

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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MARCH 16, 2021
Start: 10:08 AM
Recess: 10:21 AM

HELD AT: REMOTE HEARING (VIRTUAL ROOM 1)

B E F O R E: Chair Francisco Moya

COUNCIL MEMBERS: Carlina Rivera
Diana Ayala
Barry Grodenchik
Stephen T. Levin
Antonio Reynoso
Joseph C. Borelli

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

1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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2 SERGEANT-AT-ARMS 1: (Chime) Compute recording is
3 underway. (Chime) The Cloud is rolling.

4 TECHNICIAN: Okay. Good morning and welcome to
5 today's remote New York City Council Hearing of the
6 Subcommittee on Zoning and Franchises. At this time
7 would all panelists turn on their video. (Chime)
8 Thank you for your cooperation. We are ready to
9 begin.

10 CHAIR MOYA: Good morning. I'm Chair Francisco
11 Moya Chair of the Subcommittee on Zoning and
12 Franchises. I'm joined remotely today by Council
13 Members Borelli, Barry G., Ayala Rivera, Levin,
14 Reynoso, and Council Members Menchaca and Van
15 Bramer. Today we will vote on items heard by the
16 Subcommittee at our meeting of February 23rd and
17 March 4th. First, I would like to note that the
18 Preconsidered LUs 738, 739 and 740 isn't on today's
19 agenda for the Arbor Lease Proposal are being laid
20 over. We will begin with a vote to approve with
21 modifications Preconsidered LU Numbers 733, 734 and
22 the 735 Fourth Avenue Rezoning relating to property
23 in Council Member Menchaca's district in Brooklyn.
24 The proposal seeks a Zoning MAP Amendment to change
25 an existing M-11-D district to an R-8-A-C-4 district

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2 and related zoning text amendment to establish a
3 Mandatory Inclusionary Housing Area utilizing Option
4 1 and Option 2. Together these actions would
5 facilitate the development of a new 14-story mixed-
6 use building with approximately 142 dwelling units
7 up to 35 of which would be affordable as well as
8 ground floor commercial use and 52 below rate
9 accessory parking spaces. Our modification will be
10 to strike Option 2 while retaining Option 1.
11 Council Member Menchaca is in support of the
12 proposal as modified. We are also voting to
13 approve Preconsidered LUs...Preconsidered LUs for
14 the 50-25 Barnett Avenue Rezoning under ULURP
15 Numbers C200243ZMQ, and N200244ZMQ related to
16 property in Council Member Van Bramer's district in
17 Queens. The application as proposed seeks a Zoning
18 Map Amendment to change the existing M11 district to
19 an R6A district and related zoning text amendment to
20 establish an Mandatory Inclusionary... Utilize a
21 Mandatory Inclusionary Housing Area utilizing Option
22 1. The proposed action would facilitate a new
23 mixed-use development with a 100% affordable housing
24 component including approximately 167 dwelling units
25 as well as ground floor office space for community

1 facility use and approximately 170 parking spaces.
2 Council Member Van Bramer is in support of the
3 proposal. We will also vote to approve
4 Preconsidered LUs for the 1099 Webster Rezoning
5 under ULURP numbers C2-10103XMX, and N21010ZRX
6 relating to property in Council Member Gibson's
7 district in the Bronx. The application seeks a
8 Zoning Map Amendment to rezone an M11 district to an
9 R7XC24 district and a related zoning text amendment
10 to establish a Mandatory Inclusionary Housing Area
11 utilizing Option 1. Together these actions would
12 facilitate the development of two new mixed-use
13 buildings with a 100% affordable housing component
14 including approximate 238 dwelling units as well as
15 ground floor commercial use and approximately 73
16 below grade accessory parking spaces. Council Member
17 Gibson is in support of the proposal, and now I
18 would like to take the opportunity to turn it over
19 to Council Member Menchaca and then Council Member
20 Van Bramer for some brief remarks.

22 COUNCIL MEMBER MENCHACA: Thank you, Chair and
23 thank you to all my colleagues on this committee.
24 Today I'm announcing my support for the 737 Fourth
25 Avenue Rezoning Proposal. The proposal is not

1 perfect. It will not for instance (coughs) build
2 100% afford able, which I believe we need to do here
3 in the City of New York, but it does represent the
4 clearest example of yet one of the only things that
5 will break and reverse the cycles of displacement
6 and gentrification forever, community driven and
7 accountable development. Seven years ago when I
8 was first elected to the City Council I promised
9 that I would use my power to enact the community's
10 will, and I have upheld that promise from the South
11 Brooklyn Marine Terminal to the QX to the Industry
12 City I have opposed development projects that lack
13 any means of community control, enforcement or
14 accountability. This project is different. From
15 the beginning the Community Board, which is the most
16 Democratic and participatory form of that we have in
17 our neighborhood to control of this rezoning
18 proposal. It invited the developer to follow the
19 community's lead, held multiple hearings open to all
20 to decide whether or how to support the project, and
21 Democratically voted to approve the project with
22 conditions. Over time and critical engagement the
23 developer agreed to meet all the Board's conditions,
24 and then it codified them in a binding contract know
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2 as the Community Benefits Agreement. When the City,
3 actually Sunset Park was community considering
4 Industry City, that Rezoning Proposal, I outlined a
5 similar framework that required a community led
6 process and enforcement mechanism. I posed Industry
7 City because none of those things happened. The
8 Community Board was left divided on its proposal
9 meaning that there was no clear mandate for Industry
10 City from the community. I understand why the
11 Community Board has approved this project at 737
12 Fourth Avenue. The CBA requires the developer to
13 building 33 permanently affordable housing units,
14 reserve a third of its commercial space for local
15 businesses, hire majority local or union workers for
16 all the construction and permanent jobs, create a
17 150 bike stations of which a third will be preserved
18 for delivery workers and grants the MTA a free
19 easement to build an ADA accessible elevator at the
20 25th Street R Station. Not only are these things
21 required by the CBA, but they are required
22 regardless of who owns the land. That means that
23 the developer cannot turn around and sell this
24 property and thereby undo these commitments. If the
25 Community Board has approved the project with no

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2 debate, no enforcement, no accountability mechanism,
3 I would have opposed this project. Having spent
4 entire time in the Council supporting the Board,
5 this community board to become more inclusive,
6 empowering voices that for years were excluded, and
7 using City Council funding that I allocated to aid a
8 body of dedicated volunteers that have become
9 experts on the City's complex Land Use system. I
10 know this board has the tools and the acumen to make
11 informed decisions, and if those decisions are made
12 by the most representative and inclusive it's to we
13 have in this community. I see this rezoning as an
14 example of yet another development, which has come
15 to terms with community control and accountability,
16 and I know others will disagree, and that is why I
17 am calling for a discussion where all the elected
18 officials and the Community Board can come together
19 and discuss not just this project and how we
20 approved, but how we can bring more equitable
21 development to our community. Thank you so much. We
22 need this open discussion to be happening
23 Democratically, and that's why we want community
24 driven development. Thank you so much.

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CHAIR MOYA: Thank you Council Member Menchaca.
I now want to turn it over to Council Member Van
Bramer.

COUNCIL MEMBER VAN BRAMER: Thank you very much
Chair and to the members of the committee, and
before you today is the 5025 Burnett Avenue Project.
Some may remember that's roughly four years ago. A
similar project came forward, but it was rejected
bye Community Board, and I could not support it, but
this came back with a revised proposal that is now
the most deeply affordable projects that we've ever
seen in my district as Council Member, and it is a
approved by the Community Board and one that I
support, and here's why I ask for your support as
well. The project four years ago did not have any
waiver agreements, and as you may remember from the
hearing, 32BJ has testified in favor of this
project, and we have a promise and a commitment, a
written commitment for good jobs, good wages, good
benefits going forward with this project and the
neighboring Phipps Garden Apartments. The project
four years ago in terms of contextual building was
double the height of the building across the street.
This has come back. It is now much my more

1 contextual. The affordability was an issue for the
2 Community Board and myself four years ago, and I'm
3 really pleased that working with Community Board 2,
4 which is now in favor, brought it in favor of this
5 project overwhelmingly, the bands are 40% of AMI,
6 20% of the apartments are 40% of AMI including a
7 set-aside for any homeless families, and the highest
8 band is at 80%. So, this is 100% affordable housing
9 with a significant chunk at the 40 and 50%, the
10 highest band at 80%. It is deeply affordable. It's
11 also worth noting that this project is not
12 displacing anyone. It's been built on a surface
13 parking lot, and those of us who say we want and
14 need truly affordable housing have an opportunity
15 here to actually build that truly affordable
16 housing. So, I am in full support of this. We have
17 work to do, of course, with Phipps with respect to
18 the Phipps Garden Apartments across the street and
19 some of the existing issues with the Tenant
20 Association, but with Community Board 2 working with
21 us there is an improvement plan that Phipps has
22 agreed to. They have been working towards that and
23 fulfilling those pledges in the Improvement Plan,
24 and there are now ongoing meetings with the Tenant
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2 Association, and Phipps, which is what we must need,
3 me must have in order to keep and hold Phipps
4 accountable, but this is a far different and much
5 improved project and one that is worthy of our
6 support, and we will represent real deep true
7 affordable housing in a Sunnyside Neighborhood that
8 desperately needs it. So, thank you very Much
9 Chair.

10 CHAIR MOYA: Thank you Council Member Van
11 Bramer. I now call for a vote to approve the
12 Preconsidered LUs relating to the 50-25 Batrnett
13 Avenue Rezoning and Preconsidrered LUs relating to
14 the 1099 Webster Avenue Rezoning, and to approve
15 with the modification I have described LUs 733, 734,
16 and 737 Fourth Avenue Rezoning. Counsel, can you
17 please call the roll.

18 LEGAL COUNSEL: Chair Moya.

19 CHAIR MOYA: I vote aye on all.

20 LEGAL COUNSEL: Council Member Levin.

21 COUNCIL MEMBER LEVIN: Aye on all.

22 LEGAL COUNSEL: Council Member Reynoso.

23 COUNCIL MEMBER REYNOSO: (PAUSE) Council
24 Member Reynoso.

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2 COUNCIL MEMBER REYNOSO: I Vote...I vote aye
3 on all.

4 LEGAL COUNSEL: Thank you. Council Member
5 Grodenechik.

6 COUNCIL MEMBER GRODENCHIK: Aye on all.

7 LEGAL COUNSEL: Council Member Ayala

8 COUNCIL MEMBER AYALA: I vote on all.

9 LEGAL COUNSEL: Council Member Rivera.

10 COUNCIL MEMBER RIVERA: Aye.

11 LEGAL COUNSEL: Council Member Borelli.

12 COUNCIL MEMBER BORELLI: Aye.

13 LEGAL COUNSEL: By a vote of 7 in the affirmative,
14 zero in the negative and no abstentions, the items
15 are approved and they are recommended to the full
16 Land Use Committee.

17 CHAIR MOYA: Thank you, and that concludes
18 today's business. I would like to thank the members
19 of the public, my colleagues, the Subcommittee
20 Counsel, Land Use and other Council staff, and the
21 Sergeant-at-arms for participating in today's
22 meeting. This meeting is hereby adjourned. (gavel)
23 Thank you.

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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 April 4, 2021