th  
13 Avenue, between 48th and 49th Streets. It's known  
14 as the DEP site because a portion of the site will  
15 provide access to the city's third water tunnel  
16 project. You've probably seen it in construction.  
17 The northeast corner of the site will be a public  
18 open space to be operated by the city's Parks  
19 Department. The development site is immediately  
20 to the west of these future open areas.

21                   What we envision to be developed  
22 here is a C-shaped building with about 200 units  
23 of affordable housing. This is just a schematic  
24 illustration. There isn't a specific building  
25 design before you today. Both the offsite

2 affordable housing developments will be subject to  
3 future RFPs to be issued by HPD as well as to  
4 future ULURP special permits.

5 What is before you today is an  
6 application for disposition of city-owned  
7 property. In addition, we're proposing a small  
8 change for the Clinton Special District to extend  
9 a sub area called the other area onto the  
10 development site. This would allow for modest  
11 flexibility of certain zoning requirements in  
12 order to maximize the number of units of  
13 affordable housing on the site.

14 The second site is located on the  
15 east side of 9th Avenue between 52nd and 53rd  
16 Streets. It's a city-owned site leased to the MTA  
17 who occupies a large office building on the site  
18 in the mid block. The development site for the  
19 affordable housing is the parking lot located at  
20 the corner. What we envision here is a building  
21 with approximately 100 units of affordable  
22 housing. Again, here is a schematic illustration.  
23 Development will be subject to future RFP and  
24 ULURP.

25 Similar to the previous site, the

2 application before you is for disposition of city-  
3 owned property. And in addition, we're proposing  
4 a small zoning map change to extend the C1-5  
5 zoning district. This extension would allow  
6 future development to seek a special permit to  
7 allow for flexibility of certain zoning  
8 requirements. Again, the purpose of this change  
9 would be to maximize the number of affordable  
10 housing units on the site.

11 That concludes my portion of the  
12 presentation which concludes our collective  
13 presentation for the Western Rail Yard proposal.  
14 Bob, Jay and I and other colleagues are available  
15 for your questions.

16 CHAIRPERSON AVELLA: Thank you. I  
17 have two Council Members thus far that want to ask  
18 questions. I'm going to call on Council Member  
19 Seabrook because I know he has another meeting to  
20 go to, and then Council Member Sears.

21 COUNCIL MEMBER SEABROOK: Thank you  
22 very much, Mr. Chairman. I have just a couple of  
23 questions in reference to this development, with  
24 City Planning, in reference to the housing. Has  
25 this been suggested or declared that prevailing

2 wages will be paid for the construction of this  
3 development that's going to take place, the  
4 housing development? This will be a union  
5 development?

6 EDITH HSU-CHEN: No, it has not  
7 been a subject of discussion.

8 COUNCIL MEMBER SEABROOK: So will  
9 it or will it not be?

10 EDITH HSU-CHEN: Are you inquiring  
11 about the offsite locations for affordable  
12 housing?

13 COUNCIL MEMBER SEABROOK: I'm  
14 inquiring about the development of the housing  
15 that the City of New York is going to put forth  
16 this money to allow this development. Will there  
17 be a union contract for this and will prevailing  
18 wages be paid on this contract?

19 EDITH HSU-CHEN: We have the deputy  
20 commissioner from HPD who is here to answer  
21 questions about that.

22 HOLLY LEICHT: Good morning. I'm  
23 Holly Leicht, deputy commissioner of development  
24 for HPD. Just with respect to the two offsite  
25 affordable housing options, which are the ones

2 that we're involved in, at this point there has  
3 been no discussion at all about prevailing. As  
4 you're aware, typically some of our projects are  
5 prevailing but many of them are not. It depends  
6 on the funding source.

7 COUNCIL MEMBER SEABROOK: So what  
8 happens to this? When does the discussion take  
9 place? Is there going to be discussion in  
10 reference to this? When will we know?

11 HOLLY LEICHT: In this case, the  
12 subsidies that will be used will be capital so  
13 there is not a prevailing requirement for capital  
14 funding. Again, this is the first time that this  
15 has been bought up for this project, so we're  
16 happy to have that discussion but it has not come  
17 up at this point.

18 COUNCIL MEMBER SEABROOK: Well,  
19 it's come up now, so I would hope that we would  
20 have a level of discussion as it relates to that  
21 so that that discussion can take place.

22 HOLLY LEICHT: I'm happy to engage  
23 in that conversation.

24 COUNCIL MEMBER SEABROOK: I would  
25 appreciate that. I still have a question. In

1  
2 reference to that site that's being developed and  
3 I thought that it was an interesting place to have  
4 the development for the stadium and everything  
5 else and it didn't happen. So what is going to  
6 take place there seems to be a fine thing that  
7 will take place. Mr. Cross, there was an  
8 interesting piece and a historical piece that was  
9 developed and you were a part of it that the most  
10 significant development of minority and women-  
11 owned business participation had the stadium been  
12 developed and was a part of this historical  
13 document that was signed and members of all the  
14 legislative bodies were there because it was  
15 historical in terms of the level of participation  
16 for minority and women-owned business, the opening  
17 of a process that would allow for jobs with  
18 unemployment and everything else and also paying  
19 prevailing wages as well.

20 Since the development and  
21 developers has changed, the site is still the same  
22 and the development that's going to take place is  
23 of the magnitude that allows for some tremendous  
24 opportunities, what is the MWBE plan for this site  
25 that will be implemented since it was a part of a

2 site that was going to be a major thrust and  
3 protocol for MWBE? What is that now?

4 JAY CROSS: We don't currently have  
5 an MWBE program in place but there's no reason why  
6 we couldn't go back and start with the New York  
7 Sports and Convention Center plan as a basis. But  
8 it is true that all of Related's projects are  
9 union construction. So we don't feel that the  
10 prevailing wage is necessarily is appropriate to  
11 the construction aspect of it because all of our  
12 projects are union construction.

13 Also, I want to make one  
14 distinction that under the New York Sports and  
15 Convention Center there was a substantial amount  
16 of public money involved. In this case there is  
17 no public money involved in the development of the  
18 Western Rail Yards.

19 COUNCIL MEMBER SEABROOK: But it's  
20 public land.

21 JAY CROSS: Public land for which  
22 we're paying for.

23 COUNCIL MEMBER SEABROOK: But  
24 nevertheless, it's still public land that you're  
25 getting a certain rate in terms of doing that



2 development and public sewers and public highways  
3 and everything else. So it operates on that  
4 level. But your MWBE plan, do you have one? Do  
5 you have any intent of putting one forth with  
6 this?

7 JAY CROSS: We do not have one at  
8 the moment but we'd be happy to sit down and  
9 discuss them with you in the future.

10 COUNCIL MEMBER SEABROOK: I think  
11 that that's crucial and important that we have  
12 that discussion. Gentlemen, MTA, you raise that  
13 issue about the MTA and when you were talking  
14 about the development of the MTA, part of the  
15 state regulations that's in statute that talks  
16 about minority and women-owned participation. A  
17 report a year ago talked about the lack of  
18 participation with the MWBE as it relates to the  
19 MTA. Within this development, what is the MTA  
20 goal as it relates to the use of the MTA funds as  
21 it relates to their involvement as it relates to  
22 MWBE?

23 ROBERT PALEY: The MTA will be  
24 receiving ground lease payments for this and it  
25 will go into our capital program which in turn

1  
2 would be subject to whatever requirements or  
3 programmatic elements there are that exist. We  
4 expect to generate significant revenues from this  
5 site over the coming years. As I said, it is a  
6 key element of the capital plan.

7 COUNCIL MEMBER SEABROOK: I would  
8 hope that there would be some addressing as it  
9 relates to your involvement with the MWBE because  
10 I said based upon the reports that came out you  
11 have a very poor track record of participation for  
12 minority and women-owned business.

13 ROBERT PALEY: Well, this would be  
14 part of the overall capital plan. So to the  
15 extent that those are issues that are under  
16 discussion or for further development, then that  
17 would part of that discussion.

18 COUNCIL MEMBER SEABROOK: Mr.  
19 Chairman, I just want to go on the record, as I  
20 have been doing for a long time, that when we do  
21 developments of these magnitudes and when we look  
22 at the 55% unemployment rate for African American  
23 and Latino males in this city and the women are  
24 not far behind in terms of this, that there needs  
25 to be when we're using city funds in any capacity,

2 some sense of how we address the issue of minority  
3 and women participation in this development.

4 Because they too are a part of this city and I  
5 would hope that before we do any of these things  
6 that we have some discussion around those  
7 particular issues. I've been saying this for  
8 quite a while and I will continue to say it as  
9 long as I'm here. Thank you very much, Mr.  
10 Chairman.

11 COUNCIL MEMBER SEABROOK: The Chair  
12 appreciates your comments and certainly agrees  
13 with you. Council Member Helen Sears is next.

14 COUNCIL MEMBER SEARS: Thank you,  
15 Mr. Chair and good morning. I'm just going to  
16 follow up on my colleague Larry Seabrook because  
17 he asked the question I had. So my question is  
18 very short. It was mentioned earlier that an RFP  
19 would be going out, so this is relating to the  
20 housing stock. If a living wage was to be  
21 considered, would that not have to be in the RFP?  
22 I don't think that's something in our experience  
23 that we've had in going through that that is  
24 something that comes after an RFP is put out.

25 EDITH HSU-CHEN: Yes. We would

2 want to do that at the time of the RFP so that any  
3 kinds of budgets we got would reflect that.

4 COUNCIL MEMBER SEARS: I  
5 understand. So how would this committee know if  
6 that's going to be included in the RFP? I mean,  
7 because it was stated that it has not been a  
8 consideration at all. I understand the  
9 development related is involved in many issues  
10 that are coming before us. It seems to me that  
11 something like that is pretty consistent. So it's  
12 also something that in your relationship with  
13 Related, they're going to have to look at that. I  
14 think it is an issue and another area that Related  
15 is involved in. It seems to me that that is  
16 something before the RFP comes out that you might  
17 want to discuss with the committee or at least the  
18 chair of the committee.

19 EDITH HSU-CHEN: We're happy to  
20 discuss that in advance. Obviously, Related will  
21 not be doing the offsite housing. But we would  
22 have to make that decision before the RFP to make  
23 sure we had enough subsidies to accommodate it.

24 COUNCIL MEMBER SEARS: But it  
25 certainly affects the development, so they're not

2 excluded from it. Thank you.

3 CHAIRPERSON AVELLA: Any other  
4 questions from my colleagues? Thank you. We'll  
5 now move to the public hearing. Before counsel  
6 starts calling the first panel, I'd like to call  
7 on Council Member Melinda Katz for her vote on  
8 today's agenda.

9 COUNCIL MEMBER KATZ: Thank you,  
10 Mr. Chair. I vote aye on all except for 15  
11 William Street. For 15 William Street I abstain.  
12 Thank you.

13 CHRISTIAN HYLTON: The vote now  
14 stands at eight in the affirmative on LU 1272 and  
15 1270, and seven in the affirmative, none in the  
16 negative and one abstention on LU 1273.

17 The first panel is Seth Robert  
18 Berliner, Elisa P. Gerontianos, Lee Compton and Ed  
19 Kirkland.

20 CHAIRPERSON AVELLA: Good morning.  
21 And I just wanted to remind everybody they have  
22 two minutes to speak. I don't necessarily cut  
23 somebody off at the end of the two minutes but I  
24 do ask you at a certain point to start summing up.

25 SETH ROBERT BERLINER: My name is

2 Seth Berliner. I'll be reading testimony on  
3 behalf of State Senator Thomas Duane. My name is  
4 Thomas K. Duane and I represent New York State's  
5 29th Senate District within which lie both the  
6 Western and Eastern Rail Yards and the surrounding  
7 neighborhoods of Chelsea and Clinton/Hell's  
8 Kitchen. Thank you for the opportunity to  
9 testify.

10 The Western Rail Yard development  
11 is an extraordinary opportunity for Manhattan's  
12 west side and for New York City's future. By  
13 bridging the Western Rail Yard, a hole that  
14 divides Chelsea from Clinton/Hell's Kitchen will  
15 be filled with a new residential and commercial  
16 community, exciting new public open spaces and a  
17 vital elementary and intermediate school.  
18 Moreover, the long term lease of the land will  
19 provide the MTA with a steady flow of much needed  
20 capital.

21 I want to express my gratitude to  
22 the MTA and to Related for their commitment to  
23 working with the community and for following some  
24 of the recommendations that Manhattan CB 4, I and  
25 other local elected officials have made thus far

1  
2 in the ULURP.

3                   Unfortunately, despite some  
4 positive changes, the current proposal is far from  
5 perfect and I wish to highlight a number of  
6 serious concerns that remain. One of my and CB4's  
7 long-standing goals is the creation of housing  
8 that is permanently affordable to those with  
9 moderate and middle incomes. Toward that end, I  
10 am grateful for the offsite designation of two  
11 such affordable housing projects, one on 9th  
12 Avenue and one just west of 10th Avenue. These  
13 buildings will provide homes for hundreds of  
14 families for whom there are currently few adequate  
15 housing options yet who are, as CB4 has noted, the  
16 backbone of our city.

17                   Still, there are problematic  
18 aspects of these offsite developments. First and  
19 foremost is that the MTA is seeking 30,000 square  
20 feet of office space in the building on 9th  
21 Avenue. As I have expressed to the MTA, I feel  
22 this enormous commercial use commitment is  
23 unacceptable in a building that should be reserved  
24 for permanently affordable housing, particularly  
25 when there is other available space that could

1  
2 meet the MTA's needs.

3 CB4 has suggested that there is  
4 adequate space in a number of other places.  
5 Regardless, the MTA must relinquish its claim to  
6 space in the 9th Avenue building if this proposal  
7 is to move forward.

8 With regard to the 10th Avenue  
9 site, I was disturbed to learn that a new park  
10 which was to occupy all the land adjacent to the  
11 site has been reduced to half its promised size.  
12 When the year's long work on New York City's third  
13 water tunnel began, the community was promised  
14 that the entire space would be converted into  
15 much-needed parkland once construction was  
16 completed there. Now I understand that the New  
17 York City Department of Environmental Protection  
18 requires some of the space so that it can access  
19 the tunnel shaft located there. This reduction in  
20 future open space is particularly distressing in  
21 light of the current dearth of such space in  
22 Clinton/Hell's Kitchen.

23 As detailed in CB4's response to  
24 the land use applications, with the Western Rail  
25 Yard development promising to bring thousands of



2 new residents, workers and visitors to the area,  
3 there is a critical need for additional open space  
4 as well as better maintenance of the few open  
5 spaces the neighborhood already has.

6 I must note that the two offsite  
7 developments, roughly 300 affordable units, pale  
8 in comparison to the approximately 5,000 mostly  
9 market rate units to be built on the Rail Yards  
10 site. In order to house so many units, the  
11 buildings will be grossly out of scale. And  
12 regrettably, for all their height, the onsite  
13 buildings are planned to house zero permanently  
14 affordable housing units and the temporarily  
15 affordable units that will be built will not  
16 target the middle and moderate income families  
17 that the community so desires. Such a lack of  
18 onsite permanently affordable housing is  
19 unacceptable.

20 CB4 has proposed and Related has  
21 committed to considering a creative conversion  
22 solution to make permanent the temporarily  
23 affordable units. I urge the New York State  
24 Housing Finance Agency and all parties to explore  
25 the viability of such a program.

1  
2                   While the scale of the buildings  
3 and affordability of the proposed onsite leave  
4 much to be desired, I applaud the sound planning  
5 reflected in the plan's reintroduction of the  
6 street grid to the rail yard super blocks. As CB4  
7 has resolved and Related has agreed, West 31st and  
8 West 32nd Streets should be so named and should  
9 conform to city DOT standards for public streets.

10                   I also urge Related to work closely  
11 with CB4 to develop a public or quasi-public  
12 governance structure for the open public spaces at  
13 the onsite development. In discussing public  
14 space at the Rail Yard, it is important to  
15 highlight its relation to the High Line. At West  
16 30th Street between 10th and 11th Avenues, the  
17 High Line spurs east to 10th Avenue while the main  
18 trunk runs west to 12th Avenue.

19                   As one of the most popular new  
20 public spaces in recent memory, the High Line must  
21 have a secure place in the future of the Rail  
22 Yards development. It must be unobstructed and  
23 preserved in its entirety and I applaud the City  
24 Planning Commission for initiating a ULURP for  
25 city acquisition of the northern section of the

2 railway.

3 As I and other elected officials  
4 made clear this summer, we have good reason to  
5 believe that all the residential development  
6 planned on Manhattan's west side puts future  
7 generations of elementary school children at risk  
8 of attending overcrowded classrooms. Thus, the  
9 Western Rail Yards' proposed onsite school for  
10 which I have long advocated is a much needed  
11 provision.

12 With only 420 elementary school  
13 seats for the approximately 600 elementary age  
14 children the development is expected to generate,  
15 it alone is insufficient. It behooves the New  
16 York City DOE to look at the area's long term  
17 school seat needs including eliminating its  
18 planned introduction of intermediate school seats  
19 when P.S. 51 is expanded and planning for new  
20 public, not charter, elementary and intermediate  
21 schools.

22 In a similar vein, fire, police and  
23 emergency services will be severely strained by  
24 the new development. While I appreciate that the  
25 New York City Police Department prefers to hold

1  
2 off on planning until development actually occurs,  
3 the New York City Fire Department has already  
4 identified its future need for a firehouse in the  
5 area and I urge the acquisition of land for both a  
6 new firehouse and a new police station.

7           Likewise, adequate mitigation for  
8 the enormous influx of commuters and pedestrians  
9 is essential. And for years, CB4 and I have been  
10 advocating for a garage on the west side to serve  
11 New Jersey Transit buses using the Port Authority  
12 bus terminal as well as charter buses and commuter  
13 vans. The Western Rail Yard development will not  
14 only bring in thousands of new people and their  
15 cars, it will also displace a Greyhound parking  
16 lot that houses 52 buses. Streets that are now  
17 clogged will be brought to a standstill. I have  
18 and will continue to work with the Port Authority  
19 to ensure such a garage becomes a reality at  
20 Galvin Plaza.

21           The development of the Western Rail  
22 Yards is both exciting and fraught. The new  
23 community will be a welcome addition to the west  
24 side but the development plan must improve between  
25 now and completion. Integrating the super block

2 into the urban grid will help ensure a lively  
3 community worth of New York City and to the west  
4 side, but more must be done to make sure it is  
5 both physically and economically accessible to all  
6 New Yorkers today and in future generations.

7 I look forward to continuing to  
8 work collegially and collaboratively with all  
9 stakeholders towards this end. Thank you.

10 CHAIRPERSON AVELLA: First of all,  
11 I want to thank the senator for his comments, but  
12 I would also let everybody know that we give  
13 extended courtesy to elected officials and  
14 representatives to go beyond the two minutes which  
15 obviously this did.

16 SETH ROBERT BERLINER: I appreciate  
17 that.

18 LEE COMPTON: Good morning. My  
19 name is Lee Compton. I'm pleased to testify on  
20 behalf of Manhattan Community Board 4 in whose  
21 district this project will be built.

22 The scale of this project is  
23 daunting and much of what will make this project  
24 successful is contained in the proposed  
25 restrictive declaration. I will confine my

1  
2 comments to this key document.

3           Because the scale of the project  
4 makes it likely that other developers will be  
5 involved, the restrictive declaration must be  
6 binding on any and all successors, not just the  
7 present declarant. In order to ensure public  
8 accountability, amendments or modifications should  
9 proceed through the City Planning Commission's  
10 authorization process. And in order to mitigate  
11 the years' long construction impacts of the  
12 project, the construction consultation process  
13 should be modeled on the successful related Time  
14 Warner project in which declarant was an active  
15 participant.

16           During the planning of the project,  
17 declarant made two major commitments to the city.  
18 if rental units are built onsite, some of those  
19 units will be affordable and buildings will be  
20 built to lead silver certification, the lowest  
21 energy conservation and sustainability standard.  
22 But in both of these cases, the restrictive  
23 declaration mandates only that if a commitment is  
24 not met, declarant must submit a report. That is  
25 not sufficient. The restrictive declaration must

2 specify a requirement to rectify the failure to  
3 achieve any commitment, not simply report the  
4 failure.

5 Finally, the restrictive  
6 declaration specifies a public access area  
7 easement in perpetuity for the benefit of the  
8 general public. This easement will create more  
9 than five acres of parkland but the proposed  
10 language in the revised zoning text and in the  
11 restrictive declaration treats it as if it were a  
12 public plaza. The governance provisions must be  
13 appropriate for five acres of public parkland, not  
14 for a small plaza adjacent to a building. They  
15 must be more similar to those of the Hudson River  
16 Park Trust or the Battery Park City Authority.

17 Thank you.

18 ELISA P. GERONTIANOS: Good  
19 morning. My name is Elisa Gerontianos, co-chair  
20 of Manhattan Community Board 4's Clinton/Hell's  
21 Kitchen Land Use Committee. I must begin this  
22 morning by pointing out that the area's  
23 infrastructure is already strained and simply  
24 cannot support such overwhelming new development  
25 without additional investment in our public

1 facilities.

2  
3 The most pressing need in the  
4 district is elementary seats. The proposed  
5 development only satisfies 57% of the district's  
6 needs. Not to mention the DEIS figures did not  
7 address a number of undeveloped sites that will  
8 certainly be developed over time. Therefore, we  
9 would like to see P.S. 51 used exclusively for  
10 elementary seating. Additionally, the cultural  
11 site now planned for the Eastern Rail Yard must  
12 involve a PS/IS component to address this  
13 shortfall. Financing must be codified in a point  
14 of agreement during the final approval of the  
15 proposed actions. And lastly, all of the  
16 certificates of occupancy for residential  
17 buildings should be withheld until the PS/IS is  
18 built.

19 This project will result in an  
20 increased demand for child care services by 33%.  
21 We request that the restrictive declaration  
22 include nominal rent to be charged for a  
23 predetermined space and employ a similar mechanism  
24 already approved by that City Planning Commission  
25 for the Clinton Park Development at 770 11th



2 Avenue to ensure mitigation measures that will  
3 fund day care slots is in place.

4 We cannot assume, as the DEIS does,  
5 that the firehouse committed as part of the Hudson  
6 Yards will be developed. We must identify a site  
7 now in addition to the proposed Hudson Yards  
8 firehouse to service this community properly. CB4  
9 would like to see this other firehouse located on  
10 West 30th Street to meet the FDNY's stated needs  
11 as noted in the Western Rail Yard's DEIS.

12 We recommend that a minimum 16,000  
13 square feet, not the proposed 8,000 square feet,  
14 be set aside and dedicated to small to midsize  
15 not-for-profit cultural uses and include theater,  
16 music, dance and visual performance as well as  
17 rehearsal space and be integrated throughout the  
18 proposed development with public access.  
19 Specifically, the restrictive declaration must  
20 include four 2,500-square foot performance  
21 rehearsal spaces in addition to six 1,500-square  
22 foot performance rehearsal spaces. Future culture  
23 space must be dedicated now to ensure the  
24 continued vibrancy of our city and our  
25 neighborhoods. Thank you.

2 EDWARD KIRKLAND: My name is Edward  
3 Kirkland. I'm co-chair of the Landmarks Committee  
4 of Community Board 4. Obviously there are no  
5 historic buildings on this site, but the impacts  
6 of this enormous development on its surroundings  
7 will almost be equally enormous and the indirect  
8 threat to historic buildings nearby by such a huge  
9 development will be immense. The EIS identifies a  
10 number of historic buildings in impacted areas but  
11 proposes as usual no mitigation. Already one  
12 building nearby identified as city landmark  
13 eligible in good condition, has disappeared  
14 seemingly overnight as soon as talk leaked out of  
15 landmarking in the area.

16 For the case of west Chelsea  
17 rezoning shows there is a practical remedy through  
18 mitigation. When Board 4 was planning for the  
19 area, we identified a possible historic district  
20 for the great industrial buildings there and at  
21 the end of the ULURP study of the area for  
22 landmarking including historic district was  
23 included in the points of agreement. Nobody can  
24 order the Landmarks Commission designate but it  
25 can agree to a study and these buildings are

protected by historic district.

In the area of the yards, there are two separate areas of interest. Just south of the rail yards, the block of 29th Street between 10th and 11th has an extraordinary sense of place.

Three buildings identified are significant and a number of others are the last survivors of the early industrial development in the area of the waterfront of which nothing else is left. A small district and/or individual landmark should be studied here.

East and north of the rail yards, the 34th Street corridor is bound to become the major approach to rail yards from midtown and the pressure for larger scale or for modern glass facades will eventually become enormous.

Unprotected buildings identified as historically significant extend western from Macy's to the New York Hotel, the old Manhattan Opera House, the Midtown Synagogue, the former Sloan Y, the extraordinary St. Raphael's Church complex and an old printers building cast concrete. All and many others are threatened in the long run and yet these are real treasures of New York. Some might

2 be included in an historic district; others can  
3 only be individual landmarks. But the essential  
4 thing is to mandate study of the wide area with  
5 view to protection of the city's history and  
6 architecture by landmark designation.

7 CHAIRPERSON AVELLA: Thank you.

8 The next panel will be a panel in support.

9 CHRISTIAN HYLTON: Anthony Borelli,  
10 Peter Mullan and Auzelle Epeneter.

11 CHAIRPERSON AVELLA: While this  
12 panel is being seated, I'd like to call upon  
13 Council Member Eric Gioia for his vote on the  
14 items that we heard this morning.

15 COUNCIL MEMBER GIOIA: Thank you,  
16 Mr. Chair, and I vote yes on them.

17 CHRISTIAN HYLTON: The vote now  
18 stands nine in the affirmative on LU 1272, 1270  
19 and eight in the affirmative, none in the negative  
20 and one abstention on LU 1273.

21 ANTHONY BORELLI: Good morning. My  
22 name is Anthony Borelli. I'm the director of Land  
23 Use for Manhattan Borough President Scott  
24 Stringer. Thanks for the opportunity to comment  
25 today on this very important project.

2 The Borough President reviewed this  
3 proposal several months ago as part of the ULURP  
4 process. He submitted his written recommendation  
5 which was fairly long and detailed back in August.

6 For the short time here, I'll just  
7 reiterate some of the Borough President's primary  
8 concerns and emphasize some of the things that he  
9 believes still need to be done.

10 I first want to say, the site is  
11 very big. It is three whole city blocks, 13  
12 acres. The proposed development is almost 6  
13 million square feet. It's very dense. It's an  
14 important project, important for the city. It's  
15 among the biggest that we have going on right now.  
16 It'll bring jobs and other economic benefits, new  
17 housing, additional school seats, lots of open  
18 space and cultural facilities. Importantly, the  
19 proceeds from the sale of the site will help the  
20 MTA's capital needs.

21 But it's also important to look at  
22 this project from a community perspective. That's  
23 why the Borough President was glad to see the  
24 developer agree to a number of important  
25 improvements to address environmental impacts and

1 concerns raised by both him and the community.

2 Among them lead silver, not just for the  
3 individual buildings but the project as a whole, a  
4 construction mitigation point that involves  
5 community members, the new school and design  
6 improvements that will truly integrate the site  
7 with the surrounding streets.  
8

9 But more should be done. Not one  
10 single affordable housing unit is guaranteed to be  
11 built on the rail yard site. I think that's a  
12 shame. The MTA selected this developer in part  
13 because of an affordable housing commitment.  
14 Almost every major rezoning undertaken by the city  
15 of manufacturing districts has involved the  
16 creation of onsite affordable housing. That's  
17 because affordable housing is desperately needed  
18 and diverse neighborhoods are better  
19 neighborhoods. The Western Rail Yard should be no  
20 exception.

21 The publicly accessible open spaces  
22 was a huge selling point and it's important that  
23 the advisory board governing the space has the  
24 right composition to make sure that it operates  
25 like a public entity rather than a private one.

2 This is to ensure closure policies, regulations  
3 around commercial use of the park and general  
4 rules and enforcement are very similar to those  
5 that we have for public parks.

6 The Borough President was glad to  
7 see the High Line acquisition process for the  
8 segment of the High Line above 30th Street to  
9 begin. He'd like to move forward with that as  
10 quickly as possible. The High Line also requires  
11 a maintenance and operations facility for the  
12 northern portion of the park. The Borough  
13 President urges the city to look for that space as  
14 soon as possible.

15 Also, site selection for the new  
16 school, that process has to begin as well. It's  
17 important for it to begin quickly so that the new  
18 school can be part of phase one construction on  
19 the rail yards.

20 There are a number of other things  
21 that I'd like to mention but I want to skip down  
22 to the DEP and the MTA sites. The rezonings that  
23 are before you now are to make those sites more  
24 easily developable for affordable housing. The  
25 Borough President supports that. But one thing

2 should be stressed now; the Borough President  
3 wants the MTA to abandon its ideas for using its  
4 site in part for office space. That space instead  
5 should be used to create more affordable housing.  
6 The future ULURP applications that are needed to  
7 actually develop the sites should not be finalized  
8 without community input. The community board  
9 should have sufficient time to provide meaningful  
10 input to the RFP process, the selection of the  
11 developer, the determination of the size and shape  
12 of those new buildings and also approval of the  
13 low income housing plan.

14 The Borough President has been  
15 working with the community board, the Hudson Yards  
16 Advisory Council, HYDC, all the local elected  
17 officials toward making this project as good as it  
18 can be and he supports the Speaker's and the  
19 Council's efforts toward that end. Thank you very  
20 much.

21 CHAIRPERSON AVELLA: Were you  
22 reading from a letter or is that your own  
23 testimony?

24 ANTHONY BORELLI: That is my  
25 testimony.



2 CHAIRPERSON AVELLA: Okay, because  
3 we don't have a copy of it and I was just curious  
4 if you wanted to make copies.

5 ANTHONY BORELLI: These were my  
6 statements. The Borough President's  
7 recommendation, it's like 20 something pages.  
8 It's filed and I can provide you copies of that.

9 PETER MULLAN: Good morning. My  
10 name is Peter Mullan. I'm the vice president for  
11 planning and design at Friends of the High Line.

12 First I want to thank the Council  
13 and Speaker Christine Quinn for their incredible  
14 past support of the High Line. The City Council  
15 has supported the High Line since 2000, since the  
16 very beginning of the advocacy process and its  
17 leadership throughout has made the High Line a  
18 reality. We would not be here today without you.

19 We've crossed a series of important  
20 milestones in the past. 2005, the City Council  
21 approved the site selection acquisition ULURP to  
22 acquire the High Line and this past June the first  
23 section of the High Line opened to the public.  
24 We've had about a million and a half visitors to  
25 date. So we really just can't be more pleased and

2 want to thank the Council for everything it's done  
3 to make that possible.

4 I'm here today because a large and  
5 significant portion of the High Line runs over the  
6 Western Rail Yard site. Our goal is simple;  
7 preserve the entire historic High Line at the rail  
8 yards and complete the High Line all the way to  
9 34th Street.

10 Today the Western Rail Yards  
11 rezoning represents another major milestone for  
12 the High Line and a significant positive step  
13 forward. The proposed text amendment requires  
14 that the entire High Line on the Western Rail  
15 Yards be reserved for public open space. This is  
16 a real victory for the High Line and represents  
17 real progress on the rail yards.

18 Furthermore, last month the  
19 Department of City Planning and Commissioner  
20 Burden announced that they would initiate the  
21 ULURP for site selection and acquisition of the  
22 High Line north of 30th Street. This ULURP will  
23 not guarantee preservation in and of itself, but  
24 together with today's rezoning, this action is a  
25 critical and necessary first step on the path

1  
2 towards development of the High Line on these  
3 sites. So this is all good. We ask for the  
4 Council's help in moving the actual acquisition of  
5 the High Line forward as quickly as possible.

6           There is one specific issue,  
7 however, in the proposed zoning that is an issue  
8 which needs to be resolved, which is that of  
9 maintenance space at this northern section. The  
10 High Line is very long but it's very narrow and  
11 it's a challenge to maintain. There is no way we  
12 can maintain the High Line on this portion of the  
13 site without some provision of space. We're not  
14 asking for very much but it really needs to be  
15 included in the plan. So we ask that that be  
16 added to the text. Thank you very much.

17           We also want to say that while  
18 we're very supportive of this text, we also  
19 acknowledge that there are a lot of other  
20 community concerns, most notably with affordable  
21 housing and we really support our community  
22 partners in those. Thank you.

23           AUZELLE EPENETER: My name is  
24 Auzelle Epeneter. I'm a staff member of Friends  
25 of the High Line. I'm reading a statement on

2 behalf of Michael Neal Gilbert. He's a member of  
3 Friends of the High Line.

4 CHAIRPERSON AVELLA: This has  
5 become an issue in the past. You're reading a  
6 letter for somebody else who is just a member of  
7 the Friends of High Line and you're just a member.

8 AUZELLE EPENETER: I'm a staff  
9 member.

10 CHAIRPERSON AVELLA: You're a staff  
11 member. This is a gray area but I'm going to ask  
12 that you just submit the letter for the record.

13 AUZELLE EPENETER: Okay.

14 CHAIRPERSON AVELLA: The reason I  
15 say this is there have been issues in the past  
16 where people have been given letters to read for  
17 other people and then the person who wrote the  
18 letter will say I didn't authorize that person to  
19 read the letter or that person read something or  
20 implied something that wasn't in the letter. The  
21 only situations we have been allowing is if you're  
22 representing an elected official or it's an  
23 organization and you're an employee of the  
24 organization. But just to read a letter from  
25 somebody else, I think you could just submit it

2 into the record.

3 AUZELLE EPENETER: Okay. Thank  
4 you.

5 CHAIRPERSON AVELLA: Thank you. We  
6 have a copy of that.

7 CHRISTIAN HYLTON: The next panel  
8 is a panel in opposition, Joe Restuccia, Sarah  
9 Desmond, Jean-Daniel Noland, and Dave Hanzel.

10 JOE RESTUCCIA: My name is Joe  
11 Restuccia. I'm the co-chair of the Housing  
12 Committee of Manhattan Community Board 4. We are  
13 speaking regarding the Western Rail Yards  
14 affordable housing.

15 Our first request and we have  
16 stated it over and over, that there should be 20%  
17 affordable housing onsite at the Western Rail  
18 Yards. We also believe there need to be  
19 additional sites added for the offsite housing.  
20 We have suggested 136 West 20th Street, a site  
21 owned by the Department of Sanitation, and 415  
22 West 40th Street, a site owned by the Port  
23 Authority.

24 It is important to develop more  
25 affordable housing offsite considering that there

1  
2 is no permanent affordable housing commitment  
3 onsite. Onsite there must be as part of this  
4 process a permanent affordable housing commitment  
5 that should encompass income bands of low,  
6 moderate and middle income persons.

7 Offsite we have also requested that  
8 there be preservation of existing Section 8  
9 housing in the Clinton community at 425 West 48th  
10 Street, 525 West 47th Street. Both buildings  
11 owned by the Related Companies. And 340 West 30th  
12 Street, also owned by the Related Companies.

13 Regarding SROs in the impact area,  
14 there are over 1,000 units of SRO housing, the  
15 most at-risk housing that exists in the city. We  
16 have asked the city and the city has actually  
17 begun a discussion to preserve SRO housing within  
18 the impact area.

19 There must be controls on  
20 demolition restrictions in this area. A  
21 commitment of Hudson Yards required there to be  
22 specific restrictions on demolition of affordable  
23 housing. That has not been yet put into place  
24 from 2005.

25 The existing 80/20 housing that

2 will be built on the rail yards, if it is actually  
3 done after it expires considering the public  
4 ownership of this site must be converted to  
5 moderate and middle income housing.

6 We are asking on the offsite  
7 housing that there be an agreement on the height  
8 limits for the existing buildings. This is a very  
9 important issue because the community is very  
10 serious about maintaining a very modest height on  
11 both of those sites. Thank you.

12 SARAH DESMOND: Good morning. My  
13 name is Sarah Desmond. I'm testifying this  
14 morning on behalf of the community board chair. I  
15 serve as the co-chair of the Clinton Land Use  
16 Committee and I'm also the executive director of  
17 Housing Conservation Coordinators.

18 My testimony this morning will  
19 focus on the 312 affordable housing units that are  
20 being developed offsite on the MTA and the DEP  
21 site.

22 While we support these projects,  
23 they are in fact the only permanently affordable  
24 housing that's going to come out of this project,  
25 out of this entire proposal. We have a number of

1  
2 changes that we ask be made.

3           The land disposition agreement tied  
4 to these projects must specifically delineate the  
5 units by income band as they will be developed.  
6 While HPD and the city have agreed to this, there  
7 is nothing in the documents as a mechanism that  
8 ensures that in fact they'll be developed as  
9 agreed. The LDA must also prohibit the use of  
10 these sites as a generating site for the  
11 inclusionary housing bonus. These sites are  
12 mitigation for the enormous bulk that's going to  
13 be developed in the Western Rail Yards. It cannot  
14 generate even more bulk within our community.

15           The MTA must also eliminate, as  
16 you've heard before from Senator Duane, the 30,000  
17 square feet that they have tried to reserve for  
18 office space. Instead that must be used for  
19 permanent affordable housing.

20           Finally, the height on both of  
21 these developments must be restricted to the  
22 proposed compromise that the community board has  
23 developed. The compromise that we worked out was  
24 a long community conversation that maximizes the  
25 affordable housing on the site and it limits the



1 height so that it has less impact on the Special  
2 Clinton District and its height restrictions.

3 This is particularly important on the DEP site on  
4 10th Avenue because the rezoning moves the  
5 building into what is called the Other Areas of  
6 the Special Clinton District which does not have  
7 the strict height requirements of the Special  
8 Clinton District. They do not need to seek a  
9 special permit in the future in order to build  
10 higher as it's been put out in the rezoning.

11  
12 In closing, the Western Rail Yards  
13 is the largest publicly owned development site  
14 left in Manhattan. To build more than six million  
15 square feet of development and it includes only a  
16 token affordable housing plan is irresponsible and  
17 it will set a precedent for other development  
18 citywide. I urge you to help us get a real  
19 affordable housing plan on this site. Thank you.

20 JEAN-DANIEL NOLAND: Good morning.  
21 My name is Jean-Daniel Noland. I'm a member of  
22 Community Board 4 and the Hudson Yards Community  
23 Advisory Committee. I was privileged to serve as  
24 chair of Manhattan Community Board 4. Thank you,  
25 Chair Avella and members of this committee for the

1  
2 opportunity to speak before you. I hope my  
3 comments will be helpful and I hope they will be  
4 brief.

5 I wish to make two general points  
6 about the planned open space on the Western Rail  
7 Yards and the offsite parks mitigation. This  
8 community bought into this project in large  
9 measure for the promise of community open space.  
10 But unless we take immediate and detailed steps  
11 now to plan the use of that space and how it will  
12 be managed, that promise will be derailed.

13 What must be done? First the open  
14 space must be made accessible, accommodating,  
15 inviting to and usable by the public. When the  
16 corporate masters of the universe are sitting at  
17 their desks on the 99th floor of their iconic  
18 office buildings, let them hear from down below  
19 the happy sounds of children playing, teenagers  
20 competing in games and seniors debating universal  
21 health care which we will still be doing ten years  
22 from now. To achieve that planning is critical.  
23 Unless we sit down now and plan how the open space  
24 is going to work and be used by all of the people  
25 that space will only be of benefit to some of the

1  
2 people.

3                   So how do we plan it? Well, we've  
4 got to involve the people who actually use the  
5 space, will use the space and the people who know  
6 how to design the space. That means working with  
7 the Parks Department, with the building owners,  
8 with the City Council, our representative.

9                   My second comment, and this is  
10 critical, who is going to manage that open space?  
11 Unless the terms of the governance are spelled out  
12 in detail now all the designing in the world won't  
13 give us a public space this community and this  
14 city can be proud of.

15                   Is there a model for a public space  
16 in a private department of this scale? Yes, there  
17 is. It's the so-called solo agreement thanks to  
18 this Council that worked it out. It was part of  
19 the restrictive declaration at the end of the  
20 ULURP against Solo's First Avenue properties. I'm  
21 sorry; may I have just a minute more? That's the  
22 old Con Ed site. March 24th, 2008, worked out by  
23 the Council and Solo and the city lawyers, and the  
24 BP's office and Community Board 6. It's very good  
25 but it's not adequate. It was hammered off after

2 all by an east side community board. This is a  
3 west side community board. We're a little more  
4 skeptical. I'll tell you one thing that's wrong  
5 with it.

6 FEMALE VOICE: [off mic].

7 JEAN-DANIEL NOLAND: I beg your  
8 pardon. The open space management board in the  
9 Solo agreement, half of the board was the  
10 declarants. It's even worse with this agreement  
11 because the open space advisory board has nine  
12 members, five appointed by the declarant, one  
13 appointed by the Hudson Yards Development  
14 Corporation and three others by those little minor  
15 stakeholders the Borough President, the Council  
16 and the Community Board. Where are the public  
17 space experts? Where is the Parks Department?  
18 We've got to have a governing body including  
19 community people and Parks people and they must  
20 have voting rights.

21 So let me sum up. The public space  
22 we've got to plan it now. The governance has to  
23 be done now. We've got to include the Parks  
24 Department. We can have something terrific but  
25 only if you make it happen. Thank you.

2 DAVE HANZEL: Good morning Chairman  
3 Avella and committee members. My name is Dave  
4 Hanzel. I'm the co-chair of the Housing, Health  
5 and Human Services Committee of Community Board 4.  
6 As it's been noted, the Western Rail Yards  
7 represents the largest publicly owned development  
8 site left in Manhattan with approximately six  
9 million square feet of market rate and commercial  
10 development. For a site this large it is  
11 astounding that an adequate housing plan has yet  
12 to be fully developed which provides permanently  
13 affordable housing for New Yorkers of all incomes.

14 Under the current proposal,  
15 approximately 400 residential units out of 5,000  
16 total, about 8%, will be affordable. Not only is  
17 this number of units grossly insufficient, the  
18 fact that none of the units will be permanently  
19 affordable is unacceptable.

20 Furthermore, the temporary  
21 affordable units developed under the states 80/20  
22 program will only be limited to rental housing and  
23 to those households earning less than 60% of area  
24 and median income. Board 4 values the rich  
25 economic diversity of our city and cannot support

1  
2 a project that does not also provide housing for  
3 moderate and middle income households, the  
4 backbone of our city.

5 I would like to take just a few  
6 moments to talk about how the City and State of  
7 New York are failing to get the maximum return on  
8 their respective investments of land and public  
9 subsidy on the Western Rail Yards site.

10 As part of my work for the  
11 association for neighborhood and housing  
12 development, we have begun to document how  
13 jurisdictions across the country demand much more  
14 when private development occurs on public land  
15 and/or with public subsidies.

16 The City of Boston requires that  
17 rental housing that receives any amount of city  
18 subsidy have a recorded covenant that mandates  
19 affordability in perpetuity.

20 The State of California has  
21 instituted a policy that requires a 55-year  
22 affordability term for projects that receive low  
23 income housing tax credits. Interestingly,  
24 Related has been an active tax credit developer in  
25 Los Angeles, and has committed to this

2 affordability term there. Why is New York not  
3 requiring that of Related here?

4 Public land is one of the few  
5 places where government can require that  
6 development addresses the housing needs of a broad  
7 range of New Yorkers. We must not miss this  
8 opportunity to promote development that is  
9 inclusive for all of our residents.

10 In order to support this project,  
11 Board 4 demands that a comprehensive affordable  
12 housing plan be developed that responds to the  
13 following priorities. One, not less than 20% of  
14 all residential units constructed onsite in the  
15 Western Rail Yards be permanently affordable.

16 Two, at least 50% of the affordable  
17 units built onsite and offsite be two bedrooms or  
18 larger for our families.

19 We cannot and will not support the  
20 Western Rail Yards development plan under the  
21 current proposal. We urge more affordable housing  
22 that is permanently affordable. Thank you.

23 CHAIRPERSON AVELLA: Thank you.  
24 Before we call the next panel, I'd like to call  
25 upon Speaker Quinn, whose district the Western

Rail Yards lies within.

SPEAKER QUINN: Thank you very much, Chairperson Avella. Thank you everyone on the panel and other folks who will be testifying. I just wanted to make a couple of statements on this very small tiny rezoning we're looking at today.

Members of Community Board 4 and the Hell's Kitchen/Clinton neighborhood have been working on a vision for the Western Rail Yards for nearly a decade, probably longer actually. Three years ago my office and the Bloomberg administration secured a commitment from the state that the development of this state-owned site would have to go through ULURP, the process we're in today, which is a very significant development and quite different than the process the ill-fated and ill-conceived stadium was going through.

Since the request for proposal stage, the current plan has had a number of significant improvements. The most significant is the reintegration of the street grid where West 31st and West 32nd Street were de-mapped decades ago. The reintroduction of the street grid



1  
2 visually divides the super block and creates a  
3 landscape more congruent with that of the  
4 surrounding neighborhoods.

5 Also, the city commitment to  
6 acquire the High Line on this site, putting the  
7 structure in the hands of the government to decide  
8 what the future of the line will be is an  
9 important improvement.

10 Another key improvement has been  
11 the recognition of the importance of specifically  
12 program space in the over five acres of open space  
13 design. Open space in this scale that lacks clear  
14 definition and purpose in my opinion tends to be  
15 perceived as less approachable from the public's  
16 perspective and that is absolutely not what we are  
17 looking for here. We are not looking for a park  
18 that has a sign public on it but is only used by  
19 the people who live in the buildings that abut it.

20 The changes I highlighted just now  
21 are not to say they're the only changes that we  
22 need, but they are noteworthy and we should be  
23 proud of them as well as proud of getting this  
24 project to go through ULURP. They give us a new  
25 lens to look forward as we talk about developing

1  
2 these sites. However, in developing this 13-acre  
3 site, we have to realize we are in essence  
4 creating a new neighborhood abutting a wonderful  
5 and vibrant neighborhood. Even with the  
6 modifications made at the City Planning  
7 commission, more improvements are still needed at  
8 this step in the process.

9 Now we've already, but we'll surely  
10 hear more today from community members about the  
11 most important areas that still need change. So  
12 let me close on one of the most important and that  
13 is the issue of housing. In the state and city  
14 agreement to seek a zoning change and develop the  
15 Western Rail Yards permanent affordable housing  
16 has always been a key goal. Part, not all, but  
17 part of achieving that goal is the New York State  
18 Housing Finance Agency committing to prioritize  
19 80/20 financing incentives for the Western Rail  
20 Yards site.

21 The MTA chose the Related Companies  
22 to develop this site from a number of proposals  
23 that were submitted. They had the strongest plan  
24 regarding affordable housing and I appreciate  
25 their leadership during that phase of the public

1  
2 process and not shockingly we'll now ask for even  
3 more. Now that we're reviewing the zoning, we  
4 expect from them a guarantee on the minimum number  
5 of permanent affordable units on site.

6 I also want to point out that as  
7 part of this ULURP there are two offsite  
8 affordable housing proposals that will be  
9 constructed on city-owned sites. Development of  
10 permanent affordable housing on city-owned sites  
11 has been a long term goal of Community Board 4. I  
12 look forward to implementing this important goal.

13 To create even more housing out of  
14 this rezoning, I support the efforts of Community  
15 Board 4 to look at additional city-owned sites  
16 that are located within the boundaries of the  
17 community board. Additionally, the community  
18 board is researching buildings that depend on  
19 affordable housing subsidies but may be in danger  
20 of coming out of these incentive programs as  
21 locations for affordable housing. What we don't  
22 want is this rezoning to create pressures that are  
23 going to push these buildings out of the program.  
24 It's very important and we're in conversations  
25 with HPD and I want to thank them for their

2 attention to this to make sure that doesn't happen  
3 with these buildings.

4 I look forward in the weeks ahead  
5 to work very closely with Community Board 4, other  
6 community members, HPD, Department of City  
7 Planning, HYDC and other city agencies as well as  
8 the Related Companies, who I do want to thank for  
9 spending so much time with us talking about these  
10 issues and all the time they will spend moving  
11 forward. I want to thank everyone to improve this  
12 proposal bring more housing and secure the vision  
13 the community has fought so long to achieve.

14 I really just want to thank  
15 everyone who is working in good faith on this  
16 project but in particular Community Board 4 who  
17 has given this the highest and most professional  
18 level of attention, no offense to other community  
19 boards, we love you too, but that I've ever seen  
20 to such an important and complicated project. But  
21 really I want to thank everyone because I believe  
22 everyone is working in good faith. I don't know  
23 why these Western Rail Yards things always seem to  
24 happen in December to screw up everybody's holiday  
25 shopping, but yet again here we are. But thank

2 you all very much. Thank you Chairperson Felder.

3 COUNCIL MEMBER FELDER: Thank you  
4 very much Madame Speaker. If the sergeant at arms  
5 can come here for a minute, can you add two chairs  
6 to the table because we're running a bit late and  
7 just coming and going it will hasten things up?  
8 Thank you.

9 CHRISTIAN HYLTON: The next panel  
10 is Jeffrey LeFrancois, Mitchell McGuire, Laura  
11 Caruso, Jackie Del Valle, Alison Tupper and  
12 Marguerite Yaghjian.

13 COUNCIL MEMBER FELDER: Whoever is  
14 willing to testify can begin. Are any of you  
15 interested in speaking? Please go ahead.

16 MARGUERITE YAGHIJIAN: My name is  
17 Marguerite Yaghjian and I'm a member of the West  
18 Side Neighborhood Alliance. I live in Chelsea and  
19 we need permanent affordable housing in this  
20 massive development.

21 I've heard for a long time that  
22 real estate runs the city. Emperor Bloomberg and  
23 the billionaires now own the city and this very  
24 building. The ugly high rises are rising even  
25 higher. This is to make room for all the

2 millionaires that Bloomberg publicly invited to  
3 come here. He doesn't care at all about the  
4 people or the neighborhoods or small businesses  
5 that are displaced.

6 Mega corporations like Related and  
7 the Wall Street vampires are feeding off taxpayer  
8 dollars without contributing anything towards city  
9 services, transportation or infrastructure. They  
10 display only arrogance and greed without any  
11 social conscience or civil responsibility. Could  
12 that be one of the reasons the subway system is  
13 falling apart and the bus service keeps getting  
14 worse and more expensive?

15 We have lots of new high rises for  
16 the rich who are coming but for those of us who  
17 are living here now, I see no new affordable  
18 housing, no new schools, no new libraries, and no  
19 new jobs that are permanent and pay a living wage.  
20 Did you hear how the rich Brooklyn developers  
21 screamed when they were asked to pay \$10 an hour  
22 to their workers? Did you hear about the billions  
23 the vampires are still making on Wall Street this  
24 year?

25 In the proposal before you today

2 it's Related that's calling all the plays.  
3 They're asking for rezoning that gives them  
4 everything and gives nothing to the children or  
5 the working and middle class people of the city.  
6 As Related gets richer they're getting poorer.  
7 It's not right. Before those vampires began to  
8 suck the life blood out of this city, New York  
9 built places like Penn South and Stuyvesant town.

10 COUNCIL MEMBER FELDER: Can you  
11 please finish up?

12 MARGUERITE YAGHIJIAN: I'm getting  
13 right near the end. I've just got this much more  
14 to go.

15 COUNCIL MEMBER FELDER: If you can  
16 please get to the end, not near the end, we would  
17 appreciate it.

18 MARGUERITE YAGHIJIAN: Okay. They  
19 came and created wonderful business and the magic  
20 that drew everybody to a wonderful town. Their  
21 kind can't afford to live here now. I call on you  
22 my representatives to stop the greed that's  
23 destroying our city and do not grant the rezoning.  
24 Start planning instead for a new more wonderful  
25 town. That's why we elected you. Please ensure

2 we have permanent affordable housing on the  
3 Western Rail Yards site. Thank you.

4 COUNCIL MEMBER FELDER: Next  
5 please.

6 MITCHELL MCGUIRE: My name is  
7 Mitchell McGuire. I speak to you on behalf of  
8 American Federation of Television and Radio  
9 Artists, AFTRA. I am the chair of the Housing  
10 Subcommittee of the New York Local. We are in  
11 favor of course of affordable housing but of the  
12 nature more like Manhattan Plaza than any other.  
13 That's our favorite model and Related owns  
14 Manhattan Plaza so they know all about how to run  
15 that type of model.

16 Any 80/20 model is not suitable for  
17 our members because we don't know. It's feast or  
18 famine. You might be on Broadway one year and on  
19 the unemployment the next. Many of our members  
20 are living in other places across the river and  
21 we'd like to all be near where we are employed  
22 which is mostly in Manhattan. We have a very dire  
23 interest in making sure that our members have  
24 permanent housing and permanent affordable housing  
25 in Manhattan and certainly this new project is an



2 opportunity to include our members in making that  
3 possible. Thank you very much.

4 COUNCIL MEMBER FELDER: Thank you  
5 very much. Next please.

6 JACKIE DEL VALLE: My name is  
7 Jackie Del Valle and I am director of organizing  
8 for Housing Conversation Coordinators, a 37-year  
9 old tenant and affordable housing rights  
10 organization in Clinton/Hell's Kitchen. HCC,  
11 which also coordinates a 600 member West Side  
12 Neighborhood Alliance, finds the Western Rail  
13 Yards rezoning plan seriously lacking in its  
14 onsite affordable housing commitment. This is a  
15 massive project of over six million square feet  
16 and 5,000 units yet the affordable housing being  
17 proposed onsite is not adequate, permanent or  
18 guaranteed.

19 The proposed onsite housing  
20 comprises only 20% of the total rental housing,  
21 not total residential housing. At the very least  
22 the onsite plan should include 20% of all  
23 residential housing as affordable, including co-op  
24 and condos. This Council recently passed  
25 legislation that expands the inclusionary bonus to

1  
2 include affordable home ownership. The Western  
3 Rail Yards presents an opportunity to apply that  
4 bonus and set an important precedent.

5           And even if it's 20% of all  
6 residential housing, it's still not enough. The  
7 development of this site will affect New Yorkers  
8 for generations to come and we need affordable  
9 housing right now and our future. The city is  
10 littered with half empty and half built luxury co-  
11 op and condos and luxury rentals. Further, as  
12 it's proposed, after 20 or 30 years, the  
13 affordable units will no longer be affordable and  
14 will be at market rents. It's not permanent nor,  
15 as the application is written, is it guaranteed.

16           Again, this is a huge project and a  
17 real opportunity to set an important precedent.  
18 If the city cannot provide permanent affordable  
19 housing in its negotiation here in Speaker Quinn's  
20 district who is an affordable housing advocate,  
21 where can it?

22           The needs of the community and the  
23 MTA can both be met. What we need is a real  
24 vision for providing affordable housing. Other  
25 cities through rezoning and development have

2 affordable housing and mixed income housing for  
3 30, 40 and 50% of their projects. This is an  
4 opportunity for New York City to be a leader in  
5 providing affordable housing for its citizens not  
6 a slave to real estate interests. Thanks.

7 COUNCIL MEMBER FELDER: Thank you.

8 Next please.

9 SARAH JOHNSON: Hi, my name is  
10 Sarah Johnson. I'm here to read testimony on  
11 behalf of Kevin Doyle, the executive vice  
12 president of SEIU 32BJ. I'm here to represent  
13 Laura to represent Kevin. Thank you to Chair  
14 Avella and to all the members of the committee for  
15 hearing this testimony.

16 I'm hear today to express concern  
17 regarding the redevelopment of the Hudson West  
18 Rail Yards, a project which will create  
19 approximately 5,000 apartments between 1.5 and 2  
20 million square feet of office and over 200,000  
21 square feet of retail space on one of the last  
22 large city owned parcels large enough to  
23 accommodate large scale development.

24 In addition to being built on  
25 public land, the Hudson West Rail Yards will

1  
2 benefit from a number of publicly subsidized  
3 infrastructure projects such as the expansion of  
4 the Number 7 subway line. However, the Related  
5 Companies has yet to fully articulate how hard  
6 working New Yorkers will share in these benefits.

7           These concerns are already being  
8 expressed by affordable housing advocates and  
9 community members who worry about the lack of  
10 permanently affordable units guaranteed. At the  
11 same time, Related has made no commitments  
12 regarding the quality of the hundreds of permanent  
13 building services jobs that will be created. 32BJ  
14 believes that here at the rail yards, as in all  
15 other New York City neighborhoods, development  
16 projects receiving or benefiting from public  
17 subsidy must create good jobs that benefit New  
18 Yorkers.

19           Large scale developments that  
20 create poverty level jobs for service workers  
21 create the illusion of shared economic prosperity  
22 while only exacerbating growing income inequality  
23 and do a disservice to workers and taxpayers in  
24 New York City.

25           Representatives from 32BJ were here

2 just last week to testify on another Related  
3 Companies project, the Kingsbridge Armory. The  
4 lack of meaningful commitments on the part of  
5 Related Companies to the creation of good jobs at  
6 both of these projects shows us why we need a  
7 citywide policy such as the one introduced at the  
8 Council last Monday to set a standard for such  
9 projects in the future.

10 In the absence of such a policy  
11 however, we must work now to ensure that this mega  
12 development makes a real commitment to hard  
13 working New Yorkers by guaranteeing good jobs. We  
14 strongly urge the Council to insist on such  
15 guarantees before approving the rezoning.

16 JEFFREY LEFRANCOIS: Thank you Mr.  
17 Chairman and Madame Speaker. My name is Jeffrey  
18 LeFrancois and I will be reading a portion of  
19 Assembly Member Richard Gottfried's five-page  
20 testimony which has been submitted.

21 My name is Richard N. Gottfried. I  
22 represent the 130,000 people who live in the 75th  
23 Assembly District in Manhattan which includes  
24 Chelsea, Hell's Kitchen, Midtown, part of the  
25 Upper West Side and Murray Hill. The district

1 includes the Eastern and Western Rail Yards.

2  
3 The Hudson Rail Yards gives us the  
4 opportunity to plan a new neighborhood. It must  
5 have diversity, housing opportunities for all  
6 incomes, open space, community facilities and  
7 school, and public transportation access. The  
8 recommendations made by Community Board 4, the  
9 Hudson Yards Community Advisory Committee, the  
10 local elected officials and me would help make  
11 sure that the Hudson Yards meets these standards  
12 and is a successful development.

13 The Rail Yards development will  
14 have a massive impact on the surrounding area and  
15 steps must be taken to mitigate that impact. The  
16 scale and density of the buildings is  
17 overwhelming. An FAR of this density would  
18 overtax public resources including streets,  
19 sidewalks and transportation systems and the  
20 environment and escalate excessive development and  
21 secondary displacement pressures on nearby  
22 neighborhoods.

23 It is inappropriate and inaccurate  
24 to characterize the plan as having an FAR of 10  
25 because that calculation includes the open space

2 and streets. This violates standard practice in  
3 New York City. If the FAR is properly calculated  
4 by counting only the footprints of the building  
5 sites, the FAR would be approximately 25, an  
6 extraordinary and excessive density.

7 A key element of the guidelines for  
8 the plan is the extension of the Manhattan Street  
9 grid and establishment of open space on this site.  
10 To use this as a justification for jacking up the  
11 FAR to 25 violates the principles of the  
12 guidelines and decent planning.

13 There must be substantial permanent  
14 affordable housing on this site. The proposed 350  
15 to 400 onsite affordable units, a mere 8% is  
16 woefully unacceptable. The plan proposes to put a  
17 small token of affordable units onsite and puts  
18 the rest away in another neighborhood. This  
19 sounds like redlining. No less than 20% of the  
20 units should be permanently affordable to enable  
21 low, moderate and middle income families to live  
22 onsite.

23 This must apply to all forms of  
24 housing, rentals, cooperatives and condominium  
25 units. Exempting co-op and condo units from

1  
2 affordability requirements dramatically and  
3 unacceptably reduces the number of affordable  
4 units. When cooperatives and condominium units  
5 are included in affordable housing options, it  
6 ensures a more diverse neighborhood and allows for  
7 individuals and families to grow within the  
8 community.

9           People in the community have spoken  
10 out strongly against making exceptions to this  
11 Clinton Special District height limits. The  
12 Clinton Special District has served the community  
13 and the city well and it is important to protect  
14 it. The building for affordable housing on the  
15 DEP site on 10th Avenue which will be funded by  
16 open space should go no higher than 76 feet.  
17 Although this would be an exception to the Special  
18 District, I can accept the permit on that  
19 condition and that 50% of the units must be family  
20 sized to promote balanced neighborhood growth.

21           At the MTA site on 9th Avenue, the  
22 frontage along 9th Avenue should go no higher than  
23 85 feet. Also, the 30,000 square feet of MTA  
24 office space must be eliminated.

25           The redevelopment of the High Line



2 has been extraordinarily successful and developers  
3 should see it as an exciting challenge to be met  
4 with architectural ingenuity and a gateway for  
5 distinct marketing opportunities. The High Line  
6 should continue to be a venture that is maintained  
7 by the city and Friends of the High Line, not  
8 private building owners.

9 If this development is done right,  
10 incorporating these recommendations, New York City  
11 will create a new and proud chapter in urban  
12 planning. Thank you for allowing me to comment on  
13 this important proposal.

14 ALLISON TUPPER: My name is Allison  
15 Tupper. I'm a member of the West Side  
16 Neighborhood Alliance and an advocate for  
17 affordable housing in all five boroughs, but  
18 especially of course in my neighborhood.

19 The affordable housing in this plan  
20 is not acceptable. We need both onsite and  
21 offsite affordable housing. We need 30% and we  
22 need it to include the co-op and condominium  
23 because we want the diversity.

24 I'm particularly horrified by the  
25 plan to make exceptions to the Clinton Special

2 District height requirements because of the  
3 precedent that they would set and because of the  
4 disruption and damage that they would do to our  
5 sunlight in the Clinton Special District. We need  
6 to protect that.

7 Those are the main points. Thank  
8 you very much.

9 CHAIRPERSON AVELLA: Thank you. We  
10 will now call the last panel.

11 CHRISTIAN HYLTON: Kathleen McGee,  
12 Jan Levy, Anita M. Black, Vivian Riffelmacher,  
13 Michael Gary and Delea Garzonelli [phonetic].

14 KATHLEEN MCGEE TREAT: Thanks for  
15 this opportunity to speak. I'm Kathleen McGee  
16 Treat. I represent the Hell's Kitchen  
17 Neighborhood Association.

18 Thank you again for the opportunity  
19 to speak. We applaud State Assembly Member  
20 Brodsky's success in requiring full transparency  
21 from public authorities, most significantly for us  
22 the dysfunctional MTA. From the very start of the  
23 Hudson Yards process, the MTA has behaved like any  
24 voracious private corporation. The fact that it  
25 is the MTA insisting that a lucrative office

1  
2 building go on this residential site speaks for  
3 their grasping anything for a dollar motivation.  
4 We must all remember that the MTA is not a private  
5 entity and that its first duty is to the citizens  
6 of New York.

7                   With all due respect to Community  
8 Board 4, we are not grateful for crumbs. We must  
9 ask why the meager affordable housing offered us  
10 is segregated. Why is it not all onsite? Not  
11 only is it not onsite; those two sites in our  
12 neighborhood are nowhere near the Hudson Yards.  
13 We want those sites for playgrounds.

14                   The current plan for the Hudson  
15 Yards is a travesty. Throw it out. Once we  
16 replace the 80/20 financing with a more rational  
17 program for New Yorkers we can begin again.  
18 Remember that Peter Cooper Village and Stuyvesant  
19 Town were built for returning GIs. Where are our  
20 veterans to live now, certainly not in those  
21 upscale penthouses in the sky?

22                   The City Council has the  
23 opportunity to do something heroic, replace those  
24 homes lost to us. Put them on the Hudson Yards.  
25 Thank you very much.

2 VIVIAN RIFFELMACHER: Thank you,  
3 Chair and the Council for this hearing. My name  
4 is Vivian Riffelmacher. I'm also a member of West  
5 Side Neighborhood Alliance. I myself recently  
6 relocated up to Washington Heights.

7 I just want to say that for Related  
8 to offer only 4-8% of this entire development as  
9 affordable housing and for this to expire in 20 or  
10 30 years is unacceptable. Related has stated they  
11 cannot afford to include permanent affordable  
12 housing yet they have included vast open spaces as  
13 well as office space. As it is, this development  
14 will not be vibrant or part of the fabric of any  
15 community. It will be empty, like the many luxury  
16 developments around the city which are still  
17 sitting 93-99% vacant, or serving only as  
18 investment properties for real estate speculation.

19 There is little to no  
20 infrastructure. We have one school planned for  
21 this project but there are no hospitals and no  
22 firehouses.

23 We need housing for the working  
24 people of New York and those people should not be  
25 segregated to offsite locations. A community

2 cannot consist of a single demographic. Thank  
3 you.

4 DELEA GARZONELLI: Good morning.  
5 My name is Delea Garzonelli. I am the board  
6 member of Chelsea Cultural Partnership and a  
7 public member of Community Board 4 Housing, Health  
8 and Human Services.

9 Five years ago this past July, New  
10 York City Council and the Office of the Mayor  
11 voted on a rezoning plan agreement for West  
12 Chelsea and Hudson Yards Hell's Kitchen/Clinton.  
13 The agreement called for the creation of  
14 affordable housing within both locations. While  
15 thousands of luxury buildings have already been  
16 built we are still waiting for the affordable  
17 housing.

18 Here we are again confronted with  
19 almost similar circumstances. The difference this  
20 time is that the city through HPD is asking this  
21 body to facilitate building affordable housing  
22 offsite of the Western Rail Yards, enabling a  
23 developer to build one of the most exclusive  
24 enclaves in the history of New York City.

25 As proposed, this 13-acre site will

1  
2 be a place of extraordinary deluxe high rise  
3 buildings and the residence for the richest  
4 individuals and corporations in our city. This  
5 extravagant district will burden severely our  
6 sewage, fire, police and transportation  
7 infrastructures. It will not include a much  
8 needed hospital in our community.

9 I have surveyed carefully  
10 Yorkville, Carnegie Hill and Sutton Place, the  
11 most affluent neighborhoods in our city. I have  
12 found that in none of them there is a 13-acre  
13 radius without affordable housing. The creation  
14 of an exclusive district on such a grand scale is  
15 unprecedented in the history of our city. New  
16 York City is known for its ethnic and religious  
17 diversity. We live side by side as one big family  
18 of New Yorkers regardless of our financial  
19 accomplishments.

20 A significant amount of affordable  
21 housing and permanent affordable housing must be  
22 included on the Western Rail Yards, not offsite;  
23 otherwise this City Council will be the first one  
24 in the history of New York City responsible for  
25 creating the most exclusive, privileged and

2 segregated enclaves in our city.

3 ANITA BLACK: Good afternoon. I'm  
4 Anita Black, representing the West Side  
5 Neighborhood Alliance. We're here to state that  
6 the onsite affordable housing being offered is  
7 gratuitous. There is no permanent affordable  
8 housing onsite and even the possibility of 20% of  
9 low income is in question "subject to the  
10 allocation of sufficient tax exempt bond cap or  
11 other equivalent low cost financing" which comes  
12 out of the restrictive declaration. In other  
13 words, no money then no low income housing.

14 The residents of this community  
15 don't need more high income rental housing. We  
16 need permanently affordable housing. We don't  
17 need condos with more studios and one bedroom  
18 units. We need moderate and middle income  
19 permanently affordable housing with two and three  
20 bedroom units.

21 The Council just passed a  
22 resolution for inclusionary zoning for affordable  
23 co-op/condo home ownership. Why can't this be  
24 considered for this site?

25 Lastly, even if 20% of all

2 residential units were considered, it's still not  
3 adequate for the number of residential units being  
4 planned compared with how large the site is. Is  
5 this the best that can be done?

6 We recommend that 50% of two  
7 residential buildings being considered provide  
8 permanently affordable housing, one building for  
9 permanently affordable rental units and one for  
10 home ownership units. The Council and Speaker  
11 Quinn are our last line of support. Your positive  
12 position on the need for permanently affordable  
13 housing is on the record and well known. We're  
14 counting on you. Thank you.

15 MICHAEL GARY: Good afternoon. My  
16 name is Michael Gary. I have a casual affiliation  
17 with New York Climate Action Group and Rain Forest  
18 Relief but I am not representing them. I  
19 represent myself as a citizen and what I like to  
20 think as a passionate conservationist.

21 I have a different slant on this  
22 issue. Since city funding is involved in this  
23 project, our mayor has shown a penchant in  
24 projects that bear his mark for using Ipe, a rare  
25 and diminishing wood from a rare tree in the



2 Brazilian rain forest as well as greenheart and  
3 teak from the east which is virtually eliminated.  
4 The benches in the refurbished High Line are  
5 themselves made of Ipe. Where abundant  
6 substitutes have been suggested but have fallen on  
7 deaf ears.

8 The renovations in the parks,  
9 including the boardwalks that circumvent Lower  
10 Manhattan while aesthetically pleasing to the eye  
11 have likewise decimated the Brazilian rain forest  
12 of Ipe. Only a small central core from each tree  
13 is used. An enormous acreage of land in the rain  
14 forest has been bulldozed and cleared and  
15 indigenous species are threatened.

16 For these reasons and my concern  
17 for the further devastating environmental impacts  
18 and the reasons I suggested, I request that the  
19 application be denied unless both the rain forest  
20 and tree protections are secured. Thank you very  
21 much, Chairman.

22 CHAIRPERSON AVELLA: Normally I  
23 don't comment on individual speeches. But I got  
24 to tell you, you're absolutely right and it's  
25 interesting that Mike Bloomberg went to some sort

2 of environmental conference and stated that the  
3 city was no longer going to use rainforest timber.  
4 Yet, the city has been doing it consistently. So  
5 I appreciate your testimony.

6 JAN LEVY: Chairman Avella and  
7 members of the City Council Subcommittee on Zoning  
8 and Franchises good afternoon. I'm Jan Levy, a  
9 former member of Community Board 7 in Manhattan.  
10 I'm here to wholeheartedly support rezoning to  
11 assure that the High Line will remain and be used  
12 as open space.

13 For that end, that part of the  
14 structure north of 30th Street must be rezoned and  
15 acquired by the city as recommended by the City  
16 Planning Commission. I strongly urge this  
17 committee to approve the rezoning of this last  
18 portion to enable the completion of the High Line.

19 Now if I may, a bit of personal  
20 history from one who has long understood the  
21 special quality of the High Line and held high  
22 hopes for its rescue and rehabilitation.

23 I was first up on the High Line  
24 illegally I confess in the 1980s when it was in  
25 its naturally evolved wild state. My dear friend,

1  
2 the late Peter Obletz, a railroad buff was  
3 dedicated and determined to save this unique  
4 property. Over time he made his case with CB4,  
5 community groups and virtually anyone who would  
6 listen. At that time he envisioned a practical  
7 use such as moving goods as originally intended or  
8 even construction debris. The city was just  
9 entering a period of considering development to  
10 formerly overlooked areas, the far West Side among  
11 them. That is why I'm always grateful for an  
12 opportunity to testimony in support of achieving  
13 the full potential of a unique and extraordinary  
14 public amenity.

15 Each time the City Council  
16 committee holds the mandated public hearings and  
17 the future of the various sections of the High  
18 Line come under review; loyal supporters turn out  
19 to express their unqualified approval. This part  
20 of the High Line is extremely important to  
21 experiencing the planner's innovative concept.  
22 Walking up the gentle rise, one marvels as the  
23 cityscape gradually comes into view to the east  
24 while the Hudson River and New Jersey appear to  
25 the west. The contrast is remarkable and can only

1  
2 been seen and appreciated from this vantage point.  
3 It would make no sense to eliminate this original  
4 portion which serves to introduce the visitor to  
5 this singular setting and vista.

6           There is undeniably strong and  
7 widespread support for the High Line. I'm last;  
8 may I just go on please? This is its first year  
9 of being open to the public and it has surely set  
10 records for popular acceptance. Indeed, it is a  
11 new and exciting destination that has already had  
12 a positive economic impact on the sought after  
13 venues in the meat packing district and the  
14 critical mass of art galleries in the Chelsea  
15 area.

16           CHAIRPERSON AVELLA: Ma'am, you're  
17 not last and I would ask that you sum up at this  
18 point.

19           JAN LEVY: Oh, I'm sorry. I  
20 thought I was. I'm just saying when the Whitney  
21 opens it will certainly add to the quality of the  
22 area. Mr. Chairman and members of the  
23 subcommittee, we have come so far with your  
24 support and the support of Community Board 4, the  
25 Manhattan Borough President, Congressman Nadler,

2 the mayor, the elected officials representing the  
3 area as well as area residents and all who  
4 appreciate the importance of this precious  
5 amenity. Let us close the circle. Let us make  
6 the High Line whole. Let us enable the planners  
7 and designers whose brilliant imagination has  
8 already created a world class destination--

9 CHAIRPERSON AVELLA: [interposing]  
10 All right, I'm going to have to--

11 JAN LEVY: [interposing] I'm  
12 closing. Let us give them the approval for what  
13 they have done and let us allow them to finish the  
14 job. Thank you, Mr. Chairman.

15 CHAIRPERSON AVELLA: I would  
16 mention that I think this person was called up in  
17 accident because she's obviously in favor of the  
18 project so it should have been a separate panel.  
19 I apologize to everybody. We have one last  
20 speaker and then we are trying to arrange the  
21 administration to come back for Kingsbridge  
22 Armory.

23 CHRISTIAN HYLTON: Christine  
24 Burthet.

25 CHAIRPERSON AVELLA: By the way,

2 for the last panel that was in opposition, I  
3 couldn't have said it better myself. I'm in  
4 agreement with you.

5 CHRISTINE BERTHET: Thank you,  
6 Chairman Avella. My name is Christine Berthet.  
7 I'm the co-chair of the Transportation Committee  
8 of Community Board 4. As we all know,  
9 transportation is an afterthought so that's why  
10 I'm speaking after everybody.

11 The CB4 would applaud a transit-  
12 oriented development on the Hudson Yard with a  
13 \$2.5 billion investment in transit. But CB4  
14 opposes a development with 1,600 parking spaces  
15 and only 300 affordable housing, what I call a  
16 traffic-oriented development.

17 The special permits application to  
18 increase off-street parking by 25% over the  
19 current as-of-right zoning is at odds with the  
20 public investment in transportation and the  
21 mayor's PlaNYC 2030. The City adopted the central  
22 business parking zoning in 1982 to bring the city  
23 in compliance with the federal Clean Air Act.  
24 From a technical standpoint, one of the findings  
25 required to grant a special permit will not be

1 met. The 30th Street parking garage site will  
2 create and exacerbate serious traffic congestion  
3 and will inhibit both vehicular and pedestrian  
4 movement.  
5

6 Motorists making a left turn from  
7 12th Avenue to West 30th Street currently  
8 experiences delays of 5 to 6 minutes. In the  
9 future, about 1,200 cars will each idle about 6  
10 minutes in the morning and the afternoon on the  
11 West 30th Street between 12th and 11th Avenue.  
12 That's a 500% increase from current numbers. This  
13 street is very, very bad. That's the entrance to  
14 Lincoln Tunnel. Claiming that there is no impact  
15 on the traffic there is not reasonable.

16 The City Planning indicated that  
17 they have based their parking ratios on a recent  
18 settlement reached with HKNA for the overall  
19 Hudson Yard. The Council must ensure that all the  
20 relevant ratio terms and conditions of the  
21 settlement are incorporated. Lower parking ratio  
22 for affordable housing, physical separation of  
23 entrances and space for commercial and residential  
24 and physical limitation on the parking capacity to  
25 match the number allowed for residents only.

2 Finally, there is a better use for  
3 this excess parking space. We need a charter bus  
4 garage and that would be a perfect location for  
5 it. We recommend that the special permit for  
6 parking be denied and the CBD's as-of-right ratio  
7 be used and a bus parking garage be housed in the  
8 spare capacity. Thank you.

9 CHAIRPERSON AVELLA: Thank you.

10 That ends our public hearing on the Western Rail  
11 Yards. I did mention that would not be voting on  
12 this item. I am now trying to find out what's  
13 going on. They're on their way in I understand.  
14 So we'll take a five minute recess and then we'll  
15 proceed with the Kingsbridge Armory issue.

16 [Pause]

17 CHAIRPERSON AVELLA: Good  
18 afternoon. It is afternoon right now. I  
19 appreciate you all coming back because we had  
20 mentioned that we may have additional questions.  
21 I also understand that within the next 15 minutes  
22 you're going to be meeting with the Bronx  
23 delegation. So, many of the members who would  
24 normally have come to my committee to ask  
25 questions will be meeting with you. So basically



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I think Council Member Koppell is going to hold his questions until the Bronx delegation. We only have one question from Council Member Sears and then we will release you to meet with the Bronx delegation.

COUNCIL MEMBER SEARS: Actually, I'll forgo that question because I think meeting with the delegation is very key.

MALE VOICE: Thank you very much.

CHAIRPERSON AVELLA: It was probably a smart move on your part to meet with the delegation. Thank you for coming back. That closes this meeting of the Subcommittee on Zoning and Franchises.

C E R T I F I C A T E

I, Donna Hintze certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature *Donna Hintze*

Date December 2, 2009