

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 6, 2016
Start: 11:26 a.m.
Recess: 12:01 p.m.

HELD AT: Committee Room - City Hall

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

COUNCIL MEMBERS:
Vincent J. Gentile
Annabel Palma
Inez E. Dickens
Daniel R. Garodnick
Darlene Mealy
Rosie Mendez
Ydanis A. Rodriguez
Peter A. Koo
Brad S. Lander
Stephen T. Levin
Jumaane D. Williams
Ruben Wills
Deborah L. Rose
Donovan J. Richards
Inez D. Barron
Andrew Cohen
Ben Kallos

COUNCIL MEMBERS:

Antonio Reynoso
Ritchie J. Torres
Mark Treyger

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

[sound check]

[pause]

[background comments]

CHAIRPERSON GREENFIELD: Good morning.

Good morning. My name is David Greenfield; I'm the Council Member for the 44th Council District in Brooklyn and 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; I want to recognize Council Member Gentile for being the first to arrive today very excited about the passage of a significant amendment; Council Member and Chair Dickens; Council Member Garodnick, Council Member Rodriguez, Council Member and Chair Koo; Council Member Lander, Council Member Levin, Council Member Rose, Council Member and Chair Richards; Council Member Reynoso; Council Member Torres; Council Member Treyger.

I wanna thank Chair Dickens for her hard work on the Planning Subcommittee, Chair Richards for conducting the Zoning Subcommittee and Chair Koo for his diligence on the Landmarks Subcommittee as well.

We will be voting on a resolution to modify two applications and approve the remaining

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2 applications today as presented. These resolutions
3 before you represent the recommendations of the
4 Subcommittees for representation and vote by the full
5 Council.

6 To start us off today is LU Nos. 475 and
7 476, East 147th Street Rezoning, these are
8 applications for a zoning map amendment and related
9 zoning text amendment to facilitate the development
10 of a 12-story, 165-unit residential building in the
11 Speaker's district. This development would be
12 entirely affordable housing, with units reserved for
13 incomes between 27% and 90% of the area median
14 income. The Speaker supports approval of these
15 applications with modification to replace Mandatory
16 Inclusionary Housing Option 2 with a deep
17 affordability option that would require 20% of the
18 units to be provided at an average of 40% of the area
19 median income.

20 LU Nos. 477 and 478 -- 217 West 29th
21 Street, application for a zoning special permit and
22 related zoning text amendment to allow for an
23 accessory off-street parking garage with 45 spaces on
24 the ground floor of a proposed mixed-use development.
25 This application is located in Council Member

1 Johnson's district and Council Member Johnson
2 supports this application.

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4 LU Nos. 480 and 481 -- Rockaway Beach
5 Boulevard Rezoning. These are applications for a
6 zoning map amendment and related zoning text
7 amendments to facilitate the development of a four-
8 story hotel in Council Member Ulrich's district. The
9 rezoning action would establish an R6A/C2-5 zoning
10 district in place of the existing R5B/C1-3 district
11 to allow for an increase of commercial floor area to
12 facilitate the hotel development. The text amendment
13 would apply the MIH program to the site to ensure
14 affordable housing is provided in event the site is
15 developed as residential instead of hotel use.
16 Council Member Ulrich supports approve of this
17 application.

18 LU 490 -- 1968 Second Avenue Rezoning, an
19 application for a zoning map amendment to extend an
20 existing C1-5 commercial overlay in order to legalize
21 an existing supermarket. This application is located
22 in the Speaker's district and she supports the
23 project.

24 LU Nos. 491 and 492 -- Seagirt Boulevard
25 Rezoning, two zoning map amendments to facilitate a

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2 development of two sites with 27 units of housing and
3 11,443 square feet of retail space in Chair Richards'
4 district. These actions would establish a C1-3
5 commercial overlay on both sides and change an
6 existing R4-1 district to R5 on one of the sites.
7 Council Member Richards is in support of these
8 applications.

9 LU No. 489 -- Brooklyn Community Board
10 text amendment by Community Board 10, an application
11 for a zoning text amendment in Council Member
12 Gentile's district. This application was filed by
13 Brooklyn Community Board 10 to change the zoning
14 resolution Section 73-622 so that the BSA special
15 permit for enlargement of single- and two-family
16 detached and semi-detached residences will no longer
17 be available in Community Board 10. [pause] And I'm
18 now going to refer to Council Member Gentile, who
19 supports this application with a modification to
20 allow certain pending special permits to proceed, for
21 some remarks.

22 COUNCIL MEMBER GENTILE: Thank you
23 Chairman Greenfield. Good morning Chair Greenfield
24 and colleagues.

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2 As the City Council Member representing
3 the area covered by Brooklyn's Community Board 10, I
4 support Board 10's application to repeal their
5 participation in Zoning Regulation 76-622. Community
6 Board 10 also covers parts of Council Member
7 Menchaca's district and he has also voiced his
8 support for this application and I thank him for his
9 partnership.

10 On September 21st, the City Planning
11 Commission unanimously voted in support of this
12 repeal and yesterday morning CB10's application was
13 unanimously supported by the Subcommittee of Zoning
14 and Franchises.

15 When passed in 1997, the Community Board
16 felt that 73-622 to offer a special permit to ease
17 construction of residential additions would give
18 owners of detached and semi-detached one- and two-
19 family homes the option to add a needed bathroom,
20 down bedroom or other reasonable living space without
21 having to move to new premises or leave the
22 neighborhood, yet over the years it has become clear
23 to me and to the members of the Community Board that
24 this provision in reality has more often been used by
25 land use attorneys, investors and new buyers of

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2 property within Community Board 10 to add bulk
3 immediately upon purchase of the property or to make
4 legal an illegally converted space. Indeed, the
5 Community Board has voted in 10 of the 21
6 applications over this period against the granting of
7 the special permit to property owners, yet despite
8 the negative vote from the community, the Board of
9 Standards and Appeals has approved every special
10 permit of this type to come before it from Community
11 Board 10, every permit application granted since
12 1997, making the discretionary application almost a
13 de facto as-of-right. In light of BSA's refusal to
14 consider the community's input on these matters and
15 just approving every application presented to them,
16 both the community and I believe there is no other
17 recourse but to take this action today in repealing
18 ZR73-633 in regard to Brooklyn's Community Board 10.

19 Yet, in fairness, there are applications
20 before BSA pending under the current permit process.
21 In consideration of three current applications that
22 were submitted, I prepared in conjunction with our
23 Land Use staff a text amendment that vests these
24 applications and grandfathers them within the current
25 provisions of the special permit. These applications

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2 all predate the date upon which the Department of
3 City Planning submitted the wording of this
4 application for review.

5 I wanna thank Julie Lubin, Brian Paul and
6 Raju Mann from our Land Use Division and the entire
7 staff for their diligent work on this text amendment.

8 In asking this Committee to vote
9 affirmatively on this application today, I am asking
10 you to help me and Council Member Menchaca and our
11 community take the prudent and necessary steps to
12 preserve the local downzoning we worked so hard to
13 craft and pass in 2005 and 2007. Clearly, this
14 repeal will stop the abuse of what started out as a
15 well-intentioned benefit of the Zoning Law; therefore
16 I full support this effort along, with Council Member
17 Menchaca and we ask our colleagues to support it
18 likewise with your vote. Thank you Mr. Chairman.

19 CHAIRPERSON GREENFIELD: Thank you
20 Council Member Gentile. I would add that the City
21 Planning Commission, in approving the text amendment
22 noted that the special permit is no long needed in
23 this Community Board, because as you pointed out,
24 this is a special permit that started in 1997; since
25 then there have two contextual rezonings -- one in

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2 2005 and one in 2007 that have actually rezoned
3 virtually all of the Community Board; these
4 contextual rezonings already permit the enlargement
5 of residents in keeping with the form and character
6 of the neighborhood and blocks, and I wanna thank you
7 for your leadership in getting this done. I will
8 note however that the special permit is still in
9 effect in other community boards where it is widely
10 popular and used, specifically Community Boards 14
11 and 15 and somewhat in 11 as well.

12 Finally today, Southeastern Queens Vacant
13 Homes Cluster 4, an application by HPD for UDAAP
14 approvals and a property tax exemption under Article
15 16 of the General Municipal Law. The 13 vacant one-
16 family homes will be rehabilitated and sold to
17 purchasers earning no more than 120% of AMI. These
18 properties are located in Council Member Daneek
19 Miller's district and he supports the applications.

20 I also wanna recognize we've been joined
21 by Council Members Mealy, Barron, Kallos, and Mendez.

22 The Subcommittees have recommended
23 approval of all these items as have all the Council
24 Members whose districts these projects are in. Do
25 any members have any questions or any remarks they

would like to make? Hearing none; I will ask the clerk to please call the roll.

COMMITTEE CLERK: William Martin, Committee Clerk, roll call vote Committee on Land Use. Chair Greenfield.

COMMITTEE CLERK: Aye on all.

COMMITTEE CLERK: Gentile.

COUNCIL MEMBER GENTILE: Aye on all.

COMMITTEE CLERK: Dickens.

COUNCIL MEMBER DICKENS: Aye.

COMMITTEE CLERK: Garodnick.

COUNCIL MEMBER GARODNICK: Aye.

COMMITTEE CLERK: Mealy.

COUNCIL MEMBER MEALY: Aye.

COMMITTEE CLERK: Mendez.

COUNCIL MEMBER MENDEZ: Aye.

COMMITTEE CLERK: Koo.

COUNCIL MEMBER KOO: Aye.

COMMITTEE CLERK: Levin.

COUNCIL MEMBER LEVIN: Aye.

COMMITTEE CLERK: Rose.

COUNCIL MEMBER ROSE: Aye.

COMMITTEE CLERK: Barron.

COUNCIL MEMBER BARRON: I vote aye.

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COMMITTEE ON LAND USE

COMMITTEE CLERK: Kallos.

COUNCIL MEMBER KALLOS: Permission to explain my vote.

CHAIRPERSON GREENFIELD: Council Member Kallos to explain his vote.

COUNCIL MEMBER KALLOS: Shana Tova. I vote aye.

COMMITTEE CLERK: Reynoso.

COUNCIL MEMBER REYNOSO: Permission to explain my vote.

CHAIRPERSON GREENFIELD: Are you also wishing us a Shana Tova?

COUNCIL MEMBER REYNOSO: I just wanna congratulate Council Member Gentile and Council Member Menchaca for the work that they did in the change to the special permit within their community. Since 1997, a discretionary application that Council Member Gentile calls de facto as-of-right for developers when it comes to changes and modifications in their community outside of Council Member intervention, this means that many processes in the City Council and the City leave communities having to organize aggressively to have limited influence in land use matters. It took CB10 19 years to finally

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2 get change, but like many communities in Brooklyn,
3 the damage has already been done in many parts of it.
4 I wanna be very clear that currently there are
5 processes that we are continuing to move forward with
6 in the City of New York, both in the administrative
7 side and in this body, that allows for very limited
8 to non-existing community input that damages
9 communities and it takes in some cases 19 years for
10 modifications to finally be done so that we can see
11 change. I'm looking forward to the time where we in
12 this Committee can have a real conversation about
13 changing processes, specifically in private
14 applications and BSA applications so that we can get
15 more community input. And with that said, I vote aye
16 on all. Thank you.

17 COMMITTEE CLERK: Torres. Treyger.

18 COUNCIL MEMBER Treyger: Aye.

19 COMMITTEE CLERK: By a vote of 13 in the
20 affirmative, 0 in the negative and no abstentions,
21 all items have been adopted.

22 CHAIRPERSON GREENFIELD: Thank you. I
23 also wanna recognize that we have been joined --
24 actually, we haven't been joined yet, but as a
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2 courtesy to our colleagues, we're gonna keep the vote
3 open for another 15 minutes.

4 Just wanna amend one item on the record
5 which was mentioned, Council Member Reynoso, which
6 is, they haven't been trying to get rid of this for
7 19 years, it's been on the books for 19 years; they
8 originally approved it; it's only in the last few
9 years that they've actually been trying to change the
10 process, but your remarks are certainly duly noted
11 and appreciated, so thank you very much.

12 So we will keep the vote open, as is our
13 practice, until 11:55 a.m. Thank you.

14 [pause]

15 COMMITTEE CLERK: Continuation roll call
16 of Committee on Land Use. Council Member Richards.

17 COUNCIL MEMBER RICHARDS: Just wanna
18 congratulate the Speaker and all the other
19 applicants, in particular in the Rockaways I know we
20 have a hotel and some commercial development and more
21 housing coming up and I wanna commend all the
22 applicants on this. And with that, I vote aye on
23 all.

24 COMMITTEE CLERK: The vote currently
25 stands at 14 in the affirmative.

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COMMITTEE ON LAND USE

[pause]

COMMITTEE CLERK: Continuation roll call,
the Committee on Land Use. Council Member Rodriguez.

COUNCIL MEMBER RODRIGUEZ: Aye.

[background comments]

[pause]

CHAIRPERSON GREENFIELD: This concludes
the hearing... oh... oh okay, one more council member.

[background comments]

[pause]

COMMITTEE CLERK: Continuation roll call,
Committee on Land Use. Council Member Williams.

COUNCIL MEMBER WILLIAMS: I vote aye on
all.

COMMITTEE CLERK: The vote currently
stands at 16 in the affirmative.

[background comments]

[pause]

COMMITTEE CLERK: Continuation roll call,
the Committee on Land Use. Council Member Cohen.

COUNCIL MEMBER COHEN: Aye.

COMMITTEE CLERK: Torres.

COUNCIL MEMBER TORRES: I vote aye.

[pause]

COMMITTEE CLERK: The vote now currently stands at 18 in the affirmative.

[pause]

[background comments]

COMMITTEE CLERK: Continuation roll call, the Committee on Land Use. Council Member Wills.

COUNCIL MEMBER WILLS: I vote aye on all. Thank you.

COMMITTEE CLERK: Final vote Committee on Land Use. All items have now been adopted by a vote of 19 in the affirmative, 0 in the negative and no abstentions.

CHAIRPERSON GREENFIELD: This concludes the Land Use Committee hearing for October 6, 2016; this meeting is hereby adjourned.

[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 19, 2016