CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON LAND USE

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AUGUST 2, 2018 Start: 1:09 p.m. Recess: 1:40 p.m.

HELD AT: Council Chambers - 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 Rubin Diaz, Sr. Vanessa L. Gibson Barry S. 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)

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2 [sound check] [pause] [gavel]

CHAIRPERSON SALAMANCA: Alright, good afternoon everyone. Welcome to the Committed on Land Use. I am Council Member Rafael Salamanca, the chair of this committee. I want to welcome my esteemed colleagues who are members of the committee. We have Council Members Gibson, Barron, Constatinides, Acting Chair Deutsch, Lancman, Levin, Reynoso, Richards, Torres, Treyger, Chair Adams, Chair Moya, and Rivera. I want to thank Chair Moya, Chair Adams, and Acting Chair Deutsch for their work on our Land Use Subcommittees. Today, we will be voting on a number of items referred out of our Zoning Subcommittee in accordance with Section 11.10 of the Council's Rules. I am calling up to this committee the following items, which were referred to the Planning Subcommittee, which is necessary to enable the committee and counsel to act within time limits prescribed by law. They are LUs 149, 150, 155 and 156. I will first describe the applications that have recommendations for our Zoning Subcommittee. will vote to disapprove LU 169, the application of Calle Dao Chelsea for a revocable consent to operate in an undisclosed-unenclosed sidewalk café at 461

West 23rd Street in Speaker Johnson's district in 2 Manhattan. We heard testimony that the restaurant's 3 Bottomless Brunch resulted in the overserving of 4 5 alcohol to patrons, and is a nuisance to the 6 community. We will vote to approve LU 170 the 7 application by Tw Hands Tribecca, LLC for a revocable consent to operate an unenclosed sidewalk café at 251 8 Church Street in Council Member Chin's district in 9 Manhattan. We will vote to disapprove LU 171 the 10 application by Sugary Goddess Corp. d/b/a Whai Oyster 11 12 Arka Wahizza-Wazza for a revocable consent to operate an unenclosed sidewalk café at 4486-4488 Broadway 13 Council Member Rodriguez's district in Manhattan. 14 15 will vote to approve LUs 172, the application by 16 Silvia L. Duran d/b/a Grito Mexican Grill for a revocable consent to operate and unenclosed sidewalk 17 18 café at 1555 Saint Nicholas Avenue in Council Member Rodriguez's district in Manhattan. Today, we will 19 also be voting to approve LUs 141, the post office, 20 which has the support of Council Member Reynoso and 21 2.2 to file LU 142 Nobody is Perfect, a application for a 23 revocable consent for an unenclosed sidewalk café in Council Member Rivera's district. This application 24 was withdrawn by a letter dated August 1, 2018. 25

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afternoon, we will be voting on modifications to an application consisting of six separate land use actions submitted by the Economic Development Corporation that together make up the Inwood rezoning, LUs 135 through 140. The Inwood rezoning proposal would rezone 59 blocks of the Inwood neighborhood to require conceptual buildings and new affordable housing and to promote economic development. Additionally, the proposal would facilitate public accessible waterfront open space and two major affordable housing developments with community facility and economic development components on city-owned land. The Council is modifying the Zoning Map and Zoning Text Application in response to concerns voiced by community members and elected officials regarding potential displacement of existing buildings and residents. The urban design of the new building stock and affordability levels of new development. The Council is modifying the Zoning Map Amendment LU 135 to eliminate the up-zoning and most of the Commercial-U along Dyckman west of Broadway while retaining the up-zoning of the Inwood Library and certain adjacent sites. Additionally, the Council is lowering the

2	proposed density on certain blocks with large
3	concentrations of rent regulated housing to reduce
4	the incentive to redevelop these buildings. Even in
5	areas removed from the up-zoning, the Council is
6	still mapping he proposed C2-4 Commercial Overlays
7	and around commercial development on the second floor
8	of mixed buildings to promote economic development.
9	The Council is modifying the Zoning Text Amendment
10	LUs 136 to remove Mandatory Inclusionary Housing
11	Option 2, and to allow deep affordability option.
12	This means that they final version will map MIH
13	Option 1, and a deep affordability option, which
14	together require the deepest affordability possible.
15	Additionally, the Council is modifying the
16	application to make the proposed Mandatory
17	Inclusionary Housing areas and transit easement zones
18	match the final up-zone areas. The Council is also
19	establishing new urban design rules to require
20	building base height in certain areas to sustain and
21	match the local neighborhood character, which
22	consists primarily of six-floor walk-up buildings.
23	To facilitate these rules, the Council is creating
24	for subareas within Upland-Upland Area Subdistrict D
25	each of which has locally appropriate base height

2 rules. Additionally, the Council is retaining the Proposed Special District in the portions of the 3 commercial you've removed from the up-zoning via a 4 new sub-district F in order to promoted affordable 5 6 housing and contextual urban design. The Council's 7 modification would allow developers in this new subdistrict to advantage of the lower parking 8 requirements proposed for the rest of the Special 9 District if they provide at least 20% affordable 10 housing at 60% of the area median income, which could 11 12 be achieved with 421-A, Option A that followed the 13 Quality Housing Bulk (sic) Rules that result in contextual buildings. Additionally, new mixed-use 14 15 quality housing buildings in the Commercial-U will be 16 relieved to the parking requirements for commercial 17 and community facility uses to promote economic 18 development, which is similar to what is proposed for the rest of the special district. 19 To protect the 20 light and air of existing buildings-residents, buildings in this area that use the Quality Housing 21 2.2 Bulk Rules will be able to take advantage of proposed 23 special rules found elsewhere and a special district that allow new buildings to go 10 feet higher if they 24 set the buildings back from existing windows that are 25

on the near lot lines, and the Council is also
retaining the 24-foot limit on bank footage in the
Commercial-U to help retain the local retail
character of the areas while removing the underground
floors controlled for scope reasons. The Council's
modifications will retain the Special Permit for new
hotel construction throughout the entire Special
District and also allow for gyms and health clubs to
be developed as-of-right throughout the Special
District even in areas removed from the up-zoning.
The only other action the Council was modifying is a
proposed acquisition of the library, LU 138. While
the City Planning Commission approved an acquisition
of approximately 18,000 square feet based on the size
of the current library that at least that development
is projected to contain approximately 20,000 square
feet of library space and the Council was modifying
the application accordingly. The community is
represented by Council Member Ydanis Rodriguez who
has engaged with the de Balsio Administration and the
community for many years to make sure that this
process results in the best possible outcome for the
community. I would like to invite Council Member

2 Rodriguez to make a few remarks prior to the vote.

3 | Council Member.

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COUNCIL MEMBER: Thank you. Thank you, I just want to say thank you to everyone. Chair. You know, I was getting phone calls from Chairman Salamanca of Land Use and Moya and members of this team, and your support being incredible. Jason, Chief of Staff, the Speaker, James, Joyce, Raju my team staff, Chief of Staff, everyone, the former DVC Commissioner sitting back there still right now. Even though we are not meeting together we are doing the rest and that this result is like at 2:00 in the morning. They were able to wake up and they have still been working with us, you understand it's all of the community leaders, and most important, the community that spoke loud and clear. They said this rezoning is too big. We need to downsize this rezoning. We-this rezoning will hurt the local small businesses in Dyckman, 207 and Broadway. listening to them loud and clear and we cut-we took out that area the U from this rezoning, but also we respond as, you know, a leader that sometimes has to engage the community listening to their concerns, going back and forth for the last three years to a

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2 fear of gentrification, a fear of gentrification that has happened because if our community was left out. 3 When many of you guys were able to get 2,000, 3,000 5 preservation the last couple of year, 2,000, 3,000, you know, affordable housing under the Giuliani the 6 7 Bloomberg, Washington Heights, Northern Manhattan, Marble Hill. In the last 15-25 years got less than 8 1,000 affordable housing as new units. So today for 9 the first time being responsible not only to the 10 present, but to the future generations. We have a 11 12 plan that starts bringing 1,500 new affordable housing with the plan to close some public sites, 13 14 DOT, Sanitation, the Vermilya Avenue will be-where 15 very easily we cannot add additional 2,000 new 100% 16 affordable, but in this plan also we are looking at 17 other ways of how we can preserve and protect our 18 tenants that for many decades they were evicting, Advantage and Pinnacle, other bad landlords that use 19 20 those tactics to push our people out. We're listening to labor. We know that the city has to do 21 2.2 better to train, to bring responsible contractors, 23 and even that process takes time for the laborers to 24 negotiate with those contractors, we as the Council 25 also incorporate the language that I got two nights

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ago from labor and basically the same language that will share with is included in this document. language that we afford to address how the city has to provide better training for construction workers. How the city has to work harder to make contractors responsible. So, we-we now that there's a lot more that has to be done, and I'm looking to work with my colleagues and laborers to address on how the city has to provide the report on how those who oversee those contractors who make them more accountable. So, today I'm here to say that we're listening to the community that there's a lot of accomplishment that we got in this rezoning. There is millions of dollars that we are bringing to invest in our park, to invest in our transportation, to invest in our cultural. We are building in the tip of the island, the first in the nation Immigrant Research Center Performance Arts. The Research Center being run by...will be run by the library and the performing arts under the Cultural Affairs Department that we work with the local cultural group and they will have at least ten-around 10,000 square feet for cultural use. We are also bringing to our community a PTECH where CUNY City College is working with the DOE and a

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private partner that will work in the next couple of months to bring to Northern Manhattan a 9 to 14 a two-year college around the STEM and Megatronic education, but we are not waiting for that plan to be developed. Starting in September the STEM Institute at City College will be home at George Washington High School where they will get the funding to train and retrain the teachers around the STEM education from elementary to high school. We also go major investment to build a new pier, a new dock around the Inwood Park in the west side of the island where the EDC is committed to do a physical study to look at the possibility that can expand the ferry services to Inwood, and also to bring-build a pier that will be used for recreation and education. So, no plan is perfect. We cannot say that we are responding to all-every single concern, but I can tell you that working with the Mayor's Office, Pat Gents (sic), EDC and other agencies. With all the support that we got also from the Land Use, and many colleagues that went through previous rezoning like Vanessa Gibson and others, they share with us those experiences. we are telling our community that this plan aims to maintain Northern Manhattan as a community where

2 working class will live with dignity with a path to

3 take to middle-class as many of those as possible.

Thank you, Chair.

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CHAIRPERSON SALAMANCA: Thank you Council Member Rodriguez. We will be voting to approve LUs 144 through 146 the East 14th Street and Irving Place Tech Hub Application for property in Union Square, Manhattan in Council Member Rivera's district. New York City Development Corporation EDC and 14th at Irving LLC, our application for a zoning map change, a zoning text amendment and a special permit. These actions will facilitate the redevelopment of the city-owned site currently occupied by the two-story PC Richard Building with a 21-story technology focused office and a retail building in the Union Square neighborhood of Manhattan in Council Member Carlina Rivera's district. We will be voting to modify the East 33rd Street rezoning, LUs 147 and 148, applicant 33rd Street Acquisition LLC, seeks a zoning map change from R8-A to a C1-9A and a zoning text amendment to apply MIH Option 1 to the rezoning area, which is in Council Rivera's district in Manhattan. Our modification will be to add MIH Option 2 to the zoning text amendment LU 148, which

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applies to a larger area than just the applicant's property. We will be voting to file LUs 166, and 167 the 40-31 80-82nd Street Rezoning, which was withdrawn by the applicant on July 16th to take it off our calendar. We will be voting to approve LUs 149 and 150 the 1019-1029 Fulton Street Application for properties in Council Member Cumbo's district in Brooklyn, the New York City Housing, Preservation and Development and Fulton Star LLC seek designation of an Urban Development Action Area Project, UDAAP, project approval and disposition of city-owned property at 1027 and 1029 Fulton Street and zoning special permit to waive required off-street parking at 1021-1029 Fulton Street. These actions will facilitate the development of an eight-story building with approximately 50 residential units and 6,100 square feet of ground floor commercial retail space to be constructed at the disposition area and six adjacent property owned-privately owned lots. We'll be voting to approve LUs 155 the North Conduit demapping for property located at 219-01-219-25 North Conduit Avenue in Council Member Richards' district in Queens. This application is to de-map a portion of a city-owned street, and to sell it to the

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adjacent property owner to use as parking area for a commercial business. We will be voting to LU 156 the Balton Commons Application for property located at 263-267 West 126th Street in Council Member Perkins' district in Manhattan. HPD seeks approval of an Urban Development Action Area designation, an Urban Development Action Area Project, and the disposition of property located at Block 1932, Lot 57 and 107. These actions will facilitate the development of a new mixed-use 7-story building with 36 affordable housing units, and commercial and community facility space. Now, I will take remarks from Council Member Carlina Rivera. Any remarks?

COUNCIL MEMBER RIVERA: I want to thank
you, Chair for the opportunity to speak very, very
briefly. I just want to thank everyone for their
support on these projects. I appreciate all of the
work done by the Land Use team. Of course, my staff
that is here, and we are hoping to bring some really
great jobs, housing and really working to preserve
the character of the neighborhood, which are the
three things that I have been focusing on and brining
to my district. Thanks again for the opportunity and
I appreciate all of your support.

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2 CHAIRPERSON SALAMANCA: Thank you, Council Member. I just want to acknowledge that 3 there's been a lot of incredible amount of work, time 4 and effort invested in-in today's rezoning, and I 5 6 want to thank everyone who has been so involved in 7 making this a successful project. I said this time and time again, but that we are in an affordable 8 housing crisis, and as Council Members, we need to 9 make moves and show our communities that we're 10 serious about addressing this. We need to get more 11 12 units online so that the thousand of New Yorkers who are struggling to live in a city where wages aren't 13 14 increasing nearly as fast as rents are rising can 15 have a place to live without fear of displacement. 16 No rezoning is perfect, but there's a lot of good in 17 this project that are big wins from the deeply 18 affordable units to more equitable access to waterfront and green space to the housing and local 19 20 business preservations to the creation of local jobs. And although I will be voting on this project, I want 21 2.2 to express my disappointment with the Administration 23 on not strengthening labor language and worker protections to the sponsor review process, which at 24

the moment is vague and can potentially allow bad

2 actors to benefit from development receiving city subsidies. I want the Administration to know that 3 4 for future re-zonings and land use application, 5 responsible contractor language and worker safety protection must be an integral part of that process. 6 7 I congratulate Council Rodriguez for seeing through this process, and thank the tireless work of the Land 8 Use team, the countless community leaders and 9 advocates who have engaged passionately these last 10 few years. On the Tech Hub vote today, I want to 11 12 congratulate Council Member Rivera for her leadership on the project. The digital age is here, and our 13 14 city needs to have a qualified pipeline of talent 15 prepared to take on these new jobs while encouraging 16 innovation, creativity and the spirit of 17 entrepreneurship. I commend the Council Member for 18 her vision on this project, fighting for her neighborhood preservation, and vital scholarship funs 19 20 for the future of our tech leaders, and with that, are there any other comments from members of the 21 2.2 committee? Nope. I will now call a vote in 23 accordance with the recommendations of the Subcommittees and the local members to approve LUs 24 137, 139, 140, 141, 144, 145, 146, 147, and 149, 150, 25

first congratulate Council Member Rivera on the Tech

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2 Hub project, and I want to extend my congratulations to Council Member Rodriguez on the Inwood Rezoning. 3 4 As someone who certainly is very, very passionate 5 about re-zonings and understanding that I went 6 through my own for three year in Gerome, you know, as 7 the neighbor of Inwood right across the Harlem River, there's a lot of commonality, a lot of challenges 8 that both Inwood and the Bronx have faced throughout 9 the years and I certainly appreciate all of the 10 advocates, the community board and many, many others 11 12 for really working with Council Member Rodriguez to come up with the very best plan. It's been mentioned 13 14 before no plan is perfect, but I truly believe that 15 in the spirit of the future of our communities of 16 preservation of making sure that the families that built our city remain in our city. We fight for our 17 18 children and for equity and fairness and for all of our families. I'm truly grateful to see a plan put 19 forth that has millions of dollars of investment. 20 Anything that happens in Inwood will have an impact 21 2.2 on the Bronx. Anything that happens in the Bronx has 23 an impact on Inwood. So, I congratulate all of my colleagues who have land use items on today's agenda, 24 but certainly as your neighbor across the bridge, 25

- 2 Council Member, I congratulate you and the Land Use
- 3 staff on a job well done. I vote aye on all. Thank

4 you.

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5 CHAIRPERSON SALAMANCA: I just want to
6 recognize Majority Leader-Majority Leader Laurie
7 Coumbo. She'll have a few words.

MAJORITY LEADER CUMBO: Thank you, Chair Salamanca and Chair Moya. Thank you so much for this opportunity to be able to speak at this particular hearing. I want to thank my colleagues for their This is a very important project to me in support. my district. As many of you know, there is an incredible issue with gentrification and the pushing out of businesses of color particularly on Fulton Street. Fulton Street at one time used to be known as the Bogalon Shopping Center, and it was the largest stretch of black owned businesses anywhere in the city, but over the last 15 years, many of those businesses have closed as a result of escalating costs as well as a change in the demographics of this particular community. And so this particular development was very important to me because we were able to negotiate with the developer to ensure that 50% of the commercial real estate would be locked in

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at 50% below market rate, and this would be an opportunity for many of the local businesses that have either closed or in jeopardy of closing the ability to be able to secure a business space that they can develop and grow their business in the long term because diversity is ultimately what has made Brooklyn, New York what it is today, and our commercial corridors need to reflect that diversity, and I'm hoping that with this particular development that we will be able to negotiate better commercial leases for local businesses in our community so that way we can preserve the character and the continuity of our communities. I'm also very proud, as many of you know, I have an art background and they also agreed to ensure that the artwork of Barron Claiborne would be utilized throughout the building. They have also committed to doing plaques as well as stars noting many of the local-I would call them celebrities, but I would say communities, activists and leaders who have been prominent throughout the community. They've also established they are—they are going to work with 32BJ to ensure quality service building jobs and they are going to do local hiring in the community with an organization called Team

Brown Consulting who has done incredible local hiring
ensuring that many individuals of color particularly
from the What Whitman, Ingersoll and Farragut,
Atlantic Terminal and Lafayette Garden Houses are
employed on this particular project. So, I thank you
all for your support. Thank you for allowing me
speak on this particular project. This one actually
has AMIs higher than I have traditionally support,
but in exchange for the ability to have an affordable
corridor, I thought it was important to do that. So,
the AMIs for this particular project are at 30% of
permanently affordable, and they are at 120 and five
of the are at 120 and the remainder—excuse—30% of the
dwelling units as permanently affordable with no
subsidy or public financing for the affordable units.
Ten dwelling units will be permanently affordable
pursuant to the Voluntary Inclusionary Housing
Program restricted at 80% of AMI and below, and five
dwellings will be restricted at 120% AMI. I thank
you all so much for your support, and I thank you all
for being here today. Thank you.

CLERK: Deutsch.

CLERK: Barron.

COUNCIL MEMBER DEUTSCH: Aye on all.

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

CHAIRPERSON SALAMANCA: Council Member Barron to explain her vote.

COUNCIL MEMBER BARRON: Thank you. didn't hear all of the testimony earlier today about Inwood, but I've got lots of concerns because I think that the Council Member was able to negotiate some fantastic add-ons perks or incentives, whatever you want to call them, the PTEC, the money for the high school, the access to the waterfront. My concern is that 20 and 30 years from now who will be the people who are living there who will be able to really continue to enjoy all that will be in that area. very concerned about that. I've been told that two of the private owners—owners of the private land have made a commitment to maintain affordability and that there will be-I think I have 35% at 60% and below of AMI and then 30% at 120% AMI. My question is, is it in writing and are those the exact words that are in writing? I have found that developers often say something that does not materialize when the project comes into being. So, I'm going to reserve my vote. I'm going to abstain on that Inwood project because I

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want to read it and see it for myself. So, that by
the time I cast my vote, I will know exactly—in full
session—I'll know exactly what it says, and I also
want to know that percentage of the total amount of
units is going to be market rate. People tend to
sometimes not say, and oh, they have all kinds of
reasons. Council Members really don't know. It will
be whatever it is at that time, but I want to be able
to—be able to give deeper consideration to that, and
so, I'm going to vote—I'm abstaining on that, and
we'll cast a more decisive vote when we come before
the full body. I'm also voting no on Land Use 149
and 150. I've spoken to my colleague and she
understands my position on that, and on all the
others I'm voting aye. Thank you.

CLERK: Constantinides.

COUNCIL MEMBER CONSTANDINIDES: Chair

Salamanca, I want to join with your comments on—when

it comes to speaking about the lack of strong

contractor or good contractor language, and local

hiring. We have to work together. I look forward to

partnering with on that. I will vote aye on this—on—

on all.

CLERK: Lancman.

CLERK:

Moya.

COMMITTEE ON LAND USE

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2 COUNCIL MEMBER MOYA: Aye.

CLERK: Rivera.

COUNCIL MEMBER RIVERA: Thanks to all my colleagues. I vote age on all.

agenda have been adopted by a vote of 14 in the affirmative, 0 in the negative and no abstentions with the exception Land Use Items 149 and 150, which have been adopted by the committee 13 in the affirmative, 1 in the negative and no abstentions, and Land Use Items 135 through 140 have been adopted by the committee 12 in the affirmative, 0 in the negative and 2 abstentions.

CHAIRPERSON SALAMANCA: Thank you.

Before we end, I would like to acknowledge James

Lloyd from the Land Use Division who is leaving the

Council to join Gale Brewer's Office as the Director

of Land Use for the Manhattan Borough President's

Office. We will miss him and wish him all the best

in his new position. [cheers/applause] With that, I

would like to thank the members of the public, my

colleagues, Counsel and Land Use Staff for attending

today's hearing. This meeting is herby adjourned.

25 [Gavel]

${\tt C} \ {\tt E} \ {\tt R} \ {\tt T} \ {\tt I} \ {\tt F} \ {\tt I} \ {\tt C} \ {\tt A} \ {\tt T} \ {\tt E}$

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 August 3, 2018