

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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October 14, 2020  
Start: 10:17 a.m.  
Recess: 10:28 a.m.

HELD AT: Remote Hearing

B E F O R E: Francisco Moya  
CHAIRPERSON

COUNCIL MEMBERS:  
Barry Grodenchik  
Rory Lancman  
Stephen Levin  
Antonio Reynoso  
Donovan Richards  
Carlina Rivera

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

2 SERGEANT-AT-ARMS: Good morning, everyone,  
3 and welcome to today's remote New York City Council  
4 hearing of the Subcommittee on Zoning and Franchise.  
5 At this time, will all analyst please turn on their  
6 videos and, to minimize disruption, please place  
7 electronic devices to vibrator silent. And thank you  
8 for your cooperation. We are ready to begin.

9 CHAIRPERSON MOYA: Great. Thank you.

10 [gavel]

11 CHAIRPERSON MOYA: Good morning. I am  
12 Council member Francisco Moya, the Chair of the  
13 Subcommittee on Zoning and Franchises. I am joined  
14 remotely today by Council members Richards, Rivera,  
15 Reynoso, Lancman, Grodenchik, and Levin. As a  
16 preliminary point of information, I would like to  
17 note that the pre-considered LUs for the 110 - 40  
18 Sotell [sp?] Avenue rezoning proposal are being laid  
19 over. Today, we will be voting on two rezoning  
20 proposals and one zoning special permit. Before I  
21 begin, I want to recognize the subcommittee counsel  
22 to review the remote meeting procedures.

23 COMMITTEE COUNSEL: Thank you, Chair  
24 Moya. Thank you, Chair Moya. I'm Arthur Huh,  
25 counsel to the subcommittee. If members of the

2 subcommittee have questions or remarks on the items  
3 being voted today, please use the zoom Marie's hand  
4 function. For participants and reviewers of this  
5 meeting, please note that there may be pauses for  
6 various technical reasons and we ask that you please  
7 be patient as we work through any issues. Chair Moya  
8 that will now continue with today's agenda items.

9 CHAIRPERSON MOYA: Thank you, Arthur.

10 Today, we will vote to approve LUs 658 for the 50 Old  
11 Fulton Street rezoning relating to property in  
12 Counsel member Levin's district. The application  
13 seeks approval for zoning map amendment to change an  
14 M21 to an M15 district to facilitate the construction  
15 of a five-story commercial office building. The  
16 rezoning would increase the maximum FAR for  
17 commercial or industrial use from two to five and  
18 allow greater flexibility with regard to allowable  
19 retail use. Council member Levin is in support of  
20 the project. We will also vote to disapprove LU 680  
21 for the Three St. Mark's Place special permit  
22 application relating to property in Council member  
23 Rivera's district. The application seeks approval of  
24 the special permit pursuant to zoning resolution  
25 section 74 - 79 to transfer unused development rights

1 for an individual landmark site across the street and  
2 into a wave height and setback regulations along the  
3 narrow street frontage to facilitate the construction  
4 of a 10 story commercial building located at Three  
5 St. Mark's Place in the East Village neighborhood of  
6 Manhattan. Council member Rivera that will discuss  
7 why approval of this application is not appropriate  
8 when we turn to her for her remarks. We will also  
9 vote to approve LUs 682 through 685 for the 1510  
10 Broadway rezoning proposal relating to the property  
11 and Council member Ampry-Samuel's district. The  
12 application by the city of New York Department of  
13 Housing Preservation and Development seeks approval  
14 of a set of related land-use actions, including an  
15 urban development action area project designation and  
16 disposition approval. Acquisition of a portion of  
17 the development site by the city, a zoning map  
18 amendment, and a zoning text amendment to map and MIH  
19 area utilizing options I and II. Together, these  
20 actions would facilitate the construction of a new  
21 eight story building with approximately 107 units of  
22 affordable housing and 9000 square feet of ground  
23 floor commercial space. Council member Ampry-Samuel  
24 is in support of the application. Regarding the  
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2 Industry City proposal on today's agenda, I note that  
3 the Council is in receipt of a written statement  
4 dated October 13, 2020 from the applicant that the  
5 application has been withdrawn. Pursuant to Council  
6 rule oh 1160 B, LUs 674 through 677 for the Industry  
7 City proposal are filed to remove them from our  
8 calendar. At this time, I would like to recognize my  
9 colleague, Council member Rivera for her remarks on  
10 LU 680 four that Three St. Mark's Place special  
11 permit application. Council member Rivera?

12 COUNCIL MEMBER RIVERA: Thank you. Thank  
13 you so much. Thank you, Mr. Chair, for giving me the  
14 opportunity to speak on LU 680 which is an  
15 application for a proposed transfer of 8386 square  
16 feet of development rights from the landmark Four St.  
17 Mark's Place otherwise known as the Hamilton Holly  
18 House to the newly proposed development at Three St.  
19 Mark's Place. The result will be a building at this  
20 East Village gateway, a location that is 20% larger  
21 than and as of rights development. The application  
22 also seeks bulk waivers to extend the building  
23 further over the St. Mark's Place frontage that would  
24 otherwise be allowed by those zoning resolution. As  
25 we vote on this application today, I want to be clear

1 about my deep concerns regarding this proposal not  
2 only because it fails to properly address the  
3 consideration of the 74 - 79 permit being sought, but  
4 also because the applicant did not take the ULRP  
5 process seriously, continuously showing in  
6 unwillingness to consider the community is request  
7 for an affordability component such as a community  
8 space and taking a highly unusual approach to the  
9 Councils charter mandated public hearing on September  
10 24. At that hearing, the applicant did not come  
11 prepared with any visual presentation such as project  
12 drawings, renderings, or site photos , a first in my  
13 three years on the committee. Did not have a zoning  
14 attorney or architect present, and sent only one  
15 representative. One who had been involved-- One who  
16 had not been involved in discussions with my office  
17 and who was not well-versed in our area of concern.  
18 In fact, when I asked he was unable to answer. In  
19 addition, the applicant representative at the hearing  
20 did not clearly discuss how the project met the  
21 required special permit findings, specified  
22 descriptions of the requested height waivers, or  
23 elaborate on how this proposal was consistent with  
24 prior applications made pursuant to 74 - 79 in the  
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1 intent of the underlying zoning text. Regardless of  
2 the applicant's disrespect for the Council's role in  
3 a land use process, but the application itself fails  
4 to address the significant issues regarding the  
5 proposal for a 20 percent larger than as of right  
6 development at Three St. Mark's Place. As I  
7 highlighted in my questioning at the hearing and as  
8 I've raised throughout the public review process, the  
9 proposed bulk waiver which, in a 74 - 79 permit, is  
10 not meant to unduly increase bulk with regard to  
11 neighboring buildings, would primarily be used along  
12 the St. Mark's Place frontage of the development site  
13 which has a significant historic context and is a  
14 narrow street as defined on zoning and is much  
15 narrower than the Third Avenue frontage which is a  
16 wide street under zoning with five lanes of traffic  
17 and two lanes of parking. In addition, the zoning  
18 text specifically states that appropriate conditions  
19 and safeguards should be considered at a development  
20 seeking a 74 - 79 permit in order to minimize adverse  
21 effects on the character of the surrounding area.  
22 The developer only provided miniscule changes to the  
23 design of the proposed development at Three St.  
24 Mark's Place to address this issue with the  
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development still penetrating the maximum front wall height and sky exposure plane. The proposed development clearly would still seriously impact and conflict with the landmarks Hamilton Holly House from which it was transferring air rights and be out of context with the historic St. Mark's Place corridor as a whole. In my three years on the Council, has had numerous land-use applications from my district come before this committee. I consider every land use vote with the seriousness these decisions deserve and, just as I had with previous applications, I always vote on the merits of the application itself and this request for a 74 - 79 special permit, the first outside of a central business district or adjacent to a residential district, clearly fails to meet the requirements of the zoning text, the findings, and also falls short on the legislative intent. The City Planning Commission, in adopting 74 - 79 of the zoning resolution, wrote of a desire to promote architecture that will relate to and enrich the areas around landmark sites and not be detrimental to its surroundings. The proposed building neither relates to nor enriches its surroundings and, in my view, the added bulk on the

2 St. Mark's Place frontage is detrimental. I will  
3 close by, once again, highlighting my profound  
4 disappointment in the applicant's unwillingness to  
5 address valid concerns or answer questions throughout  
6 this process and I will not that Community Board  
7 Three and the Manhattan Borough President also  
8 recommended disapproval of this application. I will  
9 be voting to disapprove this application today and I  
10 urge my committee colleagues to do the same. Thank  
11 you, Mr. Chair.

12 CHAIRPERSON MOYA: Thank you, Council  
13 member Rivera. I now call for a vote to approve LUs  
14 658 and 682 through 685 and to disapprove LU 680 and  
15 to file LU 674 through 677 for the Industry City  
16 rezoning proposal to remove it from our calendar.  
17 Counsel, can you please call the roll?

18 COMMITTEE COUNSEL: Chair Moya?

19 CHAIRPERSON MOYA: I vote aye.

20 COMMITTEE COUNSEL: Council member  
21 Levin? Council member Levin? Steve? Perhaps a  
22 technical issue. We can come back to Council member  
23 Levin.

24 COUNCIL MEMBER LEVIN: No. I'm here. I'm  
25 here. Can you hear me?

2 COMMITTEE COUNSEL: Yes. We can hear  
3 you.

4 COUNCIL MEMBER LEVIN: Thank you.

5 COMMITTEE COUNSEL: Vote on the land use  
6 items.

7 COUNCIL MEMBER LEVIN: Okay. I vote aye  
8 on all and I want to thank the Chair and land use  
9 staff, as well as the-- sorry. As well as the  
10 applicant on Old Fulton Street and the community  
11 groups on working out an equitable and reasonable  
12 solution to the concerns that they have raised. And  
13 driving a way forward that is meaningfully meeting  
14 those concerns. And with that, I vote aye on all.

15 COMMITTEE COUNSEL: Council member  
16 Richards?

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

19 COMMITTEE COUNSEL: Council member  
20 Lancman?

21 COUNCIL MEMBER LANCMAN: Aye.

22 COMMITTEE COUNSEL: Council member  
23 Reynoso?

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

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2 COMMITTEE COUNSEL: Council member  
3 Grodenchik?

4 COUNCIL MEMBER GRODENCHIK: Aye.

5 COMMITTEE COUNSEL: Council member  
6 Rivera?

7 COUNCIL MEMBER RIVERA: Aye.

8 COMMITTEE COUNSEL: By a vote of seven  
9 in the affirmative, zero in the negative, and no  
10 abstentions, the items are referred to the full land  
11 use committee.

12 CHAIRPERSON MOYA: That concludes today's  
13 business. I would like to thank the members of the  
14 public, my colleagues, and subcommittee counsel,  
15 land-use, and other Council staff and that Sergeant-  
16 at-arms for participating in today's meeting. This  
17 meeting is hereby adjourned.

18 [gavel]

19 CHAIRPERSON MOYA: 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 October 26, 2020