

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON LAND USE

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October 11, 2017
Start: 11:58 a.m.
Recess: 12:20 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E: DAVID G. GREENFIELD
Chairperson

COUNCIL MEMBERS:

- YDANIS A. RODRIGUEZ
- VINCENT J. GENTILE
- ANNABEL PALMA
- DANIEL R. GARODNICK
- DARLENE MEALY
- ROSIE MENDEZ
- PETER A. KOO
- BRAD S. LANDER
- STEPHEN T. LEVIN
- DEBORAH L. ROSE
- JUMAANE D. WILLIAMS
- DONOVAN J. RICHARDS
- INEZ D. BARRON
- ANDREW COHEN
- BEN KALLOS
- ANTONIO REYNOSO

COUNCIL MEMBERS (CONTINUED) :

RITCHIE J. TORRES

MARK TREYGER

RAFAEL SALAMANCA, JR.

BARRY S. GRODENCHIK

[gavel]

CHAIRPERSON GREENFIELD: Thank you, good morning. My name is David Greenfield, I'm the Council Member from the 44th council district in Brooklyn. I'm privileged to serve as the Chair of the Land Use Committee. I want to welcome my esteemed colleagues who are members of the committee who have joined us today. I first want to thank Council Member Peter Koo for being early today, thank you Chair Koo. I want to welcome as well Council Member Gentile, Palma, Garodnick, Mendez, Lander, Chair Richards, Cohen, Kallos, Torres, Grodenchik, Chair Salamanca and we've also have been joined by Council Member Perkins. I want to thank all of you for joining us today, I especially want to thank Chair Salamanca, Chair Richards and Chair Koo for their outstanding work on our Land Use Subcommittee. Today we will be voting to approve with modifications Lower Concourse North applications LU 747 through 750. This application submitted by the New York City Economic Development Corporation seeks approval of a disposition of city owned properties zoning map amendment, text amendment and a special permit. These approvals will facilitate the development of a site located on the Harlem River

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2 just north of 145th Street Bridge in the Bronx. The
3 proposed element would include over 100,000 units of
4 housing and a mix of retail, office and community
5 facility uses and a significant amount of publicly
6 accessible open space. The modifications will remove
7 MIH option two and add the deep affordability option.
8 Option one will be retained so essentially, we're
9 going to have option one and an additional deep
10 affordability option will apply to the site.
11 Additionally, the height of phase two project will be
12 reduced from 400 feet to 375 feet. The development
13 site is located in the Speakers district. The Speaker
14 couldn't be here today but she asked that I read this
15 brief statement on her behalf. So, on behalf of the
16 Speaker I will now read her statement. Throughout the
17 ULURP process I've heard the concerns voiced about
18 this project and have worked hard to ensure this
19 project responds to them and brings quality open
20 space, community facility, and cultural space and
21 much needed affordable housing to the South Bronx
22 community. On open space the project will deliver
23 approximately 2.6 million areas... acres of open space,
24 a waterfront expansion of Mill Pond Park and a public
25 plaza along Exterior Street. The developer will also

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2 be required to incorporate a publicly accessible
3 bathroom as part of the phase one project. EDC and
4 Parks will complete along the promised park one that
5 was mapped as part of the 2009 Lower Concourse
6 rezoning at 144th Street. The city is currently going
7 through the condonation process to acquire the mapped
8 parkland located along the Harlem River waterfront at
9 East 144th Street in order to develop a new
10 waterfront park. The Speaker continues, additionally
11 the Parks Department will invest in existing open
12 space through the allocation of 6.8 million dollars
13 of funding in the Bronx Community District four to
14 reconstruct the Franz Sigel ball field. This will
15 compliment council funding for this field in FY 2018.
16 On affordability, phase one will contain 600
17 permanently affordable units of housing including
18 deeply affordable units at the following income
19 levels. At least 20 percent for households earning no
20 more than 30 percent AMI including 10 percent of
21 formally homeless households. At least 30 percent of
22 units at or below 60 percent of AMI, at least 20
23 percent of units at or below 80 percent of AMI, at
24 least 15 percent of units at or below 100 percent of
25 AMI and no units will exceed 130 AMI. Phase two of

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2 the development will include the following parameters
3 on affordability; 20 percent of units at 30 percent
4 of AMI or below, 30 percent of units between 31 and
5 60 percent of AMI, 30 percent of units between 60 and
6 30... 130 percent of AMI, a maximum of 20 percent of
7 units and a market rate of, of 130 percent. On
8 height, in response to community board four concerns
9 the Speaker has capped the height of the building
10 from phase two will be capped at 375 feet. On
11 schools, the Speaker continues, I'm happy to announce
12 that the city will assign a new approximately 572
13 seat school located within district three at 639th
14 Saint Ann's Avenue to help address the school seat
15 impact. Finally, on community space, this project
16 will provide a large amount of community facility
17 space that is slated to include the Universal Hip Hop
18 Museum, a movie theatre, local non-profit Bronx space
19 for other community serving uses. I want to thank the
20 Development Team, L and M Development parties and
21 type A Projects for discussion thus far and for their
22 commitment to ongoing discussions with the community
23 and EDC, and City Parks Community Board four and the
24 Council Staff for their hard on work on this project.
25 That concludes the remarks from the Speaker. Moving

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2 onto our agenda for the day we will also be voting on
3 a Resolution to approve with modifications LU 763,
4 the Pop and Poor application for revocable consent to
5 operate an unenclosed sidewalk café located at 200
6 Dyckman Street in Manhattan in Council Member
7 Rodriguez's district. The application proposes 12
8 tables and 24 chairs however given the proximity to a
9 subway entrance the heavily trafficked nature of the
10 street and the fact the plan erroneously shows a 13-
11 foot frontage and it actually measures only ten feet,
12 the council's modification is limiting the sidewalk
13 café to six tables and 12 chairs. We will also be
14 voting to approve pre-considered LU's related to the
15 Northeastern Towers Annex rezoning to propose an
16 action of zoning map amendment and text amendment to
17 apply MIH would facilitate the development of a new
18 ten story affordable senior housing building with
19 approximately 147 units at 131-110 Guy R. Brewer
20 Boulevard in the Springfield Gardens neighborhood of
21 the Queens. The proposed development is in addition
22 to the existing 12 story residential building
23 comprised of 110 affordable units for seniors. The
24 new construction will include a senior center,
25 community room, library, media rooms and numerous

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2 common spaces. The rezoning from R3X to R6 would
3 bring existing building into compliance and allow for
4 more affordable housing. MIH options one and two will
5 apply to rezoning area. We'll be voting to approve
6 with modifications to 1675 Westchester Avenue
7 applications, LU 752 and 753 and pre-considered
8 Article 11 tax exemption. The zoning map amendment
9 which changes existing R6 zoning district R8AC2-4
10 district. The zoning text amendment would apply to
11 the mandatory inclusionary housing program. These two
12 approvals would facilitate the development of a 220-
13 unit, 13 story, mixed use building located at 1675
14 Westchester Avenue in Council Member Palma's district
15 in the Bronx. The council's modification will be to
16 remove MIH option two and to replace it with MIH
17 option one. The project will be 100 percent
18 affordable with incomes ranging from 30 percent to 80
19 percent of AMI. I just want to recognize that we were
20 just joined by Council Member's Rose, Treyger,
21 Williams, and Kallos. And continuing our agenda for
22 the day we will also be voting to approve LU 757 and
23 758, the 134... 5... 135-01 35th Avenue rezoning. The
24 zoning map amendment will change existing M1-1 zoning
25 district to an R7A district and the zoning text

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2 amendment would apply the mandatory inclusionary
3 housing program. These two approvals will facilitate
4 the development of a nine-story residential building
5 located at 135-01 35th Avenue in Queens in Council
6 Member Koo's district. Are there any questions or
7 remarks on these applications? Council Member Palma
8 is recognized for some remarks on... [cross-talk]

9 COUNCIL MEMBER PALMA: Thank... thank you...
10 [cross-talk]

11 CHAIRPERSON GREENFIELD: ...a wonderful
12 affordable housing project in her district.

13 COUNCIL MEMBER PALMA: Thank you Mr.
14 Chair. I just want to again say some brief remarks. I
15 want to thank everyone who worked diligently on the
16 project located at 1675 Westchester Avenue; Mayor De
17 Blasio, Speaker Mark-Viverito, Committee Chair
18 Richards, yourself Mr. Chair, Joe Taranto, Rod... Raju
19 Mann, Jeff Ewing, and Amy Leviton and the entire team
20 that have been working around the clock this past
21 week to make sure that we were able to come out with,
22 with a good project of affordable housing for my
23 district. From the beginning I was confident that
24 this development had significant potential and, and
25 much needed affordability for those people that live

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2 in my district and in the Bronx. The Acacia Network
3 is known for building culturally responsive health
4 and housing programs while Phipps Houses remains a
5 long standing, non-for-profit developer of affordable
6 housing. I, I am so grateful and thankful that Phipps
7 and Acacia have committed to addressing any and all
8 the outstanding issues that they were dealing with
9 not only in my district but in other.. in, in other
10 areas of the Bronx as well. Together these community
11 partners have worked closely with 32BJ, SEIU to
12 produce a develop... a develop... a development plan that
13 will not only benefit our affordable housing market
14 but will protect our property service workers by
15 providing good paying jobs with appropriate benefits.
16 I must extend my sincere gratitude to all parties
17 again who collaborate.. who were working together to
18 make sure these efforts reached a, a... in my view what
19 is a good agreement and I will encourage them to
20 continue to work to make sure that we can get the
21 best resolution from the issues that were.. we were
22 dealing with at hand. I fully support the 1675
23 Westchester Avenue development without any
24 reservation and I look forward to bringing this
25 affordable housing development to my district, thank

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2 you so much again for all your work and I look
3 forward to my colleagues supporting this project.

4 CHAIRPERSON GREENFIELD: Thank you
5 Council Members, the Chair recognizes Chair Koo for
6 some comments as well.

7 COUNCIL MEMBER KOO: Thank you Chair
8 Greenfield. I'd like to ask my colleagues this... my
9 colleagues to support LU 757, 758 rezoning of 135-01
10 35th Avenue and M1-1 to R7A which will allow for a
11 residential building. This building will also provide
12 the MIH option two requiring at least 30 percent of
13 the full area to be affordable housing and, and, and...
14 [clears throat] excuse me... an average of 80 percent
15 AMI. This will mean a mixed... this will mean a maximum
16 income of 68,000 for six... for 1,660 monthly rent, it
17 will bring nine units at 60 percent AMI, nine units
18 at 80 percent AMI and nine units at 100 percent AMI.
19 All told this property will create 93 units in total
20 with 27 being affordable. The developer has also
21 agreed to create 52 self-parking spaces while only 37
22 are required. This rezoning also removes the
23 commercial overlay, I urge my colleagues to vote in
24 favor. Thank you.
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2 CHAIRPERSON GREENFIELD: Thank you Chair
3 Koo. Any other questions or comments, I'd like to
4 recognize we've been joined by Council Member Reynoso
5 as well as Council Member Rodriguez. I want to
6 congratulate all of my colleagues for improving on
7 these projects, it took a lot of time and effort. For
8 those of you who are just joining us, are not
9 familiar just to be clear on what's happening this is
10 the full Land Use Committee, we will be voting on
11 outstanding applications, we will then close the
12 committee and in a few minutes after that we will
13 reopen the Zoning Subcommittee to have a hearing
14 dedicated to the East Harlem Rezoning Application.
15 So, we will now move onto a vote in accordance of the
16 recommendations of the Subcommittees and with the
17 support of the local Council Members to approve the
18 pre-considered Northeastern Tower Applications and LU
19 757 and 758 and to approve it with the modifications
20 I have described LU 763, 752, 753 and pre-considered
21 tax exemption and LU 747 through 750. Will the Clerk
22 Please call the roll?

23 COMMITTEE CLERK DISTEFANO: Committee
24 Clerk Matthew DiStefano, Committee on Land Use. The
25 following items are in today's roll call for

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2 approval; LU 757 and 758 and the two pre-considered
3 LU's regarding the Northeast Towers rezoning in
4 Queens and the following items are on today's roll
5 call for approval with modifications, LU 747 through
6 750, 752, 753, 763 and the two pre-considered.. excuse
7 me, and the pre-considered LU regarding real property
8 tax exemption 1675 Westchester Avenue, Bronx, Chair
9 Greenfield?

10 CHAIRPERSON GREENFIELD: I vote aye on
11 all.

12 COMMITTEE CLERK DISTEFANO: Gentile?

13 COUNCIL MEMBER GENTILE: Aye on all.

14 COMMITTEE CLERK DISTEFANO: Palma?

15 COUNCIL MEMBER PALMA: Aye.

16 COMMITTEE CLERK DISTEFANO: Garodnick?

17 COUNCIL MEMBER GARODNICK: Aye.

18 COMMITTEE CLERK DISTEFANO: Mendez?

19 COUNCIL MEMBER MENDEZ: Aye.

20 COMMITTEE CLERK DISTEFANO: Rodriguez?

21 COUNCIL MEMBER RODRIGUEZ: [off-mic] Aye.

22 COMMITTEE CLERK DISTEFANO: Koo?

23 COUNCIL MEMBER KOO: Aye on all.

24 COMMITTEE CLERK DISTEFANO: Lander?

25 COUNCIL MEMBER LANDER: [off-mic] Aye.

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COMMITTEE CLERK DISTEFANO: Rose?

COUNCIL MEMBER ROSE: [off-mic] Aye.

COMMITTEE CLERK DISTEFANO: Williams?

COUNCIL MEMBER WILLIAMS: Congratulations to all my colleagues and I do want to congratulate the Speaker for removing the MIH option two and putting in option one which is the only option I think is... it's probably the best option that's there, aye on all with the exception of LU Number 757 and 758 which I abstain.

COMMITTEE CLERK DISTEFANO: Richards?

COUNCIL MEMBER RICHARDS: Congratulations to all my colleagues and I vote aye.

COMMITTEE CLERK DISTEFANO: Cohen?

COUNCIL MEMBER COHEN: [off-mic] Aye.

COMMITTEE CLERK DISTEFANO: Kallos?

COUNCIL MEMBER KALLOS: Aye.

COMMITTEE CLERK DISTEFANO: Reynoso?

COUNCIL MEMBER REYNOSO: Aye.

COMMITTEE CLERK DISTEFANO: Torres?

COUNCIL MEMBER TORRES: [off-mic] Aye.

COMMITTEE CLERK DISTEFANO: Treyger?

COUNCIL MEMBER TREYGER: [off-mic] Aye.

COMMITTEE CLERK DISTEFANO: Grodenchik?

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COUNCIL MEMBER GRODENCHIK: [off-mic]

Aye.

COMMITTEE CLERK DISTEFANO: Salamanca?

COUNCIL MEMBER SALAMANCA: May I please explain my vote Mr. Chair?

CHAIRPERSON GREENFIELD: Of course.

COUNCIL MEMBER SALAMANCA: Very... [cross-talk]

CHAIRPERSON GREENFIELD: Chair Salamanca... [cross-talk]

COUNCIL MEMBER SALAMANCA: ...briefly... [cross-talk]

CHAIRPERSON GREENFIELD: ...to explain his vote.

COUNCIL MEMBER SALAMANCA: Very briefly I just want to congratulate Council Member Palma on putting together a great deal and bringing everyone to the table and ensuring that, that we're getting affordable housing in the South Bronx but also ensuring that good paying jobs are protected and, and finally I want to congratulate the Speaker on her Lower Concourse North Project, the Speaker and I we share borders and we're, we're neighboring Council Members and because of this project my council

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2 district will be getting a brand new school so I
3 congratulate the Speaker, aye on all.

4 COMMITTEE CLERK DISTEFANO: The following
5 is a roll call vote at today's Land Use Committee
6 Hearing. In regard to... in regard to the two pre-
7 considered LU's dealing with the Northeastern Towers...
8 dealing with the Northeastern Towers Annex rezoning
9 in Queens the vote is for approval 18 in the
10 affirmative, zero in the negative and no abstentions.
11 In regard to LU 757 and 758 the vote is for approval,
12 17 in the affirmative, zero in the negative and one
13 abstention. In regard to LU 747 through 750, 752,
14 753, 763 and the pre-considered LU in regard to the
15 real property tax exemption the vote is for approval
16 with modifications, 18 in the affirmative, zero on
17 the negative and no abstentions.

18 CHAIRPERSON GREENFIELD: Thank you. We
19 have a couple of Council Members who are at a hearing
20 across the street to give them a couple of minutes to
21 come over, we're going to keep the vote open for five
22 more minutes and then we will close this hearing.

23 COUNCIL MEMBER LEVIN: Aye on all.

24 COMMITTEE CLERK DISTEFANO: Continuation
25 of roll call, Council Member Barron?

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COUNCIL MEMBER BARRON: I vote aye.

COMMITTEE CLERK DISTEFANO: The final vote on today's Land Use Items, the two pre-considered LU's regarding Northeastern Towers Annex, Queens; 20 in the affirmative, zero in the negative and no abstentions. In regard to LU... that's for approval and in regard to LU 757 and 758 for approval the vote is 19 in the affirmative, zero in the negative and one abstention. In regard to LU 747 through 750, 752, 753, 763 and the pre-considered LU dealing with the real property tax exemption those items are approved with the modifications, the final vote there 20 in the affirmative, zero in the negative and no abstentions. Thank you.

CHAIRPERSON GREENFIELD: Thank you this concludes the Land Use Committee for the meeting of October 11th, 2017. This meeting is hereby adjourned and the Subcommittee on Zoning and Franchises will start in just a couple of minutes.

[gavel]

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date

October 15, 2017