

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON LAND USE

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December 9, 2021
Start: 1:11 p.m.
Recess: 1:30 p.m.

HELD AT: HYBRID HEARING - Council Chambers -
City Hall

B E F O R E: Rafael Salamanca Jr.
CHAIRPERSON

COUNCIL MEMBERS:
Carlina Rivera
Diana Ayala
Kevin Riley
Oswald Feliz
Francisco Moya
Adrienne E. Adams
Selvena N. Brooks-Powers
Joseph C. Borelli
Inez Barron
Peter Koo
Vanessa Gibson
I Daneek Miller
Barry Grodenchik

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

2 SERGEANT-AT-ARMS: This is the mic check
3 for the Committee on Land Use. It is December 9th,
4 2021. We are in the City Council Chambers and this
5 is Owen Kotowski.

6 SERGEANT-AT-ARMS: You sound good on zoom.

7 SERGEANT-AT-ARMS: Cloud is up. Good
8 afternoon, everyone. Welcome to today's New York
9 City Council hearing of the Committee on Land Use.
10 To minimize disruptions, please place electronic
11 devices to vibrate or silent. Thank you for your
12 cooperation. Chair, we are ready to begin.

13 CHAIRPERSON SALAMANCA: Thank you,
14 sergeant-of-arms. Good afternoon and welcome to the
15 Committee on Land Use. I am Council member Rafael
16 Salamanca, Chair of the Committee. I want to welcome
17 my esteemed colleagues who are present today. On
18 hybrid we have Council members Feliz, Koo, and Chair
19 Riley and the Council will announce the members that
20 are on-- at that Chambers.

21 COMMITTEE COUNSEL: We are joined by
22 Council members Gibson, Barron, Miller, Grodenchik,
23 Adams, Ayala, Moya, and Borelli.

24 CHAIRPERSON SALAMANCA: Thank you. I want
25 to thank Chair Moya and Chair Riley for their work on

2 our two Subcommittees. Today we will vote on a
3 number of applications referred out from our two
4 subcommittees. Before we begin, I would like to
5 recognize the committee counsel to review the remote
6 meeting procedures.

7 COMMITTEE COUNSEL: Thank you, Chair
8 Salamanca. I am Julie Luben, counsel to this
9 committee. Council members who would like to ask
10 questions or remarks who are appearing remotely today
11 should use the zoom raise hand function. The raise
12 hand button should appear at the bottom of the
13 participant's panel. Members who are present will
14 let me know that they have remarks or questions.
15 Chair Salamanca or I will then recognize members to
16 speak. We ask that you please be patient of any
17 technical difficulties that arise today. Chair
18 Salamanca will now continue with today's agenda
19 items.

20 CHAIRPERSON SALAMANCA: Thank you, counsel.
21 We will vote to approve with modifications LUs 918
22 and 919 for the SoHo NoHo Neighborhood Plan proposal
23 in Council member Chin's and Council member Rivera's
24 district in Manhattan. The proposal seeks a zoning
25 text amendment to create the special SoHo NoHo mixed-

2 use district and apply the mandatory inclusionary
3 housing program to the new special district.
4 Together with a related zoning map amendment to
5 replace existing M1-5A and M1-5B districts with a mix
6 of medium and high density mixed-use district. Our
7 modifications would strengthen the proposed plan by
8 implementing lower heights and appropriate locations
9 while reinstating opportunities for affordable
10 housing production and higher density areas, lowering
11 commercial FAR in most of the rezoning area,
12 restricting dormitory and university uses, imposing a
13 square footage cap on eating and drinking
14 establishments, revising the retail proposal to allow
15 for flexibility in certain areas, while implementing
16 a special permit for large scale retail in excess of
17 25,000 square feet with findings focused on quality
18 of life concerns and requiring deeper affordability
19 by striking MIH option I while retaining-- I'm
20 sorry. Requiring deep affordability by striking MIH
21 option II while retaining option I. Council members
22 Chin and Rivera have negotiated a comprehensive
23 package of capital and policy commitments that they
24 can cover in more detail in their remarks. We heard
25 from many about their concerns, but the city must

2 find a way to ensure that more housing is built in
3 high opportunity areas while transit access. I want
4 to acknowledge the hard work of Council member Rivera
5 and Chin, Borough President Brewer, and Community
6 Board Two for their efforts to improve this plan.

7 We will also vote to approve with
8 modifications LU 906 and 9074 of the 250 Water Street
9 proposal relating to property in Council member
10 Chin's district in Manhattan. The proposal seeks a
11 zoning text amendment to modify various South Street
12 Seaport subdistrict relations and a related zoning
13 special permit to modify various bulk relations at
14 regulations as part of a large scale general
15 development. Also facilitate the redevelopment of
16 the block bound by Water Street, Beekman Street,
17 Pearl Street, and Bexlet. Our modification would be
18 to enable a development rights transfer by
19 establishing 250 Water Street as a receiving site
20 under the subdistrict roles, as well as to reduce the
21 amount of zoning floor area being distributed from PS
22 17 by a corresponding amount. The size of the
23 development will remain unchanged under these
24 modifications.

2 From the zoning subcommittee, we will
3 vote to approve with modifications LU 918 and 919 for
4 the SoHo NoHo Neighborhood Plan relating to property
5 in Council member Chin and Council member Rivera's
6 district in Manhattan. The proposal seeks a zoning
7 text amendment to create the special SoHo NoHo mixed
8 use district and apply the mandatory inclusionary
9 housing program to the new special district.
10 Together with the related zoning map amendment to
11 read place in existing M1-5A and M1-5B districts with
12 the mix of medium and high density mixed-use
13 districts.

14 We will also vote to approve LU 956 and
15 957 for the One Wythe Avenue I B I A proposal
16 relating to property in Council member Levin's
17 district in Brooklyn. The proposal seeking a zoning
18 text amendment to add the project site as a new
19 industrial business incentive area and a related
20 zoning special permit to modify blue, parking, and
21 loading requirements to accommodate specialized
22 industrial and commercial uses.

23 We will also vote to approve with
24 modifications help you 929, 930, and 932 through 936
25 for the River Ring development proposal also related

2 to property in Council member Levin's district. The
3 proposal seeks a series of related actions including
4 zoning map and text amendment, zoning special permit
5 to modify parking requirements, and regulations
6 related to the large-scale general development
7 approval, a landfill action, city map changes, and a
8 waterfront authorization. Approval would facilitate
9 the mixed-use waterfront development known as River
10 Ring on a vacant site formally owned by Con Edison.
11 The proposal would create approximately 1050 dwelling
12 units, approximately 263 which would be affordable
13 through the MIH option I. Our modification would be
14 to rest or the originally proposed zoning text which
15 permits existing reconstructed piers or platforms
16 should be Considered lot area for the purposes of
17 applying certain zoning regulations, including floor
18 area consistent with policy and the rest of the North
19 Brooklyn waterfront. Few members have had the number
20 of challenging projects as Council member Levin has
21 had in this time at the Council and he may have saved
22 the best for last. Not only would this project
23 create an extraordinary new waterfront Park with a
24 shoreline that is designed to adapt to climate risk
25 we face as a city, it will provide the affordable

2 housing I mentioned and a new YMCA with discounted
3 memberships for the community and a new affordable
4 housing fund for the additional senior housing in CB
5 One. It is rare to address so many different policy
6 issues in one project, so I want to congratulate him
7 and all he has achieved here.

8 We will also vote to approve LU 923 for
9 the citywide health and fitness zoning text amendment
10 submitted by the Department of City Planning. The
11 proposal seeks to modify use regulations related to
12 gyms, spas, licensed massage therapy, and other
13 health and fitness facilities and would generally
14 allow all facilities as use group six or use group 14
15 and remove the requirement to obtain a BSA special
16 permit.

17 We will also vote to approve with
18 modifications LU 924, a zoning text amendment for the
19 expansion of FRESH regulations of the zoning
20 resolution, also submitted by the Department of City
21 Planning. The proposal seeks to modify and expand
22 the existing Food Retail Expansion to Support Health
23 programs, also known as the FRESH which provides
24 zoning incentive for neighborhood grocery stores to
25 the located within underserved neighborhoods. The

2 text amendments would expand the program boundary and
3 include various program updates, including a
4 mechanism to prevent saturation of FRESH
5 supermarkets, modifications to the glazing
6 requirements for conversions and changes to parking
7 regulations. Our modification would be to limit the
8 geographic applicability of the updated regulations.

9 We will also vote to approve proposed
10 Intros 2443-A, a local law relating to increasing
11 penalties related to using joint living and work
12 quarters for artists contrary to zoning regulations.

13 We will also vote to approve LU 949 for
14 the proposed third amendment of the Special Process
15 Agreement for the Coney Island Amusement Park Project
16 Plan related to property in Council member Treyger's
17 district in Brooklyn. The proposal seeks to amend
18 the special process agreement in order to extend the
19 lease term for certain properties from 17 to 27 years
20 and to authorize the New York City Economic
21 Development Corporation to add certain additional
22 parcels to the extended lease premises. As the
23 applicant's have stated, the proposal extension would
24 help participating subtenants recoup losses incurred
25 due to the pandemic related closures and will support

2 the city's continued effort and investment in the
3 amusement area.

4 From our Landmarks Subcommittee, we will
5 vote to approve LU 922, the Bed Stuy East and
6 Weeksville Mosaic UDAAP and article 11 tax exemption.
7 For this application, HPD seeks approval of an urban
8 development action area project. Waiver of the
9 designation requirements of section 693 of the
10 general municipal law and the requirements of Section
11 197-C and 197-D of the Charter and a real property
12 tax exemption pursuant to section 577 of article 11
13 of the Private Housing Finance Law for 13 city-owned
14 property is and one privately owned property in the
15 Bed Stuyvesant and Weeksville neighborhood of
16 Brooklyn. The proposed action would facilitate the
17 development of 46 affordable cooperative home
18 ownership units under HPD's Open Door Program. The
19 properties are located in the Brooklyn District
20 represented by Council member Cornegy and Council
21 member Ampry-Samuel.

22 So, Council members who have questions or
23 remarks about today's items should use the raise hand
24 button now. I would like to recognize Council member
25 Treyger.

2 COUNCIL MEMBER TREYGER: Thank you.

3 Thank you, Mr. Chair. For over 100 years, the Coney
4 Island Amusement District has been an American icon,
5 a potent symbol for the diversity of freedom and
6 opportunity offered here. The lights of Steeple
7 Chase Park were the first thing many immigrants would
8 see as they made their way to Ellis Island. People
9 of all races, classes, and creeds flocked to Coney
10 Island, the nickel Empire, because that anyone could
11 enjoy a day of sun and fun here as long as they had a
12 nickel for the train fare. Throughout these years,
13 Coney Island has faced many existential threat from
14 fighters, to hurricane Sandy, and even Robert Moses.
15 Yet, throughout all that, there was never a summer
16 when the amusement parks in Coney Island worked open
17 until 2020. The COVID 19 pandemic forced the closure
18 of the park for the first time since Sea Lion Park
19 opened in 1895. This had devastating consequences
20 not just for the two amusement parks, Deno's Wonder
21 Wheel and Luna Park, but also for the generational
22 family operated small businesses on the boardwalk.
23 We are not remotely out of the woods. While the
24 parks were able to reopen safely last summer,
25 according to New York City, tourism is not expected

2 to fully recover for several years. With each new
3 variant, there is additional uncertainty about how
4 long it will take for us to bounce back. While
5 performing art venues receive dedicated federal aide
6 to sustain them during their closure, no such aid was
7 offered to the family-run businesses that make Coney
8 Island unique. PPP, while helpful, did not fully
9 cover the losses. And many of the boardwalk
10 businesses do not ultimately receive restaurant
11 revitalization funding. For the first time in its
12 history, Coney Island is facing an existential threat
13 from which it may not recover. Today, we are hearing
14 in item and voting on an item that provides the first
15 step in rebuilding the Coney Island we all know when
16 love. I want to thank EDC, Shawn Freese, Sabrina
17 Litman, Wintrop Hoyt, Lydia Downing, Rachael Lolds,
18 Karen Lapidés, Ricky D'Acosta, Rodney Miranda, Justin
19 Turner for working with me and my office on this
20 issue. Under consideration here before the land use
21 Committee--

22 CHAIRPERSON SALAMANCA: Did we lose Council
23 member Treyger?

24 UNIDENTIFIED: That's what it looks
25 like.

2 CHAIRPERSON SALAMANCA: Okay. All right.
3 Well, we're going to do something different. We have
4 some members who need to leave, so I'm being asked
5 if we can vote on this and then we will go to member
6 remarks. So, we're going to go straight to it. I
7 will now call for a vote in accordance with the
8 recommendations of the Subcommittees and note that
9 the following vote of aye or all will be to adopt the
10 following: to approve Intros 2443-A, LU 949, LU 922,
11 LU 923, and LU 956 and 957 and to approve with
12 modifications I've described, LUs 906 and 907, 918
13 and 919, LU 927 and LUs 929, 930, and 932 through
14 936. Will the clerk please call the roll?

15 COMMITTEE CLERK: Good afternoon. William
16 Martin, Committee Clerk. Roll call vote. Committee
17 on Land Use. All items are coupled. Chair
18 Salamanca?

19 CHAIRPERSON SALAMANCA: Aye on all. And,
20 Mr. Clerk, going ask that you please call next Chair
21 Moya and after Moya, Council member Gibson.

22 COMMITTEE CLERK: Absolutely. Council
23 member Moya?

24 COUNCIL MEMBER MOYA: I vote aye.

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2 COMMITTEE CLERK: Council member Moya
3 votes aye. Thank you. Council member Gibson?

4 COUNCIL MEMBER GIBSON: I vote aye.

5 COMMITTEE CLERK: Council member Gibson
6 votes aye. Thank you. Barron?

7 COUNCIL MEMBER BARRON: Thank you. I vote
8 aye on all with the exception of 918, 919 on which I
9 am voting no and abstaining on 906, 907, 908, 909,
10 929, 930. Thank you.

11 COMMITTEE CLERK: Thank you. Koo?

12 COUNCIL MEMBER KOO: I vote aye on all.

13 COMMITTEE CLERK: Thank you. Levin?
14 Council member Miller?

15 COUNCIL MEMBER MILLER: I vote aye.

16 COMMITTEE CLERK: Reynoso?

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

19 COMMITTEE CLERK: Thank you. Thank you.
20 Treyger?

21 COUNCIL MEMBER TREYGER: Apologies for
22 getting, for earlier, that I want to just make sure
23 that folks knew on the record that we got a
24 commitment this morning from CAI to provide leases to
25 the subtenants which was critical for us and for my

2 support. And, with that, I vote aye. Thank you,
3 Chair.

4 CHAIRPERSON SALAMANCA: Thank you.

5 COMMITTEE CLERK: Grodenchik?

6 COUNCIL MEMBER GRODENCHIK: Aye.

7 COMMITTEE CLERK: Adams?

8 COUNCIL MEMBER ADAMS: Aye.

9 COMMITTEE CLERK: Ayala?

10 COUNCIL MEMBER AYALA: Aye.

11 COMMITTEE CLERK: Council member Ayala

12 votes aye. Ruben Diaz? Rivera?

13 COUNCIL MEMBER RIVERA: Aye.

14 COMMITTEE CLERK: Council member Rivera

15 votes aye. Riley?

16 COUNCIL MEMBER RILEY: Aye.

17 COMMITTEE CLERK: Thank you. Brooks-

18 Powers?

19 COUNCIL MEMBER BROOKS-POWERS:

20 Permission to explain my vote?

21 CHAIRPERSON SALAMANCA: Council member

22 Brooks-Powers to explain her vote.

23 COUNCIL MEMBER BROOKS-POWERS: So,

24 first, I would like to say that I vote aye on all,

25 but I wanted to briefly share my support for the land

2 use items in my district that is being voted on
3 today- the Beech 79th Street self storage facility.
4 We worked very closely with the applicant and land
5 use staff to secure a commitment for a traffic study,
6 MWBE construction, local hiring preference, resilient
7 and environmentally responsible construction and
8 local hiring for the facilities operation and I
9 encourage my colleagues to also about in support of
10 it. Thank you.

11 CHAIRPERSON SALAMANCA: Congrats.

12 COMMITTEE CLERK: Feliz?

13 COUNCIL MEMBER FELIZ: I vote aye on all.

14 COMMITTEE CLERK: Thank you. Borelli?

15 COUNCIL MEMBER BORELLI: I vote aye.

16 COMMITTEE CLERK: Thank you. Council
17 member Levin? Okay. Land use vote all items have
18 been adopted by 16 in the affirmative, zero in the
19 negative and no abstentions with the exceptions of
20 the following: land use items 918 and 919 are
21 adopted by a vote of 15 in the affirmative, one in
22 the negative, and no abstentions and land use items
23 906, 907, 929, and 930 are adopted by a vote of 15 in
24 the affirmative, zero in the negative, and one
25 abstention. Thank you.

2 CHAIRPERSON SALAMANCA: Thank you. I would
3 like to thank members of the public, my colleagues,
4 Council and land use staff, and the sergeant-at-arms
5 for attending today's hearing. This meeting is
6 hereby adjourned.

7 [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 January 3, 2022