

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON LAND USE

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September 22, 2016  
Start: 11:27 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)

[gavel]

CHAIRPERSON GREENFIELD: Good morning.

My name is David Greenfield; I'm the Councilman from the 44th Council District in Brooklyn; I'm privileged to serve as the Chair of the Land Use Committee.

[background comments]

Folks, if you could either whisper or take your conversations outside, we'd appreciate it.

I wanna welcome my esteemed colleagues who are members of the Committee and who have joined us here today -- Council Member Gentile, Palma, Dickens, Mendez, Rodriguez, Koo, Rose, Richards, Cohen, Reynoso, Torres, and Treyger, and congratulate Council Member Koo for arriving early today.

I wanna thank Chair Dickens for her work with the Planning Subcommittee; Chair Richards for conducting our hearing for the Zoning Subcommittee, and Chair Koo, as always, for his leadership of the Landmarks Subcommittee.

The Committee will be voting today on resolutions before you for presentation and vote by the Full Council.

We're gonna start first with LU No. 458, Altus Café, which is an application to operate an

1 unenclosed sidewalk café located at 4325 Broadway in  
2 Council Member Rodriguez's district.

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4 LU 438, Adorama, this is an application  
5 for a special permit application submitted under  
6 Section 747-11 of the Zoning Resolution that would  
7 facilitate a 17-story building with commercial and  
8 residential use and the restoration of historic  
9 buildings in the Ladies Mile Historic District in  
10 Manhattan.

11 Because this application has generated  
12 some attention, I wanted to make sure that we  
13 provided some additional context to this Land Use  
14 Committee. The special permit would allow for  
15 changes in building form to accommodate building  
16 design approved by the Landmarks Preservation  
17 Commission. Over the course of a public discussion  
18 on this application, it has been argued that it is a  
19 test case for applying Mandatory Inclusionary Housing  
20 requirements to special permit applications. We  
21 heard testimony at our hearing on both sides of that  
22 very lengthy hearing and I wanna thank Chair Richards  
23 for his work to ensuring even-handed discussion.

24 Section 74-32 of the Zoning Resolution  
25 states that we should apply the MIH requirements

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2 where a special permit approval would allow for a  
3 significant increase in residential floor area. The  
4 application we are now considering involves a series  
5 of waivers to height and setback regulations. The  
6 waivers the applicant is seeking are partially a  
7 reflection of the fact that the building is in a  
8 historic district which constrains the applicant's  
9 development site.

10           There are two key considerations, which  
11 taken together are the reason that the Council does  
12 not believe that MIH should be appropriately applied  
13 in this particular situation.

14           First, the maximum floor area permitted  
15 on the site will not change as a result of this  
16 approval; in fact, the applicants are proposing to  
17 build less floor area than what the zoning district  
18 currently permits.

19           Second, the applicant has demonstrated  
20 that it would be able to develop as much or more  
21 residential floor area than the amount being proposed  
22 on an as-of-right basis without needing any zoning  
23 waivers at all.

24           To be clear, the Council will be  
25 scrutinizing these kinds of applications very

1  
2 carefully to ensure that we apply the MIH program  
3 consistently and we'll be looking carefully at the  
4 facts of each application to determine on a case by  
5 case basis whether future special permit applications  
6 lead to a significant increase in residential floor  
7 area.

8 I understand that the applicant has also  
9 agreed to work closely with Council Member Johnson to  
10 find ways of preserving affordable housing in this  
11 community that so desperately needs this and we'd  
12 like to thank the applicant for doing so and wish  
13 them luck.

14 I also wanna thank the Manhattan Borough  
15 President for her advocacy on behalf of affordable  
16 housing and for bringing this issue to our attention;  
17 I think she provided us all with a service by having  
18 a conversation on an interesting and disputed area of  
19 law. And I also wanna thank Council Member Johnson  
20 for his very careful consideration of the issues at  
21 play in this application and arriving at what was  
22 certainly a difficult, but in the Chair's opinion, a  
23 very fair decision. Moving along.

24 Preconsidered LU, Barnett Avenue. I  
25 think everyone is aware that this is an application

1 for rezoning in Council Member Van Bramer's district.

2 This application has been withdrawn and therefore  
3 it's subject to what we call a motion to file.

4  
5 Next we have two applications for the  
6 acquisition of buildings in Queens for their  
7 continued use as libraries in Council Member Koo and  
8 Council Member Richards' district.

9 First is LU No. 467, the Mitchell-Linden  
10 Library site which is an application submitted by the  
11 Queens Public Library and the Department of Citywide  
12 Administrative Services for the acquisition of  
13 property located at 31-32 Union Street.

14 Second is LU No. 468, the Rosedale  
15 Library site which is an application submitted by the  
16 Queens Public Library and DCAS for the acquisition of  
17 property located at 144-20 243rd Street.

18 And finally, we have several applications  
19 from HPD. The first is LU No. 427, Hope East of  
20 Fifth Resyndication. This is an application for the  
21 disposition of property at 212 East 117th Street in  
22 the Speaker's district. Pursuant to Article 16 of  
23 the General Municipal Law, to Hope East of Fifth  
24 HDFC, **[inaudible]** will rehabilitate one multiple  
25 dwelling to create 14 rental dwelling units.



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2 We also have LU 454, LU 455, LU 456, LU  
3 457, Southeastern Queens Vacant Homes, Clusters 1, 2,  
4 3, and 5. These are applications by HPD to propose  
5 UDAAP approval and property tax exemption under  
6 Section 696 under General Municipal Law for a vacant  
7 single-family home; in this case there are several  
8 vacant single-family homes. Cluster 1 is at 32-10  
9 102nd Street and that's in Council Member Julissa  
10 Ferreras-Copeland's district; Cluster 2, at 89-55  
11 208th Street is in Council Member Barry Grodenchik's  
12 district; Cluster 3, at 80-44 162nd Street is in  
13 Council Member Rory Lancman's district, and Cluster  
14 5, at 144-41 158th Street; 171-15 144th Avenue and  
15 222-33 Road -- and for the life of me, I don't  
16 understand why in Queens they even have streets,  
17 avenues and road, but that being said, those are  
18 located in Council Member Donovan Richards' district.

19 And finally today we have Preconsidered  
20 LU La Central tax exemption, which is a continuation  
21 of the work that we did in our last hearing and this  
22 is an application for tax exemption submitted by HPD  
23 to facilitate La Central, a new mixed-use development  
24 for which other actions were recently approved by the  
25 Council in Council Member Salamanca's district.

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2 We also have been joined by Council  
3 Member Kallos and counsel has scribbled something  
4 that I cannot read, so I'm gonna take a short 10-  
5 second break to decipher the words.

6 [pause]

7 Fascinating technical issue there.

8 Thank, you counselor. So in fact, while the Barnett  
9 application was withdrawn, it was technically never  
10 on our calendar and therefore we do not necessitate  
11 what is known as a motion to file. [background  
12 comment] Thank you, counselor.

13 All the members that have applications in  
14 their respective districts, they support the  
15 application and with that I will turn it to any  
16 members that would like to make any remarks. Anyone  
17 wanna make any remarks? Oh happy day. Are there any  
18 members who have any questions? Hearing none, I will  
19 ask the clerk to please call the roll and I will ask  
20 the clerk to please start with Chair Dickens.

21 COMMITTEE CLERK: William Martin,  
22 Committee Clerk, roll call vote Committee on Land  
23 Use. Council Member Dickens.

24 COUNCIL MEMBER DICKENS: I vote aye on  
25 all.

COMMITTEE ON LAND USE

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COMMITTEE CLERK: Chair Greenfield.

CHAIRPERSON GREENFIELD: Aye on all.

COMMITTEE CLERK: Gentile.

COUNCIL MEMBER GENTILE: Aye on all.

COMMITTEE CLERK: Palma.

COUNCIL MEMBER PALMA: Aye on all.

COMMITTEE CLERK: Mendez.

COUNCIL MEMBER MENDEZ: Aye on all.

COMMITTEE CLERK: Rodriguez.

COUNCIL MEMBER RODRIGUEZ: Aye.

COMMITTEE CLERK: Koo.

COUNCIL MEMBER KOO: Aye on all.

COMMITTEE CLERK: Rose.

COUNCIL MEMBER ROSE: Aye on all.

COMMITTEE CLERK: Richards.

COUNCIL MEMBER RICHARDS: Congratulations

to Council Member Johnson and it was a pleasure to

work with Chair Greenfield on these applications.

With that being said, I vote aye.

COMMITTEE CLERK: Cohen.

COUNCIL MEMBER COHEN: Aye.

COMMITTEE CLERK: Kallos.

COUNCIL MEMBER KALLOS: Permission to

explain to my vote.

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2 CHAIRPERSON GREENFIELD: Council Member  
3 Kallos to explain his vote.

4 COUNCIL MEMBER KALLOS: I wanna thank the  
5 Zoning Committee for hearing this and a thorough  
6 discussion, particularly from Council Member Williams  
7 and Torres, as well as Council Member Johnson; I  
8 share some of the very same concerns about the  
9 Adorama site and the waivers and changes we're doing  
10 as part of this special permit, particularly allowing  
11 a sliver that would go from six stories up to 17  
12 stories, eliminating the 60-foot requirement between  
13 buildings and going down to 50 feet, removing the  
14 setback which allows for the blocking of light and  
15 air, and fundamentally I'm concerned about having  
16 chosen between multiple models under the **[inaudible]**  
17 model, there would only be 45,730 square feet of  
18 residential FAR as they are proposed, brings it up to  
19 68,097, which to me, I believe is a significant  
20 increase in residential. I understand that they have  
21 an alternative model that has 73,000 square feet of  
22 residential and that somehow it reduces, but in that  
23 case they end up with an additional 50,734 square  
24 feet of retail. I am overwhelmingly concerned with  
25 74-32 which we amended under MIH and the fact that

1  
2 somebody can get additional commercial FAR without  
3 having to give us additional affordability; in this  
4 case we will be getting 66 units in a neighborhood  
5 that needs affordable housing; none of them will be  
6 affordable; we will be getting \$2.5 million, which  
7 means we can find maybe an apartment or two in the  
8 neighborhood and make those rent-stabilized.

9 Ultimately, I am very concerned; I hope that, and I  
10 believe this does not set a precedent for our body;  
11 despite my objections, I do defer to Council Member  
12 Corey Johnson in his district and support his  
13 application and just ask in turn that my colleagues  
14 support me in my zoning changes in my district, and  
15 so I vote aye.

16 CHAIRPERSON GREENFIELD: Thank you.

17 We'll be sure to beat up on you as well before we  
18 support those changes in future applications.

19 COMMITTEE CLERK: Reynoso.

20 COUNCIL MEMBER REYNOSO: I vote aye.

21 COMMITTEE CLERK: Torres.

22 COUNCIL MEMBER TORRES: I vote aye.

23 COMMITTEE CLERK: Treyger.

24 COUNCIL MEMBER TREYGER: Aye.

25 COMMITTEE CLERK: Lander.

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COUNCIL MEMBER LANDER: Aye.

COMMITTEE CLERK: By a vote of 15 in the affirmative, 0 in the negative and no abstentions, all items have been adopted.

CHAIRPERSON GREENFIELD: Thank you. As is our practice, we're gonna keep the vote open for 15 minutes and we'll round it up, so we'll say 11:55.

[pause]

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

[background comments]

[pause]

[background comments]

COMMITTEE CLERK: Quiet please.

[background comments]

COUNCIL MEMBER WILLIAMS: I vote aye on all, with the exception of 438, which I abstain.

[pause]

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

[background comments]

COUNCIL MEMBER WILLS: I vote aye on all. You've got me on -- aye on all. Okay.

[pause]

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

COUNCIL MEMBER GARODNICK: I vote aye.

[pause]

[background comments]

[pause]

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

COUNCIL MEMBER LEVIN: Aye on all.

[pause]

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

COUNCIL MEMBER MEALY: I vote aye on all.

COMMITTEE CLERK: Final vote now

Committee on Land Use, all items have been adopted by  
a vote of 20 in the affirmative, 0 in the negative  
and no abstentions, with the exception... [interpose,  
background comment] with the exception of Land Use  
Item 438, which has been adopted by a vote of 19 in  
the affirmative, 0 in the negative and 1 abstention.  
Thank you.

CHAIRPERSON GREENFIELD: This concludes  
the Land Use hearing of September 22nd, 2016. This  
hearing is hereby adjourned.

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COMMITTEE ON LAND USE

[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 12, 2016