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COMMITTEE ON LAND USE

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON LAND USE

November 12, 2019  
Start: 11:18 a.m.  
Recess: 11:53 a.m.

HELD AT: Committee Room - City Hall

B E F O R E: RAFAEL SALAMANCA, JR.  
Chairperson

COUNCIL MEMBERS:

- ADRIENNE E. ADAMS
- INEZ D. BARRON
- CHAIM M. DEUTSCH
- RUBEN DIAZ, SR.
- VANESSA L. GIBSON
- BARRY S. GRODENCHIK
- PETER A. KOO
- RORY I. LANCMAN
- STEPHEN T. LEVIN
- I. DANEEK MILLER
- FRANCISCO P. MOYA
- ANTONIO REYNOSO
- DONOVAN J. RICHARDS
- CARLINA RIVERA
- MARK TREYGER

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COMMITTEE ON LAND USE  
A P P E A R A N C E S (CONTINUED)

[gavel]

CHAIRPERSON SALAMANCA: Alright, good, good afternoon everyone, welcome to the Committee on Land Use. I am Council Member Rafael Salamanca, Chair of this Committee. I would like to welcome my esteemed colleagues who are member of the Committee and are present today; we have Council Members Barron, Deutsch, Koo, Levin, Miller, Reynosa, Richards, Treyger, Grodenchik, Chair Adams, Diaz, Chair Moya, Rivera and that's it, alright. I would like to thank Chair Moya and Chair Adams for their work on our Land Use Subcommittees today from Land Use Subcommittees. We will vote to approve three projects. We will vote to approve with modifications LUs 548 and LU 549, the East Side Coastal Resiliency Project. LU 548 is an application submitted by the Department of Transportation, the Department of Environmental Protection and the Department of Citywide Administrative Services for the acquisition of various properties along the FDR Drive in the districts of Council Member Rivera, Chin and Powers for a flood protection system. LU 549 is a related application submitted by the New York City Department of Small Business Services for a zoning text

1  
2 amendment to modify... to modify special regulations  
3 for zoning lots that include parts located in a  
4 marginal street in an M1-1 district in Manhattan  
5 community board... community district six. The East  
6 Side Coastal Resiliency Project is the first of its  
7 kind in New York. This comprehensive flood protection  
8 system along the East River in Manhattan seeks to  
9 provide critical flood protection to more than  
10 110,000 vulnerable New Yorkers. Since our October 3<sup>rd</sup>  
11 hearing the affected Council Members have been  
12 fighting hard to secure commitments to ensure that  
13 the impacts to the community during construction are  
14 lessened as much as possible and with that, we will  
15 first hear remarks from Council Member Rivera  
16 followed by Council Member Chin.

17 COUNCIL MEMBER RIVERA: Thank you so much  
18 Chair Salamanca for giving me the opportunity to  
19 briefly speak on LUs 548 and 549 which are related to  
20 the East Side Coastal Resiliency Project or ESCR. I'm  
21 happy to say that after more than a year of  
22 negotiations there is an agreement on ESCR between  
23 myself, Council Member Powers and Chin and the city.  
24 This agreement was based primarily on the ideas and  
25 feedback that members of our communities offered to

1  
2 make implementation of this plan better than what was  
3 originally presented. I'm proud that our agreement  
4 includes nearly every commitment we requested from  
5 phased, safe and timely ESCR construction to parks  
6 and NYCHA improvements to reexamining interim flood  
7 protections and studying bike ways and the future of  
8 the FDR. The breadth of these community investments  
9 can be seen in the support we have received today  
10 from many groups that had expressed skepticism with  
11 this plan over the last year. We have received  
12 support from NYCHA leaders and little league coaches,  
13 park tenants and policy experts and even cultural  
14 stewards. What is clear is that this community did  
15 not just want a flood protection plan, we needed a  
16 plan that would help address environmental injustice  
17 even as we transform our coastline to defend our  
18 homes and East River Park itself from climate  
19 catastrophes. And the commitments to complete this  
20 vision are numerous starting with the incredible  
21 number of trees this project will provide to the East  
22 Side, a net gain of 2,100 native, diverse and  
23 resilient species on our streets and in our park. We  
24 can also count on improvements to over 17 parks and  
25 six NYCHA campuses, partnerships with community

1 gardens, extended hours at school recreation sites  
2 and new barbecue areas. We are reaffirming  
3 collaborations with solar one and lower east side  
4 ecology center. We're also expanding pedestrian  
5 focused infrastructure with commitments for new  
6 protected bike lanes in Alphabet City and the  
7 expansion of close street programming and we're  
8 planning for the future with both a new disaster  
9 preparedness campaign for our frontline residents and  
10 a commitment to study the future of the FDR in a  
11 world that must include reduced vehicle use and  
12 emissions. But as this project spanning three council  
13 districts moves forward it's clear that the  
14 community's trust with the city surrounding this  
15 project must continue to be repaired. I certainly  
16 understand the mistrust after decades of neglect  
17 certain neighborhoods have experienced at the hands  
18 of all levels of government. These trust issues are  
19 exactly why Borough President Brewer and I hired the  
20 environmental experts at Deltares to conduct a report  
21 after the city apologized for their mistakes, that  
22 report motivated the city to release additional  
23 documentation supporting the project's design and to  
24 commit to reanalyzing our neighborhoods for  
25

1 implementation of interim flood protection measures.  
2 I was also happy to see the Deltares report conclude  
3 that this plan is also the most adaptable for futural  
4 infrastructural reconstruction surrounding the FDR  
5 Drive. Going forward we have negotiated to make sure  
6 the community has a seat at the table during  
7 construction with funding committed by the city for  
8 an ESCR community advisory group. I look forward to  
9 the ESCR community advisory group following in the  
10 footsteps of predecessors like the Gowanus Canal  
11 community advisory group and helping to amplify  
12 community voices, hold the city accountable and lay  
13 the groundwork for long term stewardship. The city is  
14 also ensuring that throughout construction there is  
15 reporting of air monitoring, soil testing, noise  
16 reduction measures and the inclusion of contractual  
17 incentives to help ensure early or on time  
18 completion. The city is also ensuring that throughout  
19 construction there is reporting constantly to the  
20 community advisory group who we are excited to be a  
21 diverse group of stakeholders. Today's vote marks an  
22 important moment in our city's fight against climate  
23 change. Clearly, we're not adapting to this world  
24 fast enough but even in the areas where we are doing  
25

1  
2 what... where we are doing so like Manhattan's East  
3 Side it won't be easy. I lived through a climate  
4 nightmare like many of you that was exacerbated by  
5 decades of people doing nothing. It's been seven  
6 years since Sandy and as Council Members representing  
7 nearly 200,000 New Yorkers, I know each and every one  
8 of you would do anything to protect your own  
9 communities. As climate change accelerates I will be  
10 there to fight for coastal protections for all of New  
11 York City but with federal funding for this project  
12 set to expire soon funds that this community competed  
13 for and earned we must act now to protect our East  
14 Side neighborhoods or risk another seven years of  
15 inaction. I'm voting yes for these land use items,  
16 and I encourage all my committee colleagues to do the  
17 same. Thank you.

18 CHAIRPERSON SALAMANCA: Thank you Council  
19 Member Rivera. I just want to recognize that we've  
20 been joined by Council Member Lancman and Gibson and  
21 now we will hear remarks from Council Member Chin.

22 COUNCIL MEMBER CHIN: Thank you Chair  
23 Salamanca for giving me this opportunity to speak.  
24 Today's vote is so personal to me and my district.  
25 Seven years ago, hurricane Sandy rocked our shores,



1  
2 no one could have predicted the type of damage it  
3 brought leaving neighborhoods from the Lower East  
4 Side to Two Bridges vulnerable and under resourced.  
5 While flood waters spill into doorsteps and power  
6 shut off our communities sprung into action to  
7 provide the recovery system that our most vulnerable  
8 neighbors need. While it has taken years to bounce  
9 back, we vow to take the lessons from this moment to  
10 ensure that our communities especially those that  
11 sits by the East River will not be left behind again.  
12 Today's vote will allow our city to take a bold step  
13 for climate action and secure the storm protection  
14 our downtown communities are owed. The ESCR plan is a  
15 comprehensive approach to enhance our resiliency  
16 efforts from future sea level rises. Thanks to the  
17 input of the community this plan will incorporate a  
18 construction phase approach to allow 42 percent of  
19 the park to remain open. This plan will have strong  
20 enforcement, hours for overnight work and provide air  
21 monitoring, soil sample and noise reduction. We will  
22 continue to work with DOT to make sure that our  
23 transportation infrastructure for bikes, buses and  
24 pedestrians are maintained. Also, in the response to  
25 concern about the loss of our tree beds, the city

1 will be planting 1,000 new trees in community board  
2 three and six. These are only a few of the incredible  
3 investments secured in this process thanks to the  
4 responsive leadership of Council Member Carlina  
5 Rivera, Speaker Corey Johnson and Council staff.  
6 Carlina we saw how diligently you worked to push for  
7 more protection, enhance transparency and secure the  
8 best for your constituency, we thank you for our  
9 leadership and congratulations. For many the threat  
10 of climate change remains a distant reality, for us  
11 and our constituents it is a reality we know all too  
12 well, a reality that the entire city must be prepared  
13 for, that starts here. The ESCR plan is a win in the  
14 long term ensuring our community is resilient for  
15 years to come. I urge my colleagues to vote yes.  
16 Thank you.

18 CHAIRPERSON SALAMANCA: Thank you Council  
19 Member Chin. We will also vote to approve LU 563, an  
20 application submitted by the HPD for the Hunters  
21 Point South Parcels F and G, article XI tax  
22 exemption. This tax exemption will facilitate the  
23 development of 847 units of affordable housing as  
24 part of a previously approved urban development area  
25 project on property located in Queens at block six,

1 lot 20 and 30. The development site is located in  
2 Council Member Van Bramer's district. We will also  
3 vote to approve LU 571 to make a technical amendment  
4 to Resolution 733 of 2019 which approved an urban  
5 development action area an urban development action  
6 area project and a disposition of real property  
7 located at 4697 Third Avenue block 3041, lot 38 and  
8 40 in the Bronx. The amendment will remove an  
9 incorrect reference to the private housing finance  
10 law, this will facilitate the development of  
11 affordable housing in Council Member Torres's  
12 district. From our zoning Subcommittees we will vote  
13 to approve the modifications LUs 559 and 560 to 44-01  
14 Northern Boulevard rezoning. The application for  
15 property in Council Member Van Bramer's district is  
16 in Queens would rezone an existing M1-1 district to  
17 an R7-X and R6-B district with a C2-4 commercial  
18 overlay. It would also establish a mandatory  
19 inclusionary housing area utilizing option one and  
20 two to facilitate the construction of two new mixed-  
21 use buildings with approximately 335 dwelling units.  
22 Our modifications will be to remove option two, leave  
23 in option one. We will also vote... be voting to  
24 approve with modifications LUs 550 through 554, the  
25

1 Peninsula Hospital redevelopment plan relating to  
2 property in Council Member Ritchie's district in  
3 Queens. The application seeks to approve for a city  
4 map amendment, a zoning map amendment, a zoning text  
5 amendment and two large scale general development  
6 special permits to modify the underlying bulk and  
7 sign regulations. As part of the proposed zoning text  
8 amendment the application sought to establish a  
9 mandatory inclusionary housing area utilizing option  
10 one and two. Our modification will be to remove  
11 option two, leaving option one. We will also reduce  
12 the height of the building and there will be a  
13 corresponding reduction in the dwelling unit count  
14 and the residential floor area. The reconstructive  
15 declaration associated with the special permit will  
16 also be modified by adding the local Council Member  
17 to the list of parties to be notified with regard to  
18 a school's mitigation plan. Clarifying that land for  
19 school annex space (1827) may be provided off site or  
20 on site and requiring the phasing sequence as shown  
21 in exhibit G to the restrictive declaration. Council  
22 Member Richards would you like to give some remarks?

23  
24 COUNCIL MEMBER RICHARDS: Sure, thank  
25 you... thank you Chair Salamanca, good morning, what a

1 great day for the people of the Rockaways but in  
2 particular for the people who reside in both Edgemere  
3 and Auburn, a neighborhood that has always had the  
4 potential to not only serve as a retail destination  
5 for local residents but a tourist attraction alike.  
6 However, like many neighborhoods on the eastern  
7 portion of the Rockaways the challenges of sorely  
8 needed infrastructure, affordable housing and a lack  
9 of open space for our young people to congregate were  
10 nonexistent. This vacuum created immense challenges  
11 such as the highest unemployment rate in Queens, high  
12 rates of obesity due to a lack of access to a  
13 supermarket in close proximity to thousands of public  
14 housing residents in homeowners alike but today I'm  
15 happy to announce the Edgemere Commons project seeks  
16 to address these systematic issues. This project will  
17 serve as a templet for what a resilient mixed-use  
18 development should look like in the 21st century.  
19 During a time when our city is facing one of the  
20 largest housing crisis we have ever witnessed this  
21 project will produce over 2,000 units of true  
22 affordable housing serving a healthy mix of incomes  
23 as low as 30 percent AMI, the addition of much needed  
24 senior housing units are also a big win for those who  
25

1 wish to age in place gracefully. I want my community  
2 to know that we heard you loud and clear on the need  
3 to ensure we aren't just building housing but  
4 addressing the needs of our community as well. This  
5 is why I'm proud to welcome nearly 150,000 square  
6 feet of retail and community facility space in  
7 Edgemere. The creation of a new community center,  
8 health care facility, supermarket, open space and  
9 much needed local and destination retail will enable  
10 us to stimulate the economy in Edgemere and ensure  
11 our youth and their families will have a safe space  
12 for activities. Furthermore, I'm happy to announce  
13 we've reached an agreement with the Arker Companies  
14 and 32 BJ which will ensure we aren't subsidizing  
15 poverty jobs. The Arkers have also agreed to a 35  
16 percent local hiring and 30 percent MWBE commitment  
17 and to ensure these goals are achieved they've also  
18 agreed to a two million dollar community and youth  
19 development fund for local CBOs to track progress and  
20 I know our work isn't finished here and I look  
21 forward to working with many of the trades who  
22 expressed interest in this project as well. In  
23 closing I want to thank the Arker Companies for their  
24 commitment to the Rockaway community, Alex Arker,  
25

1 Daniel Moritz, Simon Bacchus, Ethan Snore, Joe Snore  
2 I'd like to also thank our Chairs, Chairs Moya, Adams  
3 and Salamanca for your hard work. I would also like  
4 to thank the community board, the Peninsula Hospital  
5 task fork and all of the community stakeholders who  
6 engaged on this project. I'd like to also thank my  
7 staff. Lastly, to the amazing Land Use staff led by  
8 the impeccable Raju Mann, John Douglas, Amy Levinson  
9 and Julie Lubin; I thank you all for getting this  
10 project over the line, thank you.  
11

12 CHAIRPERSON SALAMANCA: Thank you Chair  
13 Richards. Pursuant to council rule 7.90 and 11.60 we  
14 will also be filing preconsidered LUs for the special  
15 natural resources district and zoning text and zoning  
16 map amendments as well as LUs 558, the 25 Central  
17 Park West rezoning to remove them from our calendar.  
18 These applications have been withdrawn by the  
19 applicant. Are there any questions or remarks from  
20 members of the committee? Alright, seeing none and I  
21 will now... I will now call for a vote in accordance  
22 with the recommendations of the Subcommittees and the  
23 local Council Members to approve LUs 563 through 571,  
24 to approve the modifications as I described, LUs 548,  
25 549, 550, 551, 552, 553, 554, 559 and 560 and to file

1  
2 LUs 558, 25 Central Park West rezoning and  
3 Preconsidered LU for the special natural resource  
4 district text and map amendments. Will the clerk  
5 please call the roll?

6 COMMITTEE CLERK MARTIN: William Martin,  
7 Committee Clerk, roll call vote Committee on Land Use  
8 all items are coupled, Chair Salamanca?

9 CHAIRPERSON SALAMANCA: Aye on all.

10 COMMITTEE CLERK MARTIN: Barron?

11 COUNCIL MEMBER BARRON: Permission to  
12 explain my vote?

13 CHAIRPERSON SALAMANCA: Council Member  
14 Barron to explain her vote.

15 COUNCIL MEMBER BARRON: Thank you Mr.  
16 Chair. I just want to say that I vote aye on all with  
17 the exception of 563 which is Hunters Point parcels F  
18 and G. I don't think that we should be giving an  
19 Article XI to a project that has 25 percent of the  
20 units at 125 percent AMI and another 25 percent of  
21 the units at market rate, I think that there's a  
22 disproportionate benefit to the developer that could  
23 better be used for other struggling entities that  
24 need an Article XI and on the East side resilient...  
25 coastal resiliency plan, I did speak with one of the



1  
2 sponsors and she explained some of the adjustments  
3 that had been made but there are still many questions  
4 that I have in that and she said she would get to me  
5 with that information so I am abstaining on 548, 549,  
6 I vote aye on the others.

7 COMMITTEE CLERK MARTIN: Deutsch?

8 COUNCIL MEMBER DEUTSCH: Aye on all.

9 COMMITTEE CLERK MARTIN: Lancman?

10 COUNCIL MEMBER LANCOUNCIL MEMBER AN: Aye.

11 COMMITTEE CLERK MARTIN: Levin?

12 COUNCIL MEMBER LEVIN: Aye.

13 COMMITTEE CLERK MARTIN: Miller?

14 COUNCIL MEMBER MILLER: Aye on all except  
15 for 563 I'll be abstaining.

16 COMMITTEE CLERK MARTIN: Reynoso?

17 COUNCIL MEMBER REYNOSO: I vote aye on  
18 all.

19 COMMITTEE CLERK MARTIN: Richards?

20 COUNCIL MEMBER RICHARDS: Aye.

21 COMMITTEE CLERK MARTIN: Treyger?

22 COUNCIL MEMBER TREYGER: Permission to  
23 explain my vote?

24 CHAIRPERSON SALAMANCA: Council Member  
25 Treyger to explain his vote.

1  
2 COUNCIL MEMBER TREYGER: Thank you Mr.  
3 Chair. I, I, I made some remarks at the Subcommittee  
4 when we held the vote for the, the East Side  
5 Resiliency Project and I'm... I feel compelled to just  
6 to share the same remarks here. I, I commend my  
7 colleagues who I think have done extraordinary hard  
8 work, this is... this is intense, this is very urgent,  
9 and this is very important. My complaint is with the  
10 city administration because we are a five-borough  
11 city, it's not just Manhattan. My district, my part  
12 of the world southern Brooklyn was one of the hardest  
13 hit areas in all of New York City during superstorm  
14 Sandy, as a matter of fact the Army Corps will tell  
15 you that the two boroughs that have the most  
16 vulnerabilities to climate change and, and to severe  
17 storms Brooklyn and Queens. To date, the only amount  
18 of money that I have seen in and as far as city  
19 capital not federal, city capital to my end of the  
20 world is about 30 million dollars or so for some  
21 shore and elevation projects near a small creek,  
22 nothing to the likes of 700 million dollars that  
23 we're seeing in Manhattan and so Mr. Mayor we are a  
24 five borough city, there are other parts of the city  
25 besides Manhattan and I represent folks who are

1  
2 working class families who not just are afraid of  
3 displacement due to weather events but financial  
4 storms as well when flood insurance maps become  
5 mandated and will drive many working people out of  
6 our neighborhoods. So, I want to see investments of  
7 this type of magnitude in all parts of New York and  
8 not just in some and I want that noted on the record  
9 and I will continue to hold this administration  
10 accountable until we see true equity and true  
11 protection and true protection of affordability in  
12 all of New York City. So, I commend my colleagues,  
13 this was not easy, but we need to see these types of  
14 resources across all regions of New York and I, I  
15 vote aye.

16 COMMITTEE CLERK MARTIN: Koo?

17 COUNCIL MEMBER KOO: I vote aye.

18 COMMITTEE CLERK MARTIN: Grodenchik?

19 COUNCIL MEMBER GRODENCHIK: Aye.

20 COMMITTEE CLERK MARTIN: Adams?

21 COUNCIL MEMBER ADAMS: I'd like to echo  
22 the sentiment of every single word that was just  
23 uttered by my marvelous colleague Council Member  
24 Treyger and with that I vote aye on all.

25 COMMITTEE CLERK MARTIN: Diaz?

COMMITTEE ON LAND USE

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COUNCIL MEMBER DIAZ: Yes, on all.

COMMITTEE CLERK MARTIN: Moya?

COUNCIL MEMBER MOYA: Aye.

COMMITTEE CLERK MARTIN: Rivera?

COUNCIL MEMBER RIVERA: Aye.

COMMITTEE CLERK MARTIN: By a vote of 15

in the affirmative, zero in the negative and no

abstentions all items are adopted by the Committee

with Land Use item 563 is adopted by the... with Land

Use item 563 is adopted by the Committee 13 in the

affirmative, one in the negative and one abstention

and Land Use items 548 and 549 are adopted by the

Committee 14 in the affirmative, zero in the negative

and one abstention.

CHAIRPERSON SALAMANCA: I would like to

thank the members of the public, my colleagues and

Council and land use staff for attending today's

hearing, we will leave the roll open for five

minutes.

COUNCIL MEMBER GIBSON: I'm ready.

COMMITTEE CLERK MARTIN: Continuation of

roll... roll call vote, Committee on Land Use, Council

Member Gibson?

COUNCIL MEMBER GIBSON: I vote aye.

1  
2 COMMITTEE CLERK MARTIN: The final vote,  
3 all items on today's Land Use calendar all items have  
4 been adopted by a vote of 16 in the affirmative, zero  
5 in the negative and no abstentions with... [coughs]  
6 excuse me... with Land Use items four... 548 and 549 are  
7 now adopted 15 in the affirmative, zero in the  
8 negative and one abstention and Land Use item 563 is  
9 now adopted by the Committee 14 in the affirmative,  
10 one in the negative and one abstention. Thank you.

11 CHAIRPERSON SALAMANCA: Alright, I would  
12 like to thank my colleagues, the land use staff and  
13 council for attending today's hearing. This hearing  
14 is hereby adjourned.

15 [gavel]

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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

November 14, 2019