

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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November 9, 2021
Start: 12:12 p.m.
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HELD AT: Hybrid Hearing - Council Chambers
- City Hall

B E F O R E: Francisco Moya
Chairperson

COUNCIL MEMBERS:
Carlina Rivera
Diana Ayala
Joseph C. Borelli
Barry Grodenchik
Stephen Levin
Margaret Chin

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

2 [background comments]

3 SERGEANT-AT-ARMS: All right. Good
4 afternoon. Sergeants, can you please start your
5 recordings?

6 SERGEANT-AT-ARMS: Recording in progress.

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

14 CHAIRPERSON MOYA: Good morning. I'm
15 Council member Francisco Moya. I'm the Chair of the
16 Subcommittee on Zoning and Franchises and I'm joined
17 remotely and in person today by Council members
18 Borelli, Barry G, Ayala, Rivera, Levin, and Chin.
19 Today we begin today's meeting. I will now open the
20 public hearing on a preconsidered LU item under ULURP
21 number C210272ZSK relating to the One Wythe IBIA
22 proposal in Council member Levin's district in
23 Brooklyn which also includes a zoning text amendment.
24 I will note that in conjunction with the related
25 preconsidered zoning text amendment, the Subcommittee

2 held a public hearing at our December 2nd meeting and
3 took comprehensive testimony concerning the
4 anticipated development and, once again, I'll remind
5 everyone that this is a hearing for the One Wythe
6 IBIA proposal in Brooklyn which is the only land use
7 item in which we will be taking public testimony here
8 today. For items not being heard today, we remind
9 you that the written testimony may be submitted by
10 email to landusetestimony@Council.NYC.gov. Counsel,
11 do we have any members of the public signed up today
12 to testify on this item?

13 COMMITTEE COUNSEL: Yes, Chair. I do
14 believe that we have a number of speakers signed up
15 for this item. Please standby for the
16 identification.

17 CHAIRPERSON MOYA: Okay. Members of the
18 public will be given two minutes to speak. Please do
19 not begin until sergeant-at-arms has started the
20 clock.

21 COMMITTEE COUNSEL: All right. Mr.
22 Chair, there are no witnesses registered to speak on
23 this item.

24 CHAIRPERSON MOYA: Page five?

25 COMMITTEE COUNSEL: Page five.

2 CHAIRPERSON MOYA: Okay. There being no
3 members of the public who wish to testify on the
4 preconsidered LU item under ULURP number C219272ZSK
5 for the One Wythe IBIA zoning special permit
6 application, the public hearing is now closed. Barry
7 G? We will now vote on a number of items previously
8 heard by the Subcommittee including from today's
9 agenda as well as items heard at our October 25th,
10 November 9th, and December 2nd meetings. We will
11 vote to approve with modifications LUs numbers 918,
12 919 for the SoHo NoHo Neighborhood Plan Proposal in
13 Council member Chin's and Council member Rivera's
14 districts in Manhattan. The proposal seeks a zoning
15 text amendment to create a special SoHo NoHo mixed
16 use district and apply the mandatory inclusionary
17 housing program to the new special districts.
18 Together with a related zoning map amendment to
19 replace existing M1-5A and M1-5B districts with a mix
20 of medium and high density mixed use districts. Our
21 modifications will strengthen the proposed plan by
22 implementing lower heights in the appropriate
23 locations while retaining opportunities for
24 affordable housing production in higher density
25 areas, lowering commercial FRA in most of the

rezoning area, and restricting dormitory and university uses, imposing a square footage cap on eating and drinking establishments, revising the retail proposal to allow for more flexibility in certain areas, while implementing a special permit for large scale retail in excess of 25,000 square feet with findings focused on quality of life concerns and requiring deeper affordability by striking MIH option II while retaining the option I. Council members Chin and Rivera are in support of the proposal as modified. And, in addition, they have negotiated a comprehensive package of capital and policy commitments that they can cover in more detail in their remarks. I know that this process has been a particularly challenging one and we heard from hundreds of residents and advocacy stakeholders about their concerns. We also know that we have to find a way as the city to build more housing and especially house lead in neighborhoods that have the best schools, transit, and access to opportunity. I want to acknowledge the really hard work of Council member Rivera and Chin, Borough President Brewer, and Community Board Two to try to sift through these

2 competing priorities and work with the best of
3 intentions to improve this plan.

4 We will also vote to approve with
5 modifications LU numbers 906 and 907 for the 250
6 Water Street proposal relating to property in Council
7 member Chin's district in Manhattan. The proposal
8 seeks a zoning text amendment to modify various South
9 Street Seaport subdistrict regulations and a related
10 zoning special permit to modify various all
11 regulations as part of a large-scale general
12 development, all to facilitate the redevelopment of a
13 block bounded by Water Street, Beekman Street, Pearl
14 Street, in Bexlet. Our modification will be to
15 enable a development rights transferred to establish
16 250 Water Street as a receiving site under the
17 subdistrict rules, as well as to reduce the amount of
18 zoning floor area being distributed from Pier 17 by a
19 corresponding amount. The size of the development
20 would remain unchanged under these modifications.
21 Council member Chin is in support of the proposal as
22 modified.

23 We will also vote to approve pre-
24 considered LU items under ULURP number C210272ZSK and
25 N210273ZRK for the One Wythe IBIA proposal relating

1 to property in Council member Levin's district in
2 Brooklyn. The changes and a waterfront authorization
3 approval would facilitate the mixed use waterfront
4 development known as River Ring on any vacant site
5 formerly owned by Con Edison. The proposal would
6 create approximately 1050 dwelling units,
7 approximately 263 of which would be affordable
8 through MIH option I. Our modification would be to
9 the Rose store the originally proposed zoning text
10 which permits existing or reconstructed piers or
11 platforms to be considered lot area for the purpose
12 of applying certain zoning regulations including
13 floor area consistent with the policy of the rest of
14 the North Brooklyn waterfront. Few members have had
15 a number of challenging projects and Council member
16 Levin has had in his time at the Council and he may
17 have saved the best for last. Not only will this
18 project create an extraordinary new waterfront Park
19 with a shoreline that is designed to adapt to the
20 climate risk we face as a city, the project will also
21 include 263 units of new affordable housing and a new
22 YMCA with a discounted membership for the community,
23 and a new affordable housing fund to help fund
24 additional senior housing in CB one. We can rarely
25

2 address so many different policy issues on one
3 project, so I want to congratulate him on all of his
4 achievement here.

5 We will also vote to approve LU 923 for
6 the citywide health and fitness zoning text amendment
7 by the Department of City Planning. The proposal
8 seeks to modify use regulations relating to gyms,
9 spas, licensed massage therapy, and other health and
10 fitness facilities defined by the physical cultural
11 establishment or PCE. The proposal would generally
12 allow all such facilities as use group 6 or use group
13 14 and room moved the requirement to obtain a be a
14 special permit.

15 We will also vote to approve with
16 modifications LU 924 for the citywide FRESH expansion
17 proposal, also by the Department of City Planning.
18 The proposal seeks to modify and expand the existing
19 food retail expansion to support health program also
20 known as FRESH program which provides zoning
21 incentives for neighborhood grocery stores to locate
22 within underserved communities. The text amendment
23 would expand the program boundary and include various
24 program updates, including a mechanism to prevent
25 saturation up FRESH supermarkets. Modifications to

2 the glazing requirements for conversions and changes
3 to parking regulations. Our modifications would be
4 to carefully limit the geographic applicability of
5 the updated regulations so as not to include areas
6 with well-established fresh food options.

7 We will also vote to approve proposed
8 Intro number 2443-A, a local wall relating to
9 increasing penalties related to using joint living in
10 work quarters for artists contrary to zoning.

11 We have also been joined by Council
12 member Reynoso via Zoom and I would like to clarify
13 that One Wythe proposal seeks a zoning text amendment
14 to add a project site as the new industrial
15 businesses incentive area and a related special
16 permit to modify both parking and loading
17 requirements to accommodate specific light industrial
18 and commercial uses. Council member Levin is in
19 support of this proposal. And now, let me turn this
20 over to-- I want to now turn it over to Council
21 member Chin for some remarks.

22 COUNCIL MEMBER CHIN: Thank you, Chair
23 Moya. I really appreciate, you know, all the time
24 that you have spent at the long, long hearing when
25 you heard this proposal in my district and I want to

1 thank all my colleagues on this committee. On SoHo
2 NoHo, I really want to thank Council member Rivera.
3 We partnered on this one. It was very, very, I mean,
4 excruciating, but I think we really came to some
5 great solutions. Chair, you already also mentioned,
6 you know, all the changes that we modified. But it
7 is really time that we made sure every neighborhood
8 in the city contributed to building affordable
9 housing and a neighborhood like SoHo NoHo where it is
10 wealthy and resource rich, they need to also
11 contribute to the opportunity of creating more
12 affordable housing. At the same time, we will be
13 able to help maintain the artistic and cultural
14 character of this wonderful neighborhood. And I
15 think with the change in the zoning, allowing
16 residential development within MIH, we hope that, and
17 now, affordable housing would be built, but we have
18 also gotten a lot out of a lot of commitment from the
19 administration and I do want to thank, you know,
20 Deputy Mayor and her team and really working with us
21 and look for opportunities to build affordable
22 housing as soon as possible. Unfortunately, you
23 know, in this area, there's not any kind of city
24 owned site, but we were able to get commitment to do
25

1 affordable housing right outside of the rezoning area
2 and the first one is in my area, the SoHo area, is
3 the DEP site on Hudson Street. That will be 100
4 units of affordable housing that the city will be
5 committed to do starting next year. And the other
6 great pardons really investment in open space. Some
7 of the parks surrounding the district has been, you
8 know, neglected for many years and the commitment to
9 really [inaudible 00:14:01] Park, I am really
10 appreciative of that. And on the 250 Water, we are
11 getting, you know, permanent affordable housing
12 through MIH. Closed 100 units of deeply affordable
13 housing. At the same time, we are able to preserve
14 the historic South Seaport Museum. That is where the
15 history of our city began and we will be able to
16 preserve that and tell our history for generations to
17 come. So, I also wanted to really thank the land use
18 staff, Raju Mann, Chelsea Kelley, Angelina Martinez
19 Rubio, and my staff. My chief of staff, Gigi Lee,
20 and my land use director, you know, Anthony Drummond,
21 and my deputy chief of staff, Connor Irvin, that they
22 have worked so hard together with the team from the
23 administration to finally get us to this point. So,
24

2 I really appreciate my colleagues on this committee
3 and I really urge you to vote in support. Thank you.

4 CHAIRPERSON MOYA: Thank you, Chair Chin.

5 I now turn it over to Councilwoman Rivera.

6 COUNCIL MEMBER RIVERA: Thank you, Chair
7 Moya, up for the opportunity to speak with my fellow
8 committee members today. So, today the committee
9 will vote on the SoHo NoHo rezoning proposal which
10 marks a critical change to the city's historic
11 practice of focusing neighborhood rezonings in
12 communities of color. Moving us towards a more
13 equitable future where all neighborhoods contribute
14 their fair share in our ongoing fight against the
15 housing crisis facing New York City. Our approach to
16 this proposal, we held one clear goal is our
17 NorthStar: to incentivize the creation of affordable
18 housing at income levels where it is desperately
19 needed. The plan that we will vote on today started
20 with discussions that sought to contemporary I see
21 catchment areas land use mechanisms where much of
22 what exists today remains as it was in the 1970s.
23 The finished project is not perfect. It can't be
24 because the underlying mechanisms on affordability
25 are themselves and perfect. This plan does get us

1 further in creating a rational framework for housing
2 generation and retail operation in this high-value,
3 transit rich neighborhood. Before this certified, we
4 tried to make our priorities clear to the
5 administration. Priorities that we believed would
6 help make this project a long term success. After
7 receiving a scope of work that fell short of what we
8 in the community wanted, we began a rigorous series
9 of tough negotiations and in turn all reviews so that
10 we could do our best by the neighborhood. In my
11 case, the northern part of NoHo. This included
12 reducing commercial FAR as much as possible in order
13 to make housing the best possible development option.
14 We also eliminated dorm and College University usage,
15 again, to push developers towards housing above all
16 else. We are also seeking to map this area with MIH
17 option that address the income brackets most in need,
18 not wider and higher income bands. With this
19 proposal, we are creating a fund for local arts and
20 another meant for housing creation and preservation.
21 The agreement will also bring much-needed funding for
22 legal support to the areas loft tenants. As it
23 relates to my area of NoHo, tweaks to the proposed
24 map help address concerns related to structurally
25

2 sensitive sites that are of concern to neighbors.

3 Community benefits related to quality-of-life and

4 open space issues highlighted for so long by local

5 stakeholders, are also addressed significantly. I

6 will speak more to these and other importantly and

7 use actions and programs in future remarks, but it is

8 no secret that this process was plagued by roadblocks

9 from private interests, a tight timeline,

10 misinformation, and scare tactics. One thing that is

11 abundantly clear is that before certification, the

12 comment period must be collaborative rather than

13 performative and DCP needs to seriously take into

14 consideration the comments and suggestions from

15 elected officials and local stakeholders. It is the

16 only way to create a process that is genuinely

17 collaborative and protected from cynicism. I am

18 appreciative that we eventually were able to have

19 real conversations and that we were able to address

20 core concerns even if some of the changes are

21 unilateral under the Council's power to modify this

22 action. Of course, any approval does not mean that

23 our work is over. Monitoring IT success in

24 collaborating with advocates on behalf of existing

25 and new tenants is one of our most important

1 commitments. I hope the work we have done in
2 hammering out a proposal that is significantly better
3 than where we started will yield promising results
4 for New Yorkers. For that, I am grateful to Council
5 member Margaret Chin, the Council land use division,
6 especially Raju, Angelina, and Chelsea, and both of
7 our district team for their partnership, their
8 expertise, and, of course, their support during the
9 entire process. I urge you, my colleagues, to join
10 us in voting aye.

12 CHAIRPERSON MOYA: Thank you. I now turn
13 it over to Council member Levin.

14 COUNCIL MEMBER LEVIN: Thank you very
15 much, Chair. I will keep my remarks brief, but I
16 wanted to thank you and the Land Use staff, Raju Mann
17 and Brian Paul, as well as my staff, Ben Solitaire
18 for working on this proposal. The River Ring
19 proposal is, you know, in a lot of ways it's-- this
20 is, obviously, my last will land use project and I
21 wasn't seeking it out. I didn't really want to have
22 a large scale land use project, you know, in my final
23 days year, but we looked at it as a-- you know, and
24 a comprehensive way and what the communities means
25 truly are at this point in community Board one in

1 Williamsburg and so, what this proposal offers is
2 significant environmental sustainability measures as
3 it relates to a waterfront development. It has title
4 attenuation. If anyone has seen the potential Park
5 renderings, the proposed Park renderings, the it's a
6 pretty significant public park design and open space
7 design that goes out into the water and has
8 resiliency measures that will be going into the
9 development. Fallout electrification and on-site
10 wastewater. And exploring being entirely off grid,
11 as well. And in addition to all that, the priority
12 for me at this point in my 10 year in the Council and
13 as it relates to the Williamsburg community is for
14 affordable housing and, in particular, senior
15 housing. And so the agreement that we were able to
16 reach with Two Trees, the developer, who I give a
17 significant amount of credit to working with us, is
18 that they will contribute \$31 million into a fund for
19 acquisition for senior housing in Community Board one
20 in Brooklyn. That fund will be managed by Joe NYC
21 which is an organization made up of affordable
22 housing developers and managers a significant
23 portfolio of New York City's affordable housing
24 stock. And the fund will be designed to acquire land
25

2 which will then set up that land to be developed for
3 senior housing which will bring in roughly three or
4 four to one-- in terms of dollars-- for the
5 affordable housing development. So, \$30 million will
6 be able to be leveraged into, you know, 150 or \$160
7 million over time and our expectation based on land
8 prices in Williamsburg right now is that it will
9 produce an additional 200 units of affordable housing
10 bringing the total number of units of affordable in
11 this project to 463 approximately out of a little bit
12 over 1000. So, close to or around 40percent
13 affordable which, in my opinion after doing this land
14 use project for 12 years, 40percent affordable on a
15 private development is really the best that I've been
16 able to get and is worth approving. So, I understand
17 community concerns around additional density. This
18 will bring additional density to the neighborhood.
19 This is already dense neighborhood and so it is a
20 marginal increase, but it has real impacts. But I do
21 believe that, on the other side of that equation,
22 bringing a 40percent of affordable development to the
23 community you will have a meaningful impact,
24 particularly where it really counts which is in
25 senior housing and affordable housing through the HPD

2 [inaudible 00:23:53] programs. I also want to thank
3 Shantis Patrick who is here on behalf of the DeBlasio
4 administration for helping work with us on this and
5 achieve this outcome. And so with that, I recommend
6 my colleagues vote aye on this one. Thank you,
7 Chair.

8 CHAIRPERSON MOYA: Thank you. I now call
9 for a vote to approve Intro 2443-A, LU number 923,
10 and LUs 956 and 957 for the One Wythe proposal, as
11 well as to approve with the modifications I have
12 described, LUs 906 and 907, 918, 919, 924, and 929,
13 930, 932 through 936. Counsel, please call the roll.

14 COMMITTEE COUNSEL: Chair Moya?

15 CHAIRPERSON MOYA: I vote aye.

16 COMMITTEE COUNSEL: Council member
17 Levin?

18 COUNCIL MEMBER LEVIN: I vote aye.

19 COMMITTEE COUNSEL: Council member

20 Reynoso? We will come back to Council member

21 Reynoso.

22 COUNCIL MEMBER REYNOSO: I'm sorry,

23 I'm here.

24 COMMITTEE COUNSEL: Council member

25 Reynoso?

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2 COUNCIL MEMBER REYNOSO: I'm sorry. I
3 would like to vote aye on all and will reserve my
4 comments for the Land Use Committee or at the Stated.
5 Thank you.

6 CHAIRPERSON MOYA: Thank you.

7 COMMITTEE COUNSEL: Council member
8 Grodenchik?

9 COUNCIL MEMBER GRODENCHIK: Aye.

10 COMMITTEE COUNSEL: Council member
11 Ayala?

12 COUNCIL MEMBER AYALA: Aye.

13 COMMITTEE COUNSEL: Council member
14 Rivera?

15 COUNCIL MEMBER RIVERA: I vote aye.

16 COMMITTEE COUNSEL: Council member
17 Borelli?

18 COUNCIL MEMBER BORELLI: Aye.

19 COMMITTEE COUNSEL: Chair, by a vote of
20 seven in the affirmative, zero in the negative, and
21 no abstentions, the items are adopted and referred to
22 the full Land Use Committee.

23 CHAIRPERSON MOYA: Thank you. That
24 concludes today's business and I would like to thank
25 the members of the public, my colleagues and

2 subcommittee counsel, land use and other council
3 staff, and the sergeant-at-arms for participating in
4 today's meeting. This meeting is hereby adjourned.

5 [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 4, 2022