

CITY COUNCIL  
CITY OF NEW YORK

----- X

TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON LAND USE

----- X

FEBRUARY 24, 2021  
Start: 11:10 AM  
Recess: 11:28 AM

HELD AT: VIRTUAL ROOM 1

B E F O R E: CHAIR RAFAEL SALAMANCA

COUNCIL MEMBERS: Carlina Rivera  
Diana Ayala  
Kevin Riley  
Vanessa L. Gibson  
Ruben Diaz, Sr.  
Peter Koo  
Francisco Moya  
Barry Grodenchik  
Daneek Miller  
Adrienne E. Adams  
Stephen T. Levin  
Antonio Reynoso  
Inez Barron  
Mark Treyger  
Chaim M. Deutsch  
Joseph C. Borelli

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

1 COMMITTEE LAND USE

3

2 TECHNICIAN #1: PC recording is up. (bell)

3 TECHNICIAN #2: Recording to the Cloud all set.

4 SERGEANT-AT-ARMS: Good morning everyone.

5 Welcome to today's remote New York City Council vote  
6 of the Committee on Land Use. At this time will all  
7 panelists please turn on your video. To minimize  
8 disruption please place electronic devices to  
9 vibrate of silent. Thank you for your cooperation.  
10 Chair Salamanca we are ready to begin.

11 CHAIRPERSON SALAMANCA: Thank you, thank you  
12 Sergeant of Arms. Good morning. I am Council Member  
13 Rafael Salamanca, Chair of the Committee on Land  
14 Use. I am joined remotely today by Council Members  
15 Rivera, Adams, Ayala, Barron, Borelli, Brannan,  
16 Deutsch Diaz. Senior, Gibson, Grodenchik, Koo,  
17 Miller Chair Moya, Reynoso, Chair Riley and Ribera.  
18 Today we will vote on several applications referred  
19 out from our Subcommittees, but before we begin I  
20 would like to recognize the Counsel the Committee  
21 Counsel to review the remote meeting procedures.

22 Thank you, Chair Salamanca. I am Julie Lubin  
23 Counsel to this committee. Council Members who  
24 would like to ask questions or make remarks should  
25 use the Zoom Raise Hand function. The raise hand

2 button should appear at the bottom of the  
3 participant panel. I will announce Council members  
4 who have questions or remarks in the order that they  
5 raise their hands. Chair Salamanca will then  
6 recognize members to speak. We ask that tell the  
7 technician if any technical difficulties arise  
8 today. Chair Salamanca will now continue with  
9 today's agenda items.

10 CHAIRPERSON SALAMANCA: Thank you Counsel.  
11 From our Landmark Subcommittees today we will vote  
12 to approve LU 725 an application submitted by the  
13 Department of Housing and Preservation and  
14 Development pursuant to Section 505 of the R-15 of  
15 the General Municipal Law, and Section 197-C of the  
16 New York City Charter requesting approval of the  
17 16th Amendment to the East Harlem, to the East  
18 Harlem Urban Renewal Plan. The amendment would  
19 expand the duration of the Harlem, East Harlem Urban  
20 Renewal Plan for 40 years from its expiration date  
21 in December of 2020 to maintain, design, control and  
22 establish under the plan. The Harlem, East Harlem  
23 Urban Renewal area includes property in Council  
24 Members Ayala and Perkins. We will also vote to  
25 approve LU 725 the Everlasting Pine HDFC allow for

2 lease amendment submitted by the Department of  
3 Housing Preservation and Development. This  
4 application is for approval of an urban development  
5 action project for rehabilitation and stabilized and  
6 87-unit affordable senior housing development  
7 located at 96 Baxter Street in Manhattan. This  
8 application was submitted to fulfill a commitment  
9 under the Rikers Island points of agreement  
10 acknowledgement acknowledging the seven-year  
11 demolition of the Manhattan Detention Complex  
12 adjacent to 96 Baxter in order to develop the  
13 Manhattan Borough based jail. HPD will provide  
14 financing for the physical protection of the  
15 existing building. This project is located in  
16 Council Member Chin's district. The third item we  
17 will vote to approve is LU 724 the Landmark  
18 Preservation Commission designation of the East 25th  
19 Street Historic District. This district consists of  
20 an in tact group of 56 row houses framing East 21st  
21 Street between Clarendon Road and Avenue D in the  
22 Flatbush neighborhood of Brooklyn in Council  
23 District... In Council Member Louis' district. All  
24 the houses were built by a single developer the  
25 Harry Myer Building Company between 1909 and 1912

2 and designed by the firm of Bluecoff and Bluecoff  
3 (sp?) in the Renaissance Revival style. From our  
4 Zoning Subcommittee we will vote to approve with  
5 modification LU 714, 715 for the 42-11 Ninth Street  
6 Special Permit application relating to property in  
7 Council Member Barron's district. The application  
8 seeks a zoning text amendment and a special permit  
9 to approve the project area and a new industrial  
10 business in Sunset area and to allow modifications  
11 of areas bulk and youth regulations including floor  
12 area increase a certain industrial and sense of uses  
13 up to a maximum FAR of up to 6.5. This will  
14 facilitate the development of a new 21-story  
15 building with approximately 64,000 square feet of  
16 the wide industrial uses. 234,000 square feet  
17 commercial uses, and 3,000 square feet of ground  
18 floor retail. Our modification will be to include  
19 adding third party reporting requirements related to  
20 compliance for owners within the proposed and sense  
21 of business and sense of area, too. We will also  
22 vote to disapprove Preconsidered LU 722 and 723 the  
23 16 Ave rezoning related to property in Borough Park  
24 neighborhoods in Council Member's Yeger's district  
25 in Brooklyn. The application seeks a zoning map

2 amendment to change an R-5/C2-2 district to a C4-4-A  
3 district and a related zoning text amendment to  
4 establish a Mandatory Inclusionary Housing Area  
5 utilizing Options 1 and 2 in order to facilitate the  
6 development of five-story commercial office  
7 building. We have carefully considered the actions  
8 and have ultimately concluded that this approval is  
9 appropriate here. The zoning area is a low-density  
10 neighborhood dominated by one three-story building.  
11 The proposed zoning would permit buildings up to 95  
12 feet, which is out of context with the character of  
13 the surrounding area. This rezoning would also  
14 upzone and potentially induce displacement on non-  
15 applicant controlled sites including a residential  
16 building next to the proposed development site and  
17 an MICK-VAH, an important religious and community  
18 resource for the neighborhood. Both the Community  
19 Board and the Borough President noted the  
20 inappropriate high invoke allowed by the proposed C-  
21 4-A district as well as the detrimental traffic and  
22 parking impacts of the new commercial development.  
23 The applicant failed to adequately address these  
24 concerns throughout the public process and so for  
25 all these reasons we will recommend disapproval. We

2 will also vote to approve with modifications  
3 Preconsidered LU 727 and 728 for the 9114 Fifth  
4 Avenue Rezoning related to property in Council  
5 Member Brannan's district in Brooklyn. The  
6 application seeks a zoning map amendment to change  
7 C8-2 district to an R-7A/C2-4 zoning District and a  
8 zoning text amendment to establish a Mandatory  
9 Inclusionary Housing Area using options 1 and 2 for  
10 the project site as well as for a larger rezoning  
11 area. These actions are intended to facilitate the  
12 development of a nine-story 45,000 square feet mixed  
13 use residential building with ground floor  
14 commercial uses and 41 units of housing site, which  
15 fronts on a wide street. We have heard concerns from  
16 the Community Board and the Borough President  
17 regarding the appropriateness of the R7-A district  
18 map on these three lots, three lots with two-story  
19 residential buildings on the corner of Fourth Avenue  
20 and 92nd Street. R7-A districts allow for a maximum  
21 FAR of 4.6 with MIH as well of a commercial use up  
22 to a maximum FAR of 2.0. with a maximum height of 95  
23 feet or 9 stories. The proposed rezoning would allow  
24 for a high density and height that is appropriate on  
25 this part of 92nd Street. A narrow street will



2 currently consist of two story residential and tree-  
3 story residential mixed-use buildings on the north  
4 side of 92nd Street and 7-story commercial building  
5 on the south side. For this reason we are modifying  
6 the application to apply more moderate R-6A zoning  
7 district on these lots to stay The west side of 4th  
8 Avenue across the street from these two-story  
9 buildings incorporate a map with a R-6A/C2-3 zoning  
10 district. R6-A zoning district permits a max,  
11 permits a maximum FAR of 3.0 for residential uses  
12 with a maximum base height of 65 feet and no rule  
13 maximum building height of 75 feet above the  
14 required set-back. These properties are in the Bay  
15 Ridge Special District which has goals of  
16 maintaining the existing scale and character of the  
17 residential and commercial community and encourages  
18 development, which is in the character with the  
19 neighborhood. By modifying the zoning map to step  
20 down to an R6-A district towards Fourth Avenue we  
21 would bring the non-conforming lots into  
22 conformance, but also ensure that the appropriate  
23 height and density matching the surrounding context  
24 we're also modifying the proposed MIH Zoning Text  
25 Amendment by adding the workforce option in addition

2 to Options 1 and 2. My colleague Council Member  
3 Brannan is here to speak more about this  
4 modification and Council Member Brannan I will give  
5 you the floor.

6 COUNCIL MEMBER BRANNAN: Thank you so much  
7 Chair Salamanca and all my colleagues for the  
8 opportunity to speak today to express my support of  
9 this proposed rezoning. As Chair Salamanca explained  
10 in his introduction the application will change the  
11 zoning map by mapping R6-A and R7-A districts on  
12 properties that are now mapped only for commercial  
13 use. The rezoning will map MIH over the entire  
14 rezoning area. What we had here was a developer who  
15 have built a hotel as of right in an area where we  
16 desperately need affordable housing or schools. So,  
17 in order to get this done we had to work to do a  
18 rezoning to basically block the hotel from being  
19 built. This is significant for me because it's the  
20 first ever MIH mapping in my community district.  
21 Just last week DCP published an analysis confirming  
22 what we already see on the ground that some  
23 neighborhoods have borne a disproportionate burden  
24 of increased development. In Brooklyn Community  
25 Board 1 has added over 20,000 new units of housing

2 in the past decade. By contrast my area, my  
3 community board has added less than 300 units, which  
4 is not acceptable to me by any means. So, we're  
5 desperate for affordable housing here. This is not  
6 a perfect project, but this is a project that has  
7 community support and will provide ne residential  
8 units and neighborhood serving retail on the ground  
9 floor. The community worked for about two years  
10 very closely on this project to bring this developer  
11 to a place of compromise for public benefit, and Bay  
12 Ridge deserves this chance to build more affordable  
13 housing. So, I urge my colleagues on the committee  
14 led by Chair Salamanca to listen to the community  
15 and support this project. Thank you so much.

16 CHAIRPERSON SALAMANCA: Thank you Council  
17 Member Brannan. Just give me one second here.  
18 (pause) Alright, thank you Councilman. Now, moving  
19 along we will also vote to approve Preconsidered LU  
20 numbers 7 to 9 for the 214-32 Hillside Avenue  
21 Rezoning related to property in Council Member  
22 Grodendhik's in Queens. The application seeks a  
23 zoning map amendment to map a C2-3 Commercial  
24 Overlay District in an existing R-2 district to  
25 facilitate the development of a new two-story

2 commercial building with five accessory parking  
3 spaces and one loading berth. Now, members of the  
4 committee and members representing affected  
5 districts who have questions or remarks about  
6 today's items to use the Raise Hand button now.  
7 Counsel, will you announce members in the order that  
8 their hands were raised.

9 COUNSEL JULIE LUBIN: Yes, Chair Salamanca.  
10 Council Member Grodenchik has his hand raised.

11 CHAIRPERSON SALAMANCA: Okay, Council Member  
12 Grodenchik, you have the floor.

13 COUNCIL MEMBER GRODENCHIK: Thank you, Chair  
14 Salamanca. I just want to urge a yes vote on the  
15 Hillside Avenue rezoning. It's a small rezoning. I  
16 want to thank the Land Use staff for working so  
17 closely with me and my staff. There were many  
18 meetings, and as we know every rezoning can get  
19 very, very complicated. This is a small one, but I  
20 think it's a very good one for the community and I  
21 want to thank those who had proposed the rezoning  
22 for working so closely with my office and with the  
23 community to make sure that it is and always a  
24 positive impact for the Queens Village community.  
25 Thank you Mr. Chairman.

2

3 CHAIRPERSON SALAMANCA: Thank you Council  
4 Member Grodenchik. Counsel are there any other hands  
5 up? Anyone else wisht to speak?

6 COUNSEL JULIE LUBIN: I see no other hands  
7 raised.

8 CHAIRPERSON SALAMANCA: Okay thank you. So  
9 seeing none I now call for a vote in accordance with  
10 the recommendations of the Subcommittees and the  
11 local members to approve LUs 724, 725, 726, and 729,  
12 and to approve with modifications as I described LU  
13 714, 715, 727 and 728 and to disapprove LU 722 and  
14 and 723. Will the Clerk please call the roll.

15 CLERK: Good morning. William Martin  
16 Committee Clerk, roll call vote Committee on Land  
17 Use. All items are coupled. Chair Salamanca.

18 CHAIRPERSON SALAMANCA: I vote aye on all  
19 and I just want to give a special congratulations to  
20 Council Member Brannan for really putt this  
21 development to work for his community and bring  
22 affordable housing. Congrats.

23 CLERK: Gibson.

24 COUNCIL MEMBER GIBSON: I too want to  
25 congratulate Council Member Justin Brannan on a

2 great job. I hope you're feeling better. Continued  
3 prayers to you and your family. I vote aye on all.

4 CLERK: Barron.

5 COUNCIL MEMBER BARRON: Permission to explain  
6 my vote.

7 CHAIRPERSON SALAMANCA: Yes, Council Member  
8 Barron to explain her vote.

9 COUNCIL MEMBER BARRON: I want to commend  
10 Council Member Brannan for the work that was done,  
11 but I still have some concerns, and for that reason  
12 I will be abstaining on 727, 728, and I will be  
13 voting aye on all the others.

14 CLERK: thank you.

15 COUNCIL MEMBER BARRON: Thank you.

16 CLERK: Deutsch.

17 COUNCIL MEMBER DEUTSCH: Aye on all.

18 CLERK: Koo.

19 COUNCIL MEMBER KOO: Aye one all and  
20 congratulations to Council Member Brannan.

21 CLERK: Levin.

22 COUNCIL MEMBER LEVIN: Aye on all.

23 CLERK: Thank you. Miller.

24 COUNCIL MEMBER MILLER: I vote aye.

25 CLERK: Reynoso.

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

4 CHAIRPERSON SALAMANCA: Council Member Reynoso  
5 to explain his vote.

6 COUNCIL MEMBER REYNOSO: Yesterday we had a long  
7 hearing related to comprehensive planning for Land  
8 Use. It's unfortunate that in certain districts  
9 certain Council Members have to fight against the  
10 potential development of an unwanted or unwanted  
11 development, and because of it losing leverage and,  
12 you know forcing their hand to build, you know to  
13 not build necessarily affordable housing, and I just  
14 hope that you know, when the time comes and we have  
15 to pass legislation or do the work to move away from  
16 this ULURP process that allows for developers to  
17 have the upper hand that everybody is on board  
18 because we're continuing to see the same thing these  
19 black and brown districts building all the true  
20 affordable housing in the city of New York while  
21 everyone else gets as pass, and it's just that at  
22 some time legislatively we're going to have to think  
23 thing to actually do it so we can see affordable  
24 housing across our city. But given a second chance  
25 I actually do think this was a well put together

2 plan in South Brooklyn. So, I'm going to vote aye on  
3 all and congratulations to Council Member Justin  
4 Brannan.

5 CLERK: Thank you. Council Member Treyger.

6 COUNCIL MEMBER TREYGER: I vote aye. (bell)

7 CLERK: Grodenchik.

8 COUNCIL MEMBER GRODENCHIK: Aye.

9 CLERK: Adams.

10 COUNCIL MEMBER ADAMS: (bell) Congratulations to  
11 Council Members Brannan and Council Member  
12 Grodenchik on your first. I vote aye on all.

13 CLERK: Ayala.

14 COUNCIL MEMBER AYALA: Congratulations to  
15 Council Member Brannan and I vote aye.

16 CLERK: Ruben Diaz Senior.

17 COUNCIL MEMBER RUBEN DIAZ, SENIOR: Si en todo.

18 CLERK: Thank you. Moya

19 COUNCIL MEMBER MOYA: I vote aye.

20 CLERK: Rivera.

21 COUNCIL MEMBER RIVERA: Aye on all.

22 CLERK: RILEY:

23 COUNCIL MEMBER RILEY: Good morning. I vote aye  
24 on all and I would like to congratulate my  
25 colleagues Council Member Brannan and Council Member



2 Grodenchik on adding so much value to your  
3 districts. I vote aye on all. Thank you.

4 CLERK: Borelli.

5 COUNCIL MEMBER BORELLI: I would like to  
6 associate myself with all the nice comments about  
7 Council Member Brannan and Grodenchik and I vote aye  
8 on all.

9 CLERK: Thank you. By a vote of 17 in the  
10 affirmative, zero in the negative and no abstentions  
11 all items are adopted with Land Use items (bell) 727  
12 and 728 being adopted by a vote of 16 in the  
13 affirmative, zero in the negative and one  
14 abstention. Thank you.

15 CHAIRPERSON SALAMANCA: Thank you, thank you  
16 Clerk. I would like to thank members of the public,  
17 my colleagues and counsel and Land Use staff for  
18 attending today's hearing. This meeting is hereby  
19 adjourned. Thank you.

20

21

22

23

24

25

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 March 3, 2021