

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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DECEMBER 13, 2018  
Start: 10:52 A.M.  
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HELD AT: COMMITTEE ROOM - CITY HALL

B E F O R E: FRANCISCO P. MOYA, CHAIR

COUNCIL MEMBERS: COSTA G. CONSTANTINIDES  
BARRY S. GRODENCHIK  
RORY I. LANCMAN  
STEPHEN T. LEVIN  
ANTONIO REYNOSO  
DONOVAN J. RICHARDS  
CARLINA RIVERA  
RITCHIE J. TORRES  
LAURIE CUMBO, MAJORITY LEADER

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

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2 SARGEANT AT ARMS: Sound check, this is a  
3 sound check for the Committee on, Subcommittee on  
4 Zoning and Franchises, December 13, 2018 being  
5 recorded by Israel Martinez, taking place Committee  
6 Room - City Hall. Scheduled for 9:30 a.m.

7 CHAIR FRANCISCO MOYA: (gavel pounding)  
8 Good Morning. Uhm welcome to the meeting on the  
9 Subcommittee on Zoning and Franchises. I am Council  
10 Member Francisco Moya, uhm the Chairperson of the  
11 Subcommittee and today we are joined by Council  
12 Members Constantinides, Levin, Rivera, Richards,  
13 Torres, and Grodenchik. Uhm let me uhm start off by  
14 apologizing for starting a little late this morning  
15 but we are now going to proceed, so thank you for  
16 your patience. Uhm if you are here to testify,  
17 please fill out a white speaker slip with the  
18 Sargeant at Arms and indicate the name or the LU  
19 number on the application on which you wish to  
20 testify on, on that slip. Uhm today we have only one  
21 hearing, it is on LU289 an application by 380 East  
22 Ventures, LLC DBA Factory 380 for a new Revocable  
23 Consent to operate an unenclosed café at 380 3<sup>rd</sup>  
24 Avenue in Council Member Rivera's District in  
25 Manhattan. Uhm I now open up the public hearing on

2 this application, uhm are there any members of the  
3 public who wish to testify. Seeing none. I now  
4 close the, oh, uhm just before we close that I want  
5 to turn it over to Council Member Rivera for some  
6 remarks.

7 CARLINA RIVERA: Thank you so much Mr.  
8 Chair for this opportunity and thank you for your  
9 consideration of ULURP 2019503A TCM 380 East Ventures  
10 LLC, DBA Factory 380, an application to maintain and  
11 operate an unenclosed sidewalk café. Manhattan  
12 Community Board 6 had objections to the initial  
13 application because the footprint of 9 tablets and q8  
14 seats would add significantly to sidewalk congestion  
15 in an already crowded area. In addition, the  
16 applicant did not appear before the board therefore  
17 CB6 resolved to oppose this application. My office  
18 has since deliberated with the applicant who agreed  
19 to reduce the number of seats in their application to  
20 5 tablets and 10 seats, although CB6 would prefer  
21 four tablets and 8 seats, I believe that the  
22 business' willingness to almost half its capacity is  
23 sufficient especially as we consider the cost of rent  
24 in the area and the need to compete in a popular  
25 corridor. Based on my staff's conversations with

2 this applicant I also believe the partners and  
3 managers will work cooperatively with the community  
4 and address concerns as they arise. You will also  
5 find part of the application, a letter of agreement  
6 from Robert Salsa (SP?) owner of 380 Ventures LLC,  
7 DBA Factory 380. With this agreement I lend my  
8 support to the sidewalk café license and encourage  
9 you and the rest of the committee to vote to approve  
10 the application as amended. Thank you so much.

11 CHAIR FRANCISCO MOYA: Thank you Council  
12 Member Rivera for your remarks. Are there any other  
13 members of the public who wish to testify? Seeing  
14 none, I now close the public hearing on this  
15 application. Uhm we will now move on to our votes.  
16 We will vote on, we will vote to approve LU289 the  
17 Application that we just heard. We will also be  
18 voting on applications that were the subjects of  
19 prior hearings except that LUs 280 and 281 uhm, an  
20 Application for a Zoning Map Amendment to Rezone 25-  
21 28 J Street in Council Member Levin's District in  
22 Brooklyn will be laid over. We will be voting to  
23 modify LUs 272 through 277, the Marcus Garvey Village  
24 Applications for a Zoning Map Amendments, uhm Zoning  
25 Text Amendments, Acquisitions, Dispositions and 2

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2 Special Permits. Our modification will require lower  
3 heights and setbacks for the proposed buildings. In  
4 order to address the scale and relationship to the  
5 existing buildings and to ensure more light and air.  
6 Our modification will also ensure that 68 parking  
7 spaces are provided. We will be voting to modify LU  
8 259, the citywide M1 Hotel Special Permit Tax  
9 Amendment. Our modifications will ensure that areas  
10 near La Guardia and JFK Airports are subject to the  
11 new Special Permit Requirements strengthened findings  
12 related to adjacencies to industrial businesses and  
13 ensure that hotel operations do not have negative  
14 impacts on surrounding communities. We will also be  
15 adding an exclusion to facilitate a unique mixed  
16 used, adaptive, re-use project in which a hotel use  
17 will help enable the additional uhm important public  
18 policy objects where a hotel use compromising 30% or  
19 less of a total project will help enable the  
20 activation of space for light industrial arts and  
21 office users resulting in significant job creation  
22 and revitalization of an area. We will be voting to  
23 modify LU 269 the special Dormant Center Text  
24 Amendment. Our modification will create Zoning Text  
25 that will allow for inclusion of a hotel in a mixed-

2 use project with permanently affordable housing,  
3 subject to an HPD Regulatory Agreement without a  
4 Hotel Special Permit. I also want quickly before we  
5 go in to acknowledge that we have been joined by  
6 Majority Leader Cumbo uhm thank you for being here.  
7 I want to take this opportunity right now to read the  
8 speaker's remarks regarding the Garment District.  
9 The speaker is under the weather this morning so he  
10 asked me to deliver a few remarks on his behalf. Uhm  
11 I want to begin by acknowledging the partnership of  
12 Borough President Gayle Brewer and June Corse (SP?)  
13 on her staff. The Borough President has over the  
14 course of more than two years pulled many of us  
15 together to debate and develop strategies for  
16 preserving the fashion incubator that is the Garment  
17 District. I also want to recognize the hard work and  
18 dedication of many of the participants of the Garment  
19 Steering Committee who developed the ideas and  
20 recommendations who are here today. Uhm and I want  
21 to thank the agencies, the Economic Development  
22 Corporation and the Department of City Planning for  
23 their willingness to accept feedback. Many New  
24 Yorkers have deep ties to the Garment District. It  
25 is a place of inextricably link to our City's history

2 but also are present and I am very, and I very much  
3 believe our future which belongs us, which brings us  
4 to the vote today. For a variety of reasons, the  
5 financial realities around Garment Production in  
6 Midtown have changed and now we have much smaller  
7 collection of Garment Manufacturers than we had 30  
8 years ago when the Zoning was put in place. My goal  
9 over the course of the last several weeks has been to  
10 build on the work to date over the last several years  
11 to make sure that we have as stable a foundation as  
12 possible for Garment Manufacturing while recognizing  
13 the evolution of the District. Based on much of the  
14 feedback from Community Boards, the BP and other  
15 Garment Stakeholders we have had significant  
16 progress. One, we have secured a commitment for  
17 approximately 270,000 of the Garment Manufacturing  
18 Preserve through the IDA with more to, to come we  
19 expect. Uhm we have secured a commitment from the  
20 bid to provide support for the industry working with  
21 stakeholders to the tune of 2.5 million per year uhm  
22 over 10 years with meaningful industry feedback. In  
23 addition to the 14 million, the CFDA and the EDC are  
24 committing to provide to support garment  
25 manufacturing. LPC is going to be doing a study uhm



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2 to examine potential landmarks designations. Uhm DOT  
3 is doing something similar for the Garment Center  
4 area to examine ways we can improve the pedestrian  
5 infrastructure and on an issue near and dear to my  
6 heart we are also making a clear commitment to close  
7 any reasonable funding gap for building acquisition  
8 for a Garment Manufacturing Hub. There are many,  
9 many other pieces to this puzzle and the  
10 Administration has agreed to convene an Advisory  
11 Group to continue to work through the implementation  
12 and to ensure clear communication. Again, I want to  
13 thank the Community Boards 4 and 5, Pratt Center,  
14 Design Trust, CFDA, the BID Mass, Yell Li Tang and  
15 many, many others for all of their work to get us  
16 here and I look forward to continuing to work  
17 together to make sure we push as hard as we can to  
18 achieve the right outcomes for the people who work  
19 here and for the broader needs of the fashion  
20 industry in Midtown as a whole. And now we will, we  
21 will vote to approve LUs 270 and 271d, the 1451  
22 Franklin Avenue Rezoning for Property and Majority  
23 Leader Cumbo's District in Brooklyn. This  
24 application is for rezoning from an R6A to R6AC13 and  
25 R8A to R8X and R8XC24 and will apply MIH option 1 to

2 the rezoning areas. Uhm Majority Leader Cumbo uhm  
3 has remarks about how this project has changed during  
4 this process and I wanted to turn it over to you,  
5 Majority Leader.

6 MAJORITY LEADER LAURIE CUMBO: Okay.

7 Thank you so much, Chair Moya and thank you for your  
8 leadership. I want to thank all of my colleagues  
9 that are also here today. The Franklin Avenue  
10 Rezoning a proposal for development on either side of  
11 Tivoli Towers on Franklin Avenue in Crown Heights  
12 presents a difficult choice for my community. This  
13 has probably been one of the most difficult projects  
14 that I have ever had to oversee as far as the  
15 negotiations. But in this particular project the  
16 choices were clear but they were also clearly  
17 undesirable. We were presented with either building  
18 270 units of luxury condominiums with prices starting  
19 at \$900,000 in a 7-story building in a highly  
20 gentrifying community in Crown Heights Brooklyn. And  
21 everyone understands the implications that 270 units  
22 of luxury condominiums would have on a community such  
23 as Crown Heights and then we were given the other  
24 option of being a 16-story development with 518 units  
25 and only 140 of the 518 units would be affordable to

2 the Crown Heights Community. It simply was not  
3 enough affordability to justify building a 16-story  
4 building with no community benefits or quality jobs.  
5 I hear it every day from my constituents. Affordable  
6 housing is at the top priority of Crown Heights but  
7 unfortunately, we have not built enough affordable  
8 housing to keep place with the rampant gentrification  
9 that is eroding so many families from where they are  
10 currently living. More and more new developments are  
11 coming in with market rate apartments far above what  
12 most community residents can afford. And bringing in  
13 new businesses that cater to a new population. We  
14 must urgently deploy every tool available to preserve  
15 affordable housing in Crown Heights and increase the  
16 inclusiveness of new development. With this in mind,  
17 I am proud today and this is nothing short of a  
18 miracle to announce that I have secured commitments  
19 from Carmel Partners to both increase their on-site  
20 affordable housing and to partner with Asian  
21 Americans for Equality also known as (ASAFE). Also,  
22 development on the ASAFE site will require an  
23 additional ULURP Application to remove deed  
24 restrictions put in place by HPD I am competent that  
25 this will move forward expeditiously with HPD

1 support. Altogether on the two applicant development  
2 sites and the ASAFE site we project the future  
3 development will now include 627 total residential  
4 units split between 378 market rate units and 258  
5 affordable units. This is now a 60/40 split. This  
6 is an increase from the original proposal that was  
7 only going to offer 140 affordable units. This  
8 represents nearly double the number of affordable  
9 units that was originally proposed. If this Rezoning  
10 was turned down and we left the R6A District in  
11 place, we would see 100% market rate development of  
12 278 units on the Carmel Cornell Sites and only 20-30%  
13 of the units affordable on the ASAFE Site. For those  
14 who might rightly ask affordable to who? It is a  
15 question that comes up in every Land Use meeting.  
16 But let me be clear, the median income household in  
17 my District is approximately \$58,000. There are tens  
18 of thousands of households in the District making  
19 between to \$25,000 to \$75,000 who would be eligible  
20 for most housing created by MIH and HPD developments  
21 but may have a difficult time finding an affordable  
22 apartment on the market. For example, one person  
23 making minimum wage \$15 an hour, full time would  
24 typically qualify affordable housing at the 40 AMI  
25

2 level, a family of 1 at 40 AMI is approximately  
3 \$29,000. Two people making minimum wage, \$15 an hour  
4 full time with 2 children would qualify for  
5 affordable housing at the 60 AMI level. A family of  
6 4 at 60 AMI is approximately \$62,580. These  
7 affordable units will be at an average of the 60 AMI  
8 level that can range from 40 to 100 AMI. The choice  
9 on this project was never development versus no  
10 development and I have no doubt that we are making  
11 the right decision for the community to move forward  
12 with this new agreement. Let me quickly address some  
13 of the other concerns and benefits of the project.

14 Regarding shadows on the Brooklyn Botanic Garden,  
15 Brooklyn Botanic Garden is an institution that has  
16 been such a vital part of the vitality of Brooklyn,  
17 New York. I take this issue very seriously and I  
18 would never approve a project that does significant  
19 harm to the garden. We have a letter from the  
20 Brooklyn Botanic Garden to the City Planning  
21 Commission stating clearly that based on their own  
22 independent analysis, this project would not have a  
23 significant impact on the garden. And just to read  
24 an exert from the letter, Scott Medberry, the  
25 President of the Brooklyn Botanic Garden said "The

1 Garden is not taking a position on this project. In  
2 large part because it does not appear to have a  
3 significant impact on the Garden's Living  
4 Collections. Last year, the Garden had the  
5 methodology of the projects EIS Shadow Study checked  
6 by an expert and confirmed that the Shadow Study was  
7 performed according to state specifications. We then  
8 reviewed the EIS Study and have concluded that the  
9 project would not have significant impact on the  
10 Garden". I am also pleased that Carmel Partners has  
11 agreed to retained building Skills NY to conduct  
12 Construction Job Training Classes for local residents  
13 and list open employment opportunities with the  
14 preference for Crown Heights Residents. Workshops.  
15 Carmel has also reached an agreement with 32BJ to  
16 require that all permanent building staff be Union  
17 Labor. Carmel will also set aside at least 1500  
18 square feet in the project for community facility  
19 used for small business incubator or local arts or  
20 education organization. I would like to thank the  
21 applicants and ASAFE for working towards an  
22 agreement, my Staff, Raju Man, Brian Paul, Crystal  
23 Hudspeth and all of the members of the public who  
24 weighed in on this important project. With all of  
25

2 this said, this is now a project that I can loudly  
3 and proudly support and I urge my colleagues to vote  
4 yes. This was a very difficult project and I really  
5 thank everyone for all of their work. It was a lot  
6 of late nights, a lot of angry phone calls, a lot of  
7 banging on tables and slammed doors but we finally  
8 got to a decision and what I am most proud about this  
9 project is that we are going to be delivering double  
10 the amount of affordable housing and that is going to  
11 benefit over 258 families in the Crown Heights  
12 Community in a very meaningful way and between this  
13 project as well as the Bedford Union Armory Project  
14 we are bringing more affordable housing to Crown  
15 Heights than they have seen in decades. So, I  
16 proudly urge my colleagues to vote yes on this  
17 project and I thank all of them for their support.

18 CHAIR FRANCISCO MOYA: Thank you uhm  
19 Majority Leader Cumbo. Counsel, please call the  
20 roll. Oh, I'm sorry, I now call for a vote to  
21 approve uhm 270, 271 and 289 and to approve with  
22 modifications LU259, 268 and 272 through 277.  
23 Counsel, please call the roll.

24 COUNSEL: Moya?

25 CHAIR FRANCISCO MOYA: Aye on all.

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COUNSEL: Constantinides?

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COSTA CONSTANTINIDES: Aye on all.

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COUNSEL: Levin?

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STEPHEN LEVIN: Aye on all.

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COUNSEL: Richards?

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DONOVAN RICHARDS: Aye.

8

COUNSEL: Rivera?

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CARLINA RIVERA: Aye.

10

COUNSEL: Grodenchik?

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BARRY GRODENCHIK: Aye.

12

COUNSEL: The Land Use items are approved

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by a vote of 6 in the affirmative, no negative and no

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abstentions and referred to the Land Use Committee.

15

CHAIR FRANCISCO MOYA: This concludes

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today's... Yes, we will leave the vote open. I just

17

want to thank my colleagues for their patience today

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and to the public thank you very much, we will leave

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the roll open for a few more moments. Thank you.

20

Yeah.

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COUNSEL: Continued vote, Council Member

22

Torres?

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RITCHIE TORRES: I proudly vote aye and I

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can say, I cannot imagine a finer Chair of the

25



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2 Subcommittee on Zoning and Franchise as Francisco  
3 Moya.

4 CHAIR FRANCISCO MOYA: It is truly an  
5 inspiration to me.

6 COUNSEL: The Land Use Items are approved  
7 by a vote of seven in the affirmative, no negative  
8 and no abstentions and referred to the full Land Use  
9 Committee.

10 CHAIR FRANCISCO MOYA: Thank you this  
11 concludes today's meeting, I would like to thank the  
12 members of the public, my colleagues, counsel and  
13 Land Use Staff as always for their great work for  
14 attending. This meeting is hereby adjourned.

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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 JANUARY 12, 2019