

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON LAND USE

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June 17, 2013

Start: 12:20 p.m.

Recess: 12:55 p.m.

HELD AT: Council Chambers  
City Hall

B E F O R E:  
LEROY G. COMRIE, JR.  
Chairperson

COUNCIL MEMBERS:

Council Member Charles Barron  
Council Member Inez E. Dickens  
Council Member Daniel R. Garodnick  
Council Member Sara M. Gonzalez  
Council Member Vincent M. Ignizio  
Council Member Robert Jackson  
Council Member Letitia James  
Council Member Peter A. Koo  
Council Member Brad S. Lander  
Council Member Jessica S. Lappin  
Council Member Stephen T. Levin  
Council Member Rosie Mendez  
Council Member Annabel Palma  
Council Member Joel Rivera  
Council Member Albert Vann

A P P E A R A N C E S

COUNCIL MEMBERS:

Council Member Ruben Wills  
Council Member Mark S. Weprin

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2 CHAIRPERSON COMRIE: All right,  
3 good afternoon everyone. It is June 17, 2013, a  
4 little after 12:20 in the afternoon. We are  
5 having a full Land Use Committee meeting. We are  
6 joined by Council Member Charles Barron, Peter  
7 Koo, Steve Levin, Joel Rivera, Jessica Lappin, Dan  
8 Garodnick, Vinnie Ignizio, Robert Jackson, Brad  
9 Lander, Sara Gonzalez, Letitia James, Al Vann,  
10 Rosie Mendez. Am I missing anyone back there?  
11 [background comment] Mark Weprin. We have a  
12 quorum. We are here at this special meeting that  
13 was put together for a one issue person.  
14 [laughter] And we should make sure that that  
15 person buys everybody lunch. I'm just kidding.  
16 [laughter] So, we are convening today to finalize  
17 the issues around Land Use Nos. 829, 830 and 831,  
18 which are related, known as BAM South. Items No.  
19 1-C 130116 ZMK and 130117 ZRK and C-130118 SKZ  
20 [phonetic], dealing with all of the issues to do  
21 the rezoning for the BAM South Project, which we  
22 have been discussing for some time. At this  
23 point, before I say a few words, the Council  
24 Member whose district it primarily is located, has  
25 a statement. Council Member Tish James.

COUNCIL MEMBER JAMES: [off mic]

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3 Thank you, Mr. Chair. So, for the purposes of  
4 this hearing [background comments] For the  
5 purposes of this--is it on? No? [on mic] Hello?  
6 [background comment] Okay. So the purposes of  
7 this hearing, Council Member Vann, which is a  
8 separate hearing [laughs] I wanted to tell my  
9 colleagues that in regards to the BAM South  
10 Project, I wanted to inform all of you where we  
11 are with regards to our discussions. And I just  
12 want to thank all of you for your attendance here  
13 today. BAM South will include the--downtown  
14 Brooklyn is home to more than 50 world class arts  
15 and cultural organizations that play a central  
16 role in the community and economic development of  
17 the area. And I have fought for the last ten  
18 years of my tenure to ensure that all cultural  
19 arts organizations are included in this cultural  
20 district. This project, which will, this, which  
21 the City owns and controls, almost 50,000 square  
22 feet of cultural space and a 10,000 square foot  
23 public plaza, the cultural space will be  
24 affordable and will be reserved for cultural uses  
25 permanently. In addition to that, 651, which is

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2 an African American cultural organization, will be  
3 included in this project. The programming with  
4 regards to the open space will now include  
5 community stakeholders and there will be an  
6 agreement for the programming and there will be  
7 outreach and regular meetings for the space and  
8 cultural district. In addition to that, the  
9 affordable housing, the City has agreed to include  
10 in addition to BAM South, two additional  
11 development sites in the district, and will  
12 increase the affordable housing to 30 percent. In  
13 addition to that, the AMI will be reserved for  
14 households with incomes up to 80 percent of the  
15 area median income which reflect moderate and  
16 middle income individuals living in the  
17 neighborhood and there will be preference for  
18 residents living in Community Board 2. In  
19 addition to that, the City will work with me to  
20 preserve the Pacific Street Library, which will  
21 continue to provide library service and  
22 programming for children in the community. And  
23 last but not least, Two Trees, the management has  
24 pledged to work with the Building and Construction  
25 Trades Council to ensure that work on the \$130

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2 million project will be bid out to multiple union  
3 firms, giving them the opportunity to compete for  
4 the work. And we are all confident that union  
5 contractors will be employed at the site over the  
6 course of construction of this great mixed use  
7 project. And lastly, I would hope that BAM,  
8 specifically the President, would work with the  
9 musicians union and at least sit down with them  
10 and have a meeting to discuss a recognition  
11 agreement. Not--unfortunately, because of the  
12 time constraints, we did not include that in our  
13 discussions, but I would hope that Karen Brooks  
14 Hopkins would consider and take into consideration  
15 the fact that the musicians obviously need to be  
16 treated with respect and need to be treated  
17 fairly, and obviously need a living wage, as well.  
18 So, Mr. Chair, I urge all of my colleagues to vote  
19 aye on this project. Thank you again for your  
20 indulgence and for having to report to this  
21 special Subcommittee.

22 CHAIRPERSON COMRIE: Thank you.

23 Any other members have any comments on the BAM  
24 South project? Council Member Lander.

25 COUNCIL MEMBER LANDER: Thank you,

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2 Mr. Chairman. I just want to thank Council Member  
3 James for her advocacy on behalf of the Pacific  
4 Street Library, which is currently in Council  
5 Member Levin's district, but through redistricting  
6 will be in mine. And we appreciate her fighting  
7 hard for the constituents of our district, to make  
8 sure that their library remains strong and  
9 present.

10 CHAIRPERSON COMRIE: I want to  
11 thank Council Member James for--Oh, someone else,  
12 I'm sorry, Council Member Barron, I'm sorry, I  
13 didn't see you. [background comment] So  
14 reticent. [background comment]

15 COUNCIL MEMBER BARRON: I don't  
16 think you look at me enough and I think it's  
17 intentional. Council Member James, did you say  
18 the affordability was 80/20, right?

19 COUNCIL MEMBER JAMES: [off mic]  
20 Yes.

21 COUNCIL MEMBER BARRON: And--scuze  
22 me?

23 COUNCIL MEMBER JAMES: 70/30 now.

24 COUNCIL MEMBER BARRON: 70/30 now.  
25 And what is--?

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COUNCIL MEMBER JAMES: It's 70/30 and the AMIs will better reflect the community. It will be 80 percent of AMI.

COUNCIL MEMBER BARRON: 80 percent AMI.

COUNCIL MEMBER JAMES: Yes.

COUNCIL MEMBER BARRON: And are they applying for 421-A?

COUNCIL MEMBER JAMES: Yes.

COUNCIL MEMBER BARRON: And do you know how much the total amount of tax breaks they'll get from--

COUNCIL MEMBER JAMES: [off mic] No, I don't know that. [on mic] The--what you have to take into consideration, they're applying for 421-A, and the property in question was sold to them for I believe, if I'm not mistaken, \$26 million.

COUNCIL MEMBER BARRON: I think it was \$16.

COUNCIL MEMBER JAMES: \$16, sorry.

CHAIRPERSON COMRIE: Council Member Levin. Use the mic.

COUNCIL MEMBER LEVIN: [off mic]



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2 Thank you very much, Mr. Chairman. I just wanted  
3 to [on mic] echo the sentiments expressed by  
4 Council Member Lander in thanking Council Member  
5 James for listening to constituents that are not  
6 even her constituents, they're my constituents,  
7 but she responded to them. And I appreciate that  
8 on behalf of them. And I want to express my  
9 gratitude for you standing up for the Pacific  
10 Branch Library and making sure that we are  
11 bringing all pressure to bear to have that library  
12 preserved, maintained; and that our architectural  
13 heritage in that section of Brooklyn, of Boerum  
14 Hill/Fort Greene area, is preserved. And so I  
15 want to, on behalf of my constituents, thank you,  
16 Council Member James.

17 COUNCIL MEMBER JAMES: Thank you.  
18 It was a collective effort, all of us should take  
19 credit.

20 CHAIRPERSON COMRIE: Council Member  
21 Vann.

22 [pause, background noise]

23 COUNCIL MEMBER VANN: Thank you.  
24 Yes, I did hear, I think, a commitment to union  
25 labor, and I would suppose union wages. Is there

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also a commitment to WMBE, as well?

COUNCIL MEMBER JAMES: Yes.

There's a very, an aggressive--and that was a commitment that Two Trees made at the outset, they went above and beyond, which is currently the City's requirement for WMBE, and in fact they have, in the past, exceeded it on all of their projects. I just admit, Two Trees has been excellent with regards to WMBE, and in fact has hired a consultant that I have worked with called Crescent Consulting, and have already reached out to the community in addition to WMBE on every aspect of the development. They also have hired locally. And so, they should get kudos for starting out with that commitment. My commitment, obviously, was with respect to the preservation of a library that was about to be sold, increasing affordable housing, making sure that community stakeholders were involved, and that all cultural organizations were included in this project, and I'm really happy that 651, which is an African-American cultural organization, that currently has a very small space, now will have the opportunity to expand. And again, the cultural, this project

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2 will reflect the diversity of downtown Brooklyn,  
3 in terms of programming and in terms of the  
4 organizations that currently will be housed in the  
5 project, as well as workers who will benefit.

6 Thank you.

7 CHAIRPERSON COMRIE: Councilman.

8 Anyone else? I'm looking at Charles Barron, no  
9 one else is--? All right, I want to thank Council  
10 Member James for detailing all of the--well, some  
11 of the nuances behind this project. And also to  
12 Council Member Weprin for a thorough vetting in  
13 the Subcommittee meeting. As you are hearing from  
14 Council Member James, there were a lot of nuances  
15 to this project, none of which were made easier by  
16 the fact that the City has predetermined what kind  
17 of job it was going to be before it got to you as  
18 a decision maker. And I think that that's  
19 something we need to explore, as well. It kind of  
20 tied the hands of both the Council Member and the  
21 developer to a degree, so I think that we need to  
22 look at that, as well. Also, I want to commend  
23 all of the parties for coming to the Cou--I think  
24 I'll wait for some quiet. [laughter, background  
25 comments] I want to thank all of the parties for

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2 airing their issues, the issues of the library,  
3 the issues of culturalurs, the issues of making sure  
4 that unions were represented, were all thorny  
5 issues in this project, due to the fact that the  
6 price was predetermined by the City. But I hope  
7 that this is the start of good discussions between  
8 the unions and Two Trees, who has become a major  
9 developer in Brooklyn, and is developing many  
10 projects. I hope that the culturalurs, and I hope  
11 that the City, puts everything in writing and  
12 ironclad to you, because there is a new  
13 Administration coming and I hope that this will,  
14 these agreements will move beyond this  
15 Administration, as well, to ensure that all of  
16 these pieces are taken care of. And the issue of  
17 getting over 30 percent in MWBE, for trying to  
18 make a union job, is always a clash of issues.  
19 So, I hope that this can be, the level of  
20 communication that has been started around this  
21 project, and the level of communication between  
22 Two Trees and all of the interested parties that  
23 are looking to work with it, can continue to stay  
24 high. With that, I would recommend that we have a  
25 yes vote on this. And I want to thank all the

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2 members for coming in for this meeting today. The  
3 next, again, we're going to be coupling Land Use  
4 Nos. 829, 830 and 831, and I'll recommend a aye  
5 vote on all of items on today's agenda. We'll  
6 have Kevin--what's your last name again?

7 [background comment] Pin [phonetic], Clerk Kevin  
8 Pin, will now call the roll. I recommend an aye  
9 vote on it.

10 COUNCIL MEMBER JAMES: [off mic]

11 And you've - - [laughter]

12 CHAIRPERSON COMRIE: Okay, yes, now  
13 you want to start? I let you off to lunch, and  
14 now you're going to start?

15 COUNCIL MEMBER JAMES: [laughs, off  
16 mic] - -

17 CLERK: Kevin Pin, Committee Clerk,  
18 roll call on the Committee on Land Use, Land Use  
19 Nos. 829, 830 and 831. Council Member Comrie.

20 CHAIRPERSON COMRIE: Aye on all.

21 CLERK: Rivera.

22 COUNCIL MEMBER RIVERA: [off mic] I  
23 vote aye.

24 CLERK: Barron.

25 COUNCIL MEMBER BARRON: [off mic]

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May I explain my vote?

CHAIRPERSON COMRIE: Sure.

COUNCIL MEMBER BARRON: I, you know, I've been trying to be consistent over the years here, in the City Council. I think the Mayor has rezoned 40 to 45 percent of this City and developers have gotten extremely rich off of some of the rezoning that has been done. The meager attempts at affordable housing hasn't really met the need of the people in this City, and even some of the jobs, the living wage jobs, that's always promised, they never seem to peter out. And this is a typical project, I think 32 stories high, a 70/30 formula, 70 percent market, which means it's not going to be affordable to the majority of the people in this City, which is black, Latino and Asian people, that make up 62 percent of this City, and the 80 percent of the AMI as a part of the 30 percent affordability figure is \$68,000 for a family of four. Even if you went down to 50 percent of the AMI, which would be better, that would be, the AMI of New York City is what, \$83,000 for a family of four, something like that. So you would still be at

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2 \$40,000. And many of our neighborhoods, the AMI  
3 is \$30,000 for a family of four and the South  
4 Bronx is \$19,000. And in many other places across  
5 the City, it's extremely, extremely low. So, I'm  
6 just getting sick and tired of the land grab in  
7 this City, you know, \$16 million sounds like a lot  
8 of money, but for land purchased in this City, we  
9 can be getting much more money in our Treasury, if  
10 they didn't get these tremendous tax breaks for  
11 these little bits of affordability that's not  
12 really affordable. So, I'm going to vote no on  
13 this project, for all that benefit from it.  
14 Congratulations, and for those of us who are not  
15 going to afford, which is most of us, we need to  
16 do better as a City Council and using the power of  
17 our ULURP process, to make these developers give  
18 much, much more. I say no.

19 CLERK: Jackson.

20 COUNCIL MEMBER JACKSON: Aye.

21 CLERK: Vann. Vann.

22 COUNCIL MEMBER VANN: [off mic]

23 Aye.

24 CLERK: Gonzalez.

25 COUNCIL MEMBER GONZALEZ: Aye.

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CLERK: Dickens.

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COUNCIL MEMBER DICKENS: [off mic]

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Aye.

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CLERK: Garodnick.

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COUNCIL MEMBER GARODNICK: [off

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mic] Aye.

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CLERK: Lappin.

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COUNCIL MEMBER LAPPIN: Aye.

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CLERK: Mendez.

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COUNCIL MEMBER MENDEZ: [off mic]

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Aye.

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CLERK: Koo.

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COUNCIL MEMBER KOO: [off mic] Aye.

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CLERK: Lander.

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COUNCIL MEMBER LANDER: Aye.

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CLERK: Levin.

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COUNCIL MEMBER LEVIN: Aye.

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CLERK: Weprin.

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COUNCIL MEMBER WEPRIN: [off mic]

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Aye.

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CLERK: Ignizio.

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COUNCIL MEMBER IGNIZIO: [off mic]

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Yes.

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CLERK: By a vote of 14 in the



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2 affirmative, one in the negative and no  
3 abstentions, the item has been adopted. Members,  
4 please sign the Committee reports.

5 CHAIRPERSON COMRIE: I want to  
6 thank Committee Members for coming to this special  
7 meeting today. The next Subcommittee meetings  
8 will be on June 19th and June 20th. June 19th is  
9 Zoning at 9:30 dealing with the MSG; June 20th is  
10 the Planning Subcommittee dealing with the USTA,  
11 at 11:00 o'clock on the 20th; and also on  
12 Thursday, June 20th at 10:00 a.m., we have the  
13 full Land Use Committee to vote out rezonings, at  
14 10:00 a.m., June 20th. With that, we will--  
15 [background comments] all these meetings will be  
16 held at City Hall due to the anticipated crowds.  
17 We will also be holding, we will also be  
18 adjourning this meeting, but we'll hold the roll  
19 open for 15 minutes as two members claim they're  
20 in the lot. So. [laughter] With that, I want to  
21 thank all for being here today, and the meeting  
22 for June 17th is hereby adjourned.

23 [gavel]

24 [pause, background noise]

25 CLERK: Palma.

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COUNCIL MEMBER PALMA: [off mic] I  
vote aye.

CLERK: Vote stands at 15 in the  
affirmative, one in the negative, no abstentions.

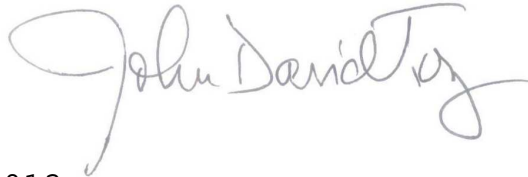
[pause, background noise]

CLERK: Final vote in the--final  
vote in the Committee on Land Use, 15 in the  
affirmative, one in the negative and no  
abstentions.

C E R T I F I C A T E

I, JOHN DAVID TONG certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature

A handwritten signature in cursive script that reads "John David Tong". The signature is written in dark ink and is positioned to the right of the printed word "Signature".

Date June 8, 2013