

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 5, 2018  
Start: 11:22 a.m.  
Recess: 11:54 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  
Costa G. Constantinides  
Chaim M. Deutsch  
Ruben Diaz, Sr.  
Vanessa L. Gibson  
Barry S. Grodenchik  
Ben Kallos  
Andy L. King  
Peter A. Koo  
Rory I. Lancman  
Stephen T. Levin  
I. Daneek Miller  
Francisco P. Moya  
Antonio Reynoso  
Donovan J. Richards  
Carlina Rivera  
Ritchie J. Torres  
Mark Treyger

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

2 [sound check] [pause][gavel]

3 CHAIRPERSON SALAMANCA: Alright, good  
4 morning every.

5 COUNCIL MEMBER KING: Good morning.

6 CHAIRPERSON SALAMANCA: I am Council  
7 Member Salamanca. I am the Chair of this Committee.  
8 I would like to welcome my esteemed colleagues who  
9 are here. We have Council Member Barron,  
10 Constantinides, Deutsch, Chair Kallos, King, Koo,  
11 Lancman, Reynoso, Torres, Grodenchik, Chair Adams,  
12 Diaz, Chair Moya and Rivera. I want to thank Chair  
13 Moya, Chair Adams and Chair Kallos for their work on  
14 our Land Use Subcommittees. Today, we will be voting  
15 on a number of items referred out of our Planning and  
16 Subcommittees. We'll be voting to approve LU 102,  
17 Berean Gardens application for property located at  
18 1479 to 1497 Saint Marks Avenue in Council Member  
19 Ampry-Samuel's district in Brooklyn. In this  
20 application, HPD seeks approval of the new 40-year  
21 tax exemption pursuant to Article XI of the Private  
22 Housing Finance Law for existing buildings with 77  
23 dwelling units for low-income seniors eligible  
24 through Section 8 vouchers. There is a project  
25 rental assistance contract in place. The project

1 currently has outstanding tax liens, and the owner  
2 has entered into a payment plan. The new Article XI  
3 tax exemption would facilitate the resolution of the  
4 liens for which HUD will pay the interest and  
5 approval of this application will also establish a  
6 new regulatory agreement ensuring affordability until  
7 2058. We will also vote to approve LU 104 the Culver  
8 L Phase 1 for properties located on 37<sup>th</sup> Street  
9 between 12<sup>th</sup> and 13<sup>th</sup> Avenue in Council Member  
10 Lander's district in Brooklyn. HPD seeks a  
11 retroactive-retroactive Article XI tax exemption for  
12 taxes incurred in the past six years during the  
13 construction phase. These—excuse me. I'm sorry.  
14 Thank you. These homeownership units will be  
15 affordable to homeowners with incomes ranging from  
16 80% to 100% of AMI after developers transfer the  
17 properties to individual homeowners free and clear of  
18 the prop of the prior taxes, and Urban Development  
19 Action Area Project, UDAAP tax exemption pursuant to  
20 Article 16 of the General Municipal Law will go in  
21 effect prospectively. We will vote to approver LU  
22 105 the NIHOP Van Buren/Green Application for  
23 properties located on seven blocks in Council Member  
24 Cornegy's district in Brooklyn. HPD seeks amendments  
25

2 to a previously approved UDAAP in order to avoid  
3 punitive taxes being impose on the future homeowners  
4 of ten 2-family homes. A change to the project will  
5 allow HPD to reduce the land debt bringing the  
6 cumulative of the subsidies below a level that incurs  
7 the so-called management tax. The future homeowners  
8 will have incomes between 80 and 130% of AMI. We  
9 will vote to approve LU 106 the 501 West 51<sup>st</sup> Street  
10 application for properties in Speaker Johnson's  
11 district in Manhattan. HPD seeks a new Article XI  
12 Tax Exemption for a term of 40 years for a fully  
13 occupied building with 22 residential units. Some  
14 tenants were relocated during the original  
15 rehabilitation and have returned to the building, and  
16 the rest of the rehab units were marketed to families  
17 with incomes of 80% of AMI. The tax exemption will  
18 be retroactive to 2010 since the building has  
19 existing tax arrears. We will also vote to approve  
20 LU 103 Hudson Peers II for properties Council Member  
21 Levine's district in Manhattan and new partial  
22 Article XI tax exemption is so for 2-family occupied  
23 buildings with 83 units located at 1626 and 1640  
24 Amsterdam Avenue. There is an existing Article 5 tax  
25 exemption, which will be terminated and replaced with

2 the Article XI. This will be extended affordability  
3 as the Article 5 tax exemption expires in 2024. All  
4 units will remain income restricted at 50% of AMI  
5 with tenants paying 30% of their income as rent. We  
6 will also be voting to approve LU 81 the ANCP 107  
7 West 105<sup>th</sup> Street Application. The application by  
8 HPD is for a UDAAP approval as well as a 40-year  
9 Article XI tax exemption to facilitate the renovation  
10 of two partially occupied city-owned residential  
11 buildings in Council Member Levine's district in  
12 Manhattan. After the renovation, current tenants  
13 will have the opportunity to purchase these units for  
14 \$2,500 and vacant units will be sold to families  
15 earning between 97 and 110 of AMI. From our sub—from  
16 our Zoning Subcommittee we'll be voting to approve LU  
17 83 the 280 Richards Street Waterfront application in  
18 Council Member Menchaca's district in Brooklyn. The  
19 applicant the Door (sic) 280 Richards Street LLC  
20 seeks approval of an authorization to modify  
21 requirements for the minimum dimensions in areas of  
22 waterfront public access, and visual (sic) corridor  
23 in connection with the development of a five-story  
24 commercial building along the Erie Basin in Red Hook,  
25 Brooklyn. A public walkway along the waterfront will

2 be provide as part of this development. We will vote  
3 to approve LU 70 and application for a revocable  
4 consent to operate an undisclosed sidewalk café at  
5 Café Tabu in Council Member Rodriguez's district in  
6 Manhattan. We will be voting to modify LU 84 and the  
7 45 Broad Street Special Permit for property, the  
8 Special Lower Manhattan District in Council Member  
9 Chin's district. The Special Permit would allow 3.0  
10 FAR a bonus floor area to be used in an 80-story  
11 mixed-use building in connection with major  
12 improvements to the subway system including the  
13 provision of two new elevators. Our modifications  
14 will add signage at the street level indicating that  
15 the southbound elevator is for egress only. Our  
16 modifications will also specify the location of the  
17 bonus floor area to ensure that this bonus floor are  
18 is not occupied until subway improvements are  
19 complete. We will also make clear that a core shell  
20 TCO will not permit any type of occupancy and make  
21 technical changes making it easier to understand  
22 where subway improvements are required. We will be  
23 voting to approve LU 85 the Hudson Boulevard and Park  
24 Text Amendment, which affect properties in Special  
25 Hudson Yard's district in Speaker Johnson's District

2 in Manhattan. While Phase 1 of the Hudson Boulevard  
3 and Park was acquired in built out by the city and  
4 open to the public in 2015, the land comprising Phase  
5 2 still remains in private ownership. This text  
6 amendment proposed by the Department of City Planning  
7 will make technical changes to the zoning text to  
8 facilitate the private development of Phase 2 of the  
9 Hudson Boulevard Park for use by the public. We will  
10 be voting to approve LUs 86 through 88 the Willow  
11 Avenue Rezoning for property in my district in the  
12 Bronx. Approval of these applications for a zoning  
13 map change to permit residential use, a zoning text  
14 amendment to designate the area as a Mandatory  
15 Inclusionary Housing area subject to MIH Option 1 and  
16 Article XI Tax Exemption will permit the  
17 redevelopment of the applicant's siting for an 8-  
18 story mixed-use building with 134 residential units,  
19 100%, which will be affordable. We'll be voting to  
20 file the proposed revocable consent for Five Mile  
21 Stone to operate an unenclosed sidewalk café at 1640  
22 Second Avenue in Manhattan in Council Member Kallos'  
23 district because it has been withdrawn. Now, are  
24 there any questions or remarks from members of the  
25 Committee? I just want to point out the 11-111



2 Willow Avenue project that's in my district. I know  
3 that I was working with the Atmart Group, Altmart  
4 Group. I know we changed this project around  
5 tremendously, and I just want to thank you for  
6 working with me. As part of this project, it's 100%  
7 affordable. We went deep in affordability, and this  
8 is the third project in a row that we'll voting where  
9 there has been a 15% homeless set-aside. So, I want  
10 to thank you for working with me. Alright. So, now,  
11 I will call a vote in accordance with recommendations  
12 of the subcommittees and the local members to approve  
13 with modifications that have been described. LU 84  
14 and to approve LU 70, 81, 83, 85, 86, 87, 88, 102,  
15 103, 104, 105, and 106, and to file LU 82. Will the  
16 clerk please call the roll.

17 CLERK: William Martin, Committee Clerk.  
18 Roll call vote Committee on Land Use. Chair  
19 Salamanca.

20 CHAIRPERSON SALAMANCA: Aye on all.

21 CLERK: Barron.

22 COUNCIL MEMBER BARRON: Permission to  
23 explain my vote.

24 CHAIRPERSON SALAMANCA: Yes, Council  
25 Member Barron.

2 COUNCIL MEMBER BARRON: Thank you. I  
3 appreciate the fact that LU 86, 87 and 88 have 50%  
4 going down for the provision for homeless. I don't  
5 think the trailer should be that we're pushing out  
6 the upper realms to 120% of AMI. In this body we  
7 love to say affordable but, of course, it's always  
8 affordable to whom and when we bring in housing at  
9 the levels that do not match the persons who are  
10 presently living there. We're pushing out a segment  
11 of people. We're not providing them with the  
12 opportunity to be eligible. So, with that, I vote  
13 aye with the exception of 86, 87, and 88 on which I  
14 vote no. Thank you.

15 CHAIRPERSON SALAMANCA: I just want to  
16 make a comment. I appreciate that Council Member  
17 Barron. As you know, I am one of the leading  
18 pioneers in affordable housing.

19 COUNCIL MEMBER BARRON: You and I both  
20 share that. (sic)

21 CHAIRPERSON SALAMANCA: [interposing]  
22 Yes, we share that.

23 COUNCIL MEMBER BARRON: So this is going  
24 to put me a little ahead of you because I don't have  
25 anything in there. [laughs]

2 CHAIRPERSON SALAMANCA: [interposing] I  
3 don't know about that, but just—just want to point  
4 out that—

5 COUNCIL MEMBER BARRON: Yes.

6 CHAIRPERSON SALAMANCA: This—this project  
7 when they originally came they were as deep as a 130%  
8 AMI. I got them below that. I got them to about  
9 110. All my projects I believe are mixed-income  
10 because I do have working families in my district,  
11 and I don't want to displace them either, but there  
12 was a give and take that I needed to give if I wanted  
13 to get that 15% homeless set-aside, and in order to  
14 get that 15% homeless set-aside, I needed to give a  
15 few units at little higher AMI, and I was willing to  
16 negotiate that so that I can bring back homeless  
17 families that are in a shelter and are ready for  
18 independent living back to their communities.

19 COUNCIL MEMBER BARRON: I appreciate that  
20 and I respect that. Thank you.

21 CLERK: Constantindies.

22 COUNCIL MEMBER CONSTANTINIDES: Aye on  
23 all.

24 CLERK: Deutsch.

2 COUNCIL MEMBER DEUTSCH: Aye on all. I  
3 just want to propose that whenever we have two  
4 consecutive information, we should allow Council  
5 Member Adams to think for us. (sic) Aye on all.

6 CLERK: Kallos.

7 COUNCIL MEMBER KALLOS: Permission to  
8 explain my vote.

9 CHAIRPERSON SALAMANCA: Chair Kallos.

10 COUNCIL MEMBER KALLOS: I want to thank  
11 the Subcommittee on Planning members for working with  
12 us asking tough questions at the hearings, and really  
13 getting to the bottom of the affordable housing that  
14 we're doing, how much we're spending, and whether we  
15 can do better for our residents, and I think it's  
16 taking a little bit longer, but I think we've been  
17 able to do a lot and I think it's been recognized by  
18 the amount of affordable housing we're seeing and the  
19 lower rates. I want to thank our Land Use Chair  
20 who's personally gotten involved in a number of those  
21 situations to get affordable—affordability rates to  
22 where they can. I also want to thank the Zoning  
23 Chair Moya for working with me, and though the  
24 application is withdrawn, I'm working with him and  
25 the restaurant and bar in question to work with the

2 community and be a positive for the community so that  
3 we can hopefully come back later this summer, and  
4 support small businesses. Thank you.

5 CLERK: King.

6 COUNCIL MEMBER KALLOS: [interposing]  
7 Sorry, I vote aye. Thank you.

8 CLERK: Council Member King.

9 COUNCIL MEMBER KING: Permission to  
10 explain my vote.

11 CHAIRPERSON SALAMANCA: Council Member  
12 King to explain his vote.

13 COUNCIL MEMBER KING: I'm voting aye on  
14 all, but I jut want to say thank you to each and  
15 every one of you who have done the work, and very  
16 smart putting together land use projects that respect  
17 our neighborhoods, and figuring out as Council Member  
18 Kallos had to do is you have to withdraw because it  
19 doesn't make sense. That would be irresponsible in  
20 the work that we're doing. So, I thank us for not  
21 just pushing stuff through because someone on the  
22 outside says we should do it. So, thank you all and  
23 congratulations and I vote aye.

24 CLERK: Koo.

25 COUNCIL MEMBER KOO: Aye on all.

1 COMMITTEE ON LAND USE

14

2 CLERK: Lancman.

3 COUNCIL MEMBER LANCMAN: Aye.

4 CLERK: Reynoso. [pause]

5 COUNCIL MEMBER REYNOSO: To no surprise,  
6 the Bronx continues to build affordable housing. I  
7 want to thank the Chair for his continued effort. I  
8 hope that we could have other boroughs match the  
9 vigor by which you work to get as much affordable  
10 housing at the lowest rate and, of course, I vote aye  
11 on all.

12 CLERK: Torres.

13 COUNCIL MEMBER TORRES: I vote aye.

14 CLERK: Treyger.

15 COUNCIL MEMBER TREYGER: With great  
16 congratulations to Chari Salamanca for showing  
17 extraordinary consistent leadership, I proudly vote  
18 aye.

19 CLERK: Grodenchik.

20 COUNCIL MEMBER GRODENCHIK: Permission to  
21 not explain my vote, but just to make a little  
22 statement.

23 CHAIRPERSON SALAMANCA: Council Member  
24 Grodenchik.

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2 COUNCIL MEMBER GRODENCHIK: Thank you,  
3 Mr. Chair. I am voting on all, but I do want to  
4 recognize that we have been joined by students from  
5 P.S./I.S. 295Q, which is on Jamaica Avenue in the  
6 great Borough of Queens. It's the only part of  
7 Jamaica Avenue that I have that is south of Jamaica.  
8 The only part of my district goes south, and they  
9 built a beautiful school there. The school is now  
10 ten years old. We are joined by young people from  
11 the National Honor Society and from the Social  
12 Awareness Club, which I have had the honor of  
13 addressing. It's a great school. I've been working  
14 steadily with their principal Ms. Lavigne Jones over  
15 the years, and I just want to welcome them to City  
16 Hall today, and I believe for all of them it is their  
17 first visit to our great City Hall. So, welcome to  
18 all of you. It's good to see you, and you still have  
19 some more school left, but take July and August off.  
20 Thank you, Mr. Chairman.

21 CLERK: Adams.

22 COUNCIL MEMBER ADAMS: Permission to  
23 Comment.

24 CHAIRPERSON SALAMANCA: Chair Adams.

2 COUNCIL MEMBER ADAMS: Thank you, Chair.

3 I, too would like to welcome our students today and  
4 our educators today. I represent District 28, which  
5 Jamaica is in District 28. So, I, too, want to say  
6 welcome to City Hall. This is the people's house,  
7 your house. Feel free to come any time and often.

8 We like to see you here. With that, I'd like to  
9 congratulate my colleagues for this legislation that  
10 is needed especially in the area of affordable  
11 housing, that which so many of us continue to fight  
12 for in our districts and for the city of New York. I  
13 also vote aye on all.

14 CLERK: Diaz.

15 COUNCIL MEMBER DIAZ: Aye on all.

16 CLERK: Moya.

17 COUNCIL MEMBER MOYA: I just want to  
18 congratulate the Chair on the wonderful work that  
19 you've done to bring this project home and bring  
20 affordability to the community that you represent.  
21 You continue to do a great job, and I will be voting  
22 aye on all.

23 CLERK: Rivera.

24 COUNCIL MEMBER RIVERA: [off mic] Aye on  
25 all.



1 COMMITTEE ON LAND USE

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2 CLERK: All items on today's Land Use  
3 agenda have been adopted by a vote of 16 in the  
4 affirmative, 0 in the negative and no abstentions  
5 with Land Use Items 86, 87 and 88 being adopted by  
6 the committee 15 in the affirmative, 1 in the  
7 negative and no abstentions.

8 CHAIRPERSON SALAMANCA: Alright, I would  
9 like to thank the members of public, my colleagues,  
10 counsel and Land Use staff for attending today's  
11 hearing. We'll leave the roll open for ten minutes.  
12 Thank you. [pause]

13 CLERK: Continuation roll call, the  
14 Committee on Land Use. Council Member--

15 COUNCIL MEMBER LEVIN: [interposing]  
16 Aye on all

17 CLERK: Council Member Levin.

18 COUNCIL MEMBER LEVIN: Aye on all.

19 [pause] [background comments, pause]

20 CLERK: Committee on Land Use  
21 continuation of roll call. Council Member Gibson.

22 COUNCIL MEMBER GIBSON: I vote aye.

23 [background comment]

24 CLERK: Okay, the final vote on today's  
25 Land Use items will be--breakdown as follows: LUs 70,

1 COMMITTEE ON LAND USE 18

2 81, 83, 85, 102, 103, 104, 105 and 106 were approved  
3 by a vote of 18 in the affirmative, 0 in the negative  
4 and no abstentions. LU Nos. 86, 87, 88 were approved  
5 by a vote of 17 in the affirmative, 1 in the negative  
6 and no abstentions. LU 84 was approved with  
7 modifications by a vote of 18 in the affirmative, 0  
8 in the negative and no abstentions, and LU 82 was  
9 filed pursuant to a letter of withdrawal by a vote of  
10 18 in the affirmative, 0 in the negative and no  
11 abstentions. Thank you. [pause]

12 CHAIRPERSON SALAMANCA: Thank you all.  
13 This hearing is now adjourned. [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 June 20, 2018