

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 10, 2018  
Start: 11:22 a.m.  
Recess: 11:47 a.m.

HELD AT: Committee Room - City Hall

B E F O R E: RAFAEL SALAMANCA, JR.  
Chairperson

COUNCIL MEMBERS: Adrienne E. Adams  
Inez D. Barron  
Costa G. Constantinides  
Chaim M. Deutsch  
Ruben Diaz, Sr.  
Vanessa L. Gibson  
Barry L. Grodenchik  
Ben Kallos  
Andy L. King  
Peter A. Koo  
Rory I. Lancman  
Stephen T. Levin  
I. Daneek Miller  
Francisco P. Moya  
Antonio Reynoso  
Donovan J. Richards  
Carlina Rivera  
Ritchie J. Torres  
Mark Treyger

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

2 [sound check] [gavel]

3 CHAIRPERSON SALAMANCA: Alright. Good  
4 morning everyone. Welcome to the Committee on Land  
5 Use. I am Council Member Rafael Salamanca, Chair of  
6 this committee. I want to welcome my colleagues who  
7 are members of the committee. Today present we have  
8 Council Members Gibson, Barron, Constantinides,  
9 Deutsch, Koo, Lancman, Richards, Torres, Treyger,  
10 Chair Adams and Diaz. Today we will be voting on  
11 five applications referred out of our subcommittees.  
12 We will vote to approve LUs 208, the Lefferts  
13 Boulevard rezoning for property located in Chair  
14 Adams' district in Queens. This application for a  
15 zoning map amendment will facilitate a new commercial  
16 development a C2-3 commercial overlay district would  
17 be established within an existing R4-1 district. This  
18 rezoning would extend the current C2-3 overlay  
19 district along Lefferts Boulevard from a depth of 100  
20 feet from Liberty Avenue to align 500 feet north of  
21 107<sup>th</sup> Avenue. We will also vote to approve LUs 216,  
22 the 180 Myrtle Avenue text amendment submitted by Red  
23 Apple Real Estate regarding ground floors use  
24 regulations within the Special Downtown Brooklyn  
25 district. The proposed zoning text would allow non-

2 residential uses permitted by the underlying zoned  
3 district within the required special ground floor  
4 uses for buildings front-fronting on Myrtle Avenue  
5 between Ashland Place and Fleet Place in Brooklyn.  
6 We will vote to—we will vote to approve LUs 223, 224  
7 and 225 related to property at 95 Lenox Avenue in  
8 Central Harlem section of Manhattan in Council Member  
9 Perkins' district. The project known as Caanan Four  
10 Towers is a Section 8 building comprised of 161  
11 dwellings, units on 11 floors with two elevators. It  
12 was built in 1981, and was granted an exemption under  
13 Article V of the Private Housing Finance Law as part  
14 of a plan and project, which will expire in 2000—in  
15 2021. The building's Section 8 contract is currently  
16 set to expire in 2033. For LUs 223, HPD seeks  
17 approval pursuant to Section 115 of the Private  
18 Housing Finance Law, the modification of the plan and  
19 project for Cannon Four Towers by removing from the  
20 plan and project Block 1824, Lot 155 currently  
21 containing a parking lot and open space. Lot 16,  
22 which contains the existing Section 8 building will  
23 remain in the plan and project until it expires. For  
24 LUs 224, HPD seeks approval of a conveyance of the  
25 parking lot and open space from the current owner to

2 a new owner. The new owner will develop the  
3 conveyance area with two new buildings. One will be  
4 40% income restricted and 60% market rate. This  
5 building is expected to contain approximately 288  
6 dwelling units assuming a future rezoning. The other  
7 will be 100% income restricted ELLA building  
8 potentially containing approximately 209 dwelling  
9 units if a portion of Lot 155 is combined with  
10 adjacent HPD owned lots. The third action LU 225 is  
11 for approval pursuant to Section 123(4) of the  
12 Private Housing Finance Law, the voluntary  
13 dissolution of the current owners of the existing  
14 Section 8 building. This would be accompanied by  
15 approval of the new tax exemption for the buildings  
16 pursuant to Article 577—Section 577 of Article XI of  
17 the Private Housing Finance Law. Council Member  
18 Perkins is supportive of these applications, and  
19 before we vote I would like congratulate Council  
20 Member Perkins for achieving an outcome that I see as  
21 a win for the residents of the existing buildings in  
22 the city. Not only are we preserving the  
23 affordability for the residents in the existing  
24 buildings, and improving their living conditions, but  
25 also through these applications we are creating

2 affordable housing opportunities in Council Member  
3 Perkins' district with deeper affordability than  
4 originally proposed. With these applications we will  
5 preserve 160 affordable housing units pending a  
6 rezoning. Have a new 60/40 building instead of a  
7 fully market rate building instead of a fully market  
8 rate building. Furthermore, thanks to Council—thanks  
9 to Council Members' efforts to increase  
10 affordability, the new 60/40 building would include a  
11 50% AMI tier in addition to 100% affordable ELLA  
12 building. We will also vote to approve LUs 219, the  
13 Landmarks' Preservation Commission's designation of  
14 the Boerum Hills Historic Extension in Council Member  
15 Levin's district in Brooklyn. The Extensions  
16 consists of approximately 280 buildings developed in  
17 the mid-19<sup>th</sup> Century. According to LPC designation  
18 report, the extension and complacent—the extensions  
19 are an important commercial corridor adjacent to the  
20 Boerum Hill Historic District, and contains rows of  
21 buildings designed in the Greek Revival, Italianate  
22 and other 19<sup>th</sup> Century styles. These buildings were  
23 constructed for the working and middle-class as the  
24 growth of commerce, industry and transportation drove  
25 development in Brooklyn around the Civil War. We

2 will—we will vote to approve LU 220, an application  
3 submitted by the administration for Children's  
4 Services and the Department of Citywide  
5 Administrative Services pursuant to Section 197-C of  
6 the—of the New York City Charter for the acquisition  
7 of property located at 888 Westchester Avenue for  
8 continued use as a childcare facility. The LSSNY  
9 Early Life Child Center 2 in my district in the Bronx  
10 has been operating since the early 1970s in a  
11 privately owned one-story building and it serves us  
12 to 135 3 to 4-year-olds. I would like to also  
13 recognize that we've been joined by Council Member  
14 Perkins and Grodenchik, and also by council Member  
15 Reynoso. Now, are there any questions or remarks  
16 from members of the committee?

17 COUNCIL MEMBER BARRON: Yes.

18 CHAIRPERSON SALAMANCA: Council Member  
19 Barron. A question. I just want a little bit of  
20 clarity. The staff did come and give me some  
21 information, but I have another question regarding LU  
22 223, 4 and 5. It says, The development team will  
23 convey a portion of Lot 155, (conditioned on a  
24 successful future rezoning and successful disposition  
25 of city-owned lots.) How are we going to ensure that

2 that happens? Because that's where the ELLA is. So  
3 any time I see conditional, any time I see, you know,  
4 contingent upon, I'm concerned. So, the other part  
5 of the development is at 60% market and 40%  
6 affordable is supposedly going to give this ELLA  
7 project, but it says conditioned on. So, how do we  
8 ensure that that's going to happen?

9 CHAIRPERSON SALAMANCA: Give us a second.  
10 We'll get that information.

11 COUNCIL MEMBER BARRON: Okay. I just saw  
12 it. I would have asked the staff before. [pause]  
13 And is there a way that that could have been tied  
14 into this so that it would happen--

15 CHAIRPERSON SALAMANCA: [interposing] So,  
16 it's my understanding that the ELLA projects are  
17 going to be city-owned lot, HPD owned lot. So,  
18 that's why any future rezonings they can guarantee  
19 that it will be affordable because they're city-owned  
20 lots.

21 COUNCIL MEMBER BARRON: So, because it's  
22 city-owned, we'll be guaranteed that that—I'm just  
23 concerned about the language.

24 CHAIRPERSON SALAMANCA: That's—that's the  
25 commitment that the Council Member agreed to with



2 HPD. That's why that language is there. So, any  
3 future rezonings that occurs there, because it is  
4 city-owned lot, we can hold them. We can hold them  
5 to-to-to word on it and-and that's what the Council  
6 Member has negotiated.

7 COUNCIL MEMBER BARRON: So, we have that  
8 in writing that you-you're bound to make sure that  
9 this ELLA project comes into being? [pause]

10 CHAIRPERSON SALAMANCA: So, Council  
11 Member, I've been informed that there will be an ELLA  
12 project, and they will get that in writing.

13 COUNCIL MEMBER BARRON: Okay, thank you.

14 CHAIRPERSON SALAMANCA: Okay. Council  
15 Member Perkins, is there anything you want to speak  
16 about your projects?

17 COUNCIL MEMBER PERKINS: Not per se. I  
18 have a statement to read--

19 CHAIRPERSON SALAMANCA: [interposing]  
20 Yes. Go ahead.

21 COUNCIL MEMBER PERKINS: --into the  
22 record. So, [coughs] I write this letter to support  
23 the tax exemption at Block 1824, Lot 16 a/k/a 95  
24 Lenox Avenue, a 160-unit Section 8 building. The  
25 modification of the plan and project and conveyance

approval for Block 1824, Lot 155 to L&M Development Partners. I support the redevelopment plans as represented in the attached commitment letter, which aims to (1) preserve 160 units of Section 8 affordable housing at Caanan Four. (2) Develop a mixed income 288-unit building with 10% of the unit's income restricted at 50% of the AMI; 10% of the units at 90% of AMI and 20% of the units at 130% AMI. Develop a 200-unit affordable building with 20% of the units at 80% of AMI; 20% of units at 70% AMI; 20% of units at 50%, 20% of units at 40% AMI; 10% of units at 30% AMI and 10% of units set aside for formerly homeless families. As part of this development effort L&M and HPD will submit a follow-up application to rezone Lots 16, 19, 21 and 155 as well as disposition approval for city-owned Lots 19, 20 and 21. Although I would like to see deeper affordability in the entire development, I recognize that efforts of those who have come to the table to provide and preserve housing in my district. I, therefore, give my support to this development effort including the three items currently before the Council. It's conveyance, modification of the previous plan, and project Article XI tax exemption

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2 on Lot 16 as well as the future rezoning and  
3 disposition of city-owned property for Lots, 19, 20  
4 and 21. Therefore, I support these efforts that will  
5 preserve Section 8 housing, create 100% income  
6 restricted building with ELLA Term Sheet and assure  
7 that Harlem continue to be a neighborhood where  
8 people of diverse incomes and backgrounds can thrive.  
9 Sincerely, Bill Perkins.

10 CHAIRPERSON SALAMANCA: Thank you,  
11 council Member Perkins. Any other comments or  
12 questions from members of the committee? Alright,  
13 seeing none, I will now call a vote in accordance  
14 with recommendations of the subcommittees and their  
15 local Council members to approve LUs 208, 215, 219,  
16 220, 223, 224 and 225. Will the clerk please call  
17 the roll.

18 CLERK: William Martin, Committee Clerk,  
19 roll call vote Committee on Land Use. All items are  
20 coupled. Chair Salamanca.

21 CHAIRPERSON SALAMANCA: Aye on all.

22 CLERK: Gibson.

23 COUNCIL MEMBER GIBSON: Aye.

24 CLERK: Barron.

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2 COUNCIL MEMBER BARRON: Permission to  
3 explain my vote.

4 CHAIRPERSON SALAMANCA: Council Member  
5 Barron to explain her vote.

6 COUNCIL MEMBER BARRON: Thank you. I  
7 vote aye on all with the understanding that L&M the  
8 developer has given a commitment letter that they  
9 will, in fact, follow through with the construction  
10 of the ELLA project. Thank you.

11 CLERK: Constantinides.

12 COUNCIL MEMBER CONSTANTINIDES: Aye on  
13 all.

14 CLERK: Deutsch.

15 COUNCIL MEMBER DEUTSCH: Aye on all.

16 CLERK: Koo.

17 COUNCIL MEMBER KOO: Aye.

18 CLERK: Lancman.

19 COUNCIL MEMBER LANCMAN: Aye.

20 CLERK: Reynoso.

21 COUNCIL MEMBER REYNOSO: Aye.

22 CLERK: Richards.

23 COUNCIL MEMBER RICHARDS: Aye.

24 CLERK: Torres.

25 COUNCIL MEMBER TORRES: Aye.

2 CLERK: Treyger.

3 COUNCIL MEMBER TREYGER: Aye.

4 CLERK: Grodenchik.

5 COUNCIL MEMBER GRODENCHIK: Aye.

6 CLERK: Adams.

7 COUNCIL MEMBER ADAMS: Aye.

8 CLERK: Diaz.

9 COUNCIL MEMBER DIAZ: Aye.

10 CLERK: By a vote of 14 in the  
11 affirmative, 0 in the negative and no abstentions,  
12 all items have been adopted by the committee.

13 CHAIRPERSON SALAMANCA: Yes. I would like  
14 to thank the members of the public, my colleagues,  
15 Counsel and Land Use staff for attending today's  
16 hearing. I will leave the roll open for 15 minutes.  
17 Thank you. [background comments, pause]

18 CLERK: Continuation roll call, the  
19 Committee on Land Use. Council Member Moya.

20 COUNCIL MEMBER MOYA: Aye.

21 CLERK: Final vote Committee on Land use,  
22 all items have been adopted by the committee 15 in  
23 the affirmative, 0 in the negative and no  
24 abstentions.

2 CHAIRPERSON SALAMANCA: Thank you very

3 much. This hearing is now adjourned—adjourned.

4 [gave]

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C E R T I F I C A T E

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



Date October 15, 2018