

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON LAND USE

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April 12, 2022  
Start: 2:24 p.m.  
Recess: 2:40 p.m.

HELD AT: REMOTE HEARING - VIRTUAL ROOM 1

B E F O R E: Rafael Salamanca, Jr.  
Chairperson

COUNCIL MEMBERS:

Joseph C. Borelli  
Erik D. Bottcher  
Selvena N. Brooks-Powers  
Kamillah Hanks  
Ari Kagan  
Shekar Krishnan  
Farah N. Louis  
Darlene Mealy  
Francisco P. Moya  
Kevin C. Riley  
Carlina Rivera  
Pierina Ana Sanchez

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



2 SERGEANT BRADLEY: PC Recording is up.

3 SERGEANT HOPE: Cloud recording rolling.

4 SERGEANT BRADLEY: All right, good

5 afternoon and welcome to today's New York City

6 Council hearing on land use. At this time will all

7 panelists please turn on your videos.

8 To minimize disruption place electronic

9 devices on vibrate or on silent mode.

10 Thank you. Chair, you're ready to begin.

11 CHAIRPERSON SALAMANCA JR: Thank you,

12 Sergeant of Arms and good afternoon and welcome to

13 the Committee of Land Use. I am Council Member Rafael

14 Salamanca, Chair of this Committee. I wanted to

15 welcome my esteemed colleagues who have joined us

16 today. We've been joined by Council Members Bottcher,

17 Hanks, Kagan, Krishnan, Moya, Chair Riley, Rivera,

18 Sanchez, and minority leader Borelli.

19 I would like to thank Chair Louis and

20 Chair Riley for the work on our two Subcommittees.

21 Today we will vote on a number of applications

22 referred out from our Subcommittees, but before we

23 begin I would like to recognize the Committee Council

24 to review the hearing procedures.

25

2 COMMITTEE COUNCIL HUH: Thank you Chair  
3 Salamanca. I am Arthur Huh, Council to this  
4 Committee. Council Members who would like to ask  
5 questions or make remarks should use the Zoom raise  
6 hand function. The raise hand button should appear on  
7 the bottom of your participant panel or main viewing  
8 window. Chair Salamanca or I will then recognize  
9 members to speak.

10 We ask that you please be patient if any  
11 technical difficulties arise today. Chair Salamanca  
12 will now continue with today's agenda.

13 CHAIRPERSON SALAMANCA: Thank you,  
14 Council. I would like to also ensure that I recognize  
15 that we've been also joined by Chair Louis. I will  
16 first note that LU items 16, 17 and 18 and 19 of  
17 today's agenda have been laid over. Today we will  
18 vote to approve the modifications LU numbers 32 and  
19 33 for the 3285 Fulton Street rezoning related to  
20 property Council Member Nurses District. The proposal  
21 would reduce an existing commercial overlay District  
22 boundary rezoning R5/C2-3 District to an R7A/C2-4  
23 District and establish and MIH program area utilizing  
24 option one and two.

2 Our modifications will be to decrease the  
3 proposed rezoning area by excluding portions of the  
4 Fulton Street frontage. Accordingly, we will also  
5 modify the proposed zoning tax amendment, so that the  
6 proposed MIH area is consistent with our modified  
7 rezoning area and we will also modify the MIH options  
8 by striking option two and adding the deep  
9 affordability option while retaining option one.  
10 Finally, our modification will remove the proposed  
11 special enhanced commercial District.

12 With these modifications we are allowing  
13 the creation of a new 100% affordable housing  
14 development through MIH and otherwise would not have  
15 been able to be developed on this block. At the same  
16 time we want to balance new growth with protecting  
17 existing residence from displacement. Land use  
18 patterns in the immediate surrounding area are  
19 reflected by primarily lower scale two story  
20 townhouses on the north side... north/south side  
21 streets and mixed use three story row houses with  
22 ground for commercial along Fulton Street.

23 In contrast, R7A Districts allow  
24 development up to 95 feet in height and up to a  
25 maximum residential FAR of 4.6. These bulk rules are

2 significantly more permissive in terms of both  
3 density and height than the prevailing built  
4 character. Thus, while not the intent the sub-zoning  
5 could result in displacement of existing residents  
6 without the protections of rent regulations. By  
7 modifying to limit the boundaries of the rezoning  
8 area we need to strike a balance between encouraging  
9 new residential development with MIH to address the  
10 city wide need for affordable housing and preserving  
11 the established character of this area.

12 We will also vote to approve the  
13 modifications LU's numbers 29 and 30 for the 1377  
14 Sutter Avenue rezoning related to property and  
15 Council Member Barron's District. The proposal would  
16 rezone an R5 District to an R6A/C24 District and  
17 establish an MIH program area utilizing option one  
18 and two.

19 Our modification would be to reduce the  
20 proposed rezoning area by excluding portions of  
21 Sutter Avenue frontage. We will make a corresponding  
22 reduction to the proposed MIH area and we will modify  
23 the MIH options by striking option two and adding the  
24 deep affordability while retaining option one.

2 By implementing these modifications we  
3 are allowing the creation of a new 100% affordable  
4 housing development through MIH that otherwise would  
5 have not been able to be developed on this site.

6 We also want to balance... we also want to  
7 balance new growth with protecting existing residents  
8 from displacement, land use pattern in immediate... in  
9 the immediate surrounding area are reflective by  
10 lower scale attached, semi-attached residential  
11 buildings generally with two or three stories. On the  
12 other hand, an R6A District allows development up to  
13 85 feet in height and up to an FAR of 3.6. These bulk  
14 rules, which are significantly higher in density than  
15 the prevailing build character and the zoning of this  
16 degree will result in displacement of existing  
17 residents without the protection of rent regulation.  
18 Reducing the rezoning area with our modifications in  
19 an attempt to balance encouraging new residential  
20 development with MIH while addressing the city wide  
21 need for additional affordable housing and preserving  
22 the established character of the area.

23 We will also vote to approve the  
24 modifications LU's 20, 21 and 22 related to 1034-1042  
25 Atlantic Avenue rezoning proposed in Council Member



2 Hudson's District in Brooklyn. This proposal seeks a  
3 zoning map amendment to rezone and existing M1-1  
4 District to a C6-3A and an R7A/C2-4 District. A  
5 relate... a related zoning tax amendment to establish  
6 an MIH program area utilizing option one and two and  
7 a special permit to reduce residential off street  
8 parking. Our modification would be to reduce the  
9 rezoning boundaries and to strike MIH option two and  
10 add deep affordability option while retaining option  
11 one.

12                   For nearly a decade past and present  
13 Council Members, Borough Presidents and Community  
14 Board Members together in coalition with community  
15 advocates have all pushed for a city led neighborhood  
16 plan for an area around Atlantic Avenue that  
17 encompass... encompasses both of the rezoning proposal  
18 before us today. The M Crown planning vision calls  
19 for a dynamic mixed use community with city  
20 investments and affordable housing creation and  
21 preservation, street design and public realm  
22 improvements and all aspects of infrastructure  
23 necessary to support increased density.

24                   Council Member Hudson has secured a  
25 commitment from the administration to undertake a

2 community wide plan for this area of Atlantic Avenue,  
3 which will ensure that the growth of this  
4 neighborhood will be accompanied by a robust public  
5 planning process and city investments.

6 Our modifications for the 1034 Atlantic  
7 Avenue proposal would allow the creation of a new  
8 affordable housing development through MIH that  
9 otherwise would not be possible on the development  
10 site. Council Member Hudson has secured unprecedented  
11 commitments by deeply affordable housing and  
12 community benefits from the advocate with a  
13 commitment to 35% of the units set aside for  
14 affordable housing with 15% at 40% AMI, 15% at 60%  
15 AMI and 5% at 80% AMI. Our modifications will also  
16 reduce the proposed rezoning area to maintain more of  
17 the existing M zone in an effort to maintain a broad  
18 mix of land use in the area until the comprehensive  
19 planning effort to treat the broader community can be  
20 realized.

21 Also in Council Member Hudson's District  
22 we will vote to approve the modifications LU's 23, 24  
23 and 25 related to the 870-888 Atlantic Avenue  
24 rezoning proposal. This proposal seeks a zoning map  
25 amendment to rezone an existing M1-1 District to a

2 C6-3A District and a related zoning tax amendment to  
3 establish an MIH program area utilizing option two  
4 and the work force option and a special permit to  
5 reduce the residential off street parking. Our  
6 modification would be to strike MIH option two and  
7 the work force option and add option one and the deep  
8 affordability option.

9           This application has also committed to  
10 35% of the units set aside for affordable housing  
11 with a 15% at 40% AMI, 15% at 60% AMI and 5% at the  
12 80% AMI. Both applicants have also committed to  
13 provide... to committed to provide to mixed use  
14 community serving space, contributions to anti-  
15 displacement organizations and other benefits.

16           I would like to congratulation Council  
17 Member Hudson for negotiating this package.  
18 Congratulations, Council Member, you did an  
19 outstanding job ensuring that you got the best deal  
20 possible. You went far beyond what MIH actually  
21 requires and I truly congratulate you on this.. on  
22 this big win for yourself and your community.

23           And with that are there any Council  
24 Members who have questions or remarks? Please use the

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2 raise hand button. Council, was there anyone with  
3 their hands up?

4 COMMITTEE COUNCIL HUH: Chair, Council  
5 Member Sanchez has her hand raised.

6 CHAIRPERSON SALAMANCA: Council Member  
7 Sanchez. You have to unmute yourself Council Member.

8 COMMITTEE COUNCIL HUH: Yeah.

9 CHAIRPERSON SALAMANCA: Can we unmute  
10 Council Member Sanchez, please?

11 COMMITTEE COUNCIL HUH: We'll take care of  
12 that.

13 COUNCIL MEMBER SANCHEZ: Great, thank you.  
14 Thank you... thank you, Chair. I just wanted to... to  
15 join you in... in congratulating Council Member Hudson  
16 on this negotiation. It was... it was a difficult one  
17 and I... and I just wanna chime in and say you know we...  
18 we do have an affordable housing crisis in New York  
19 City. We... we also have a dismal rate of production,  
20 we're not building enough housing in the city of New  
21 York, but that doesn't mean that we just let anything  
22 be built whenever, however, you know wherever, we...  
23 it... folks want to build it, right? We need to protect  
24 our communities, we need to you know do everything we  
25 can to... to fight displacement and... and that's the...

2 the kind of negotiation that Council Member Hudson  
3 drove today, so I just want to congratulate her and  
4 you know all of our colleagues should... should really  
5 look at this as an example for you know the way that  
6 we... we have to push back and it's... it's not just  
7 anything goes, but it is you know what does your...  
8 your community need, what is it the... the folks that  
9 need the most in the city, how... how do we help them  
10 and how is each development project going to be  
11 contributing to... to the crisis, to the solving of the  
12 crisis in the city of New York? So, thank you so much  
13 Chair Salamanca for all your work on this and  
14 congratulation's to Council Member Hudson.

15 CHAIRPERSON SALAMANCA: Thank you Council  
16 Member Sanchez. Council, was there any other members  
17 who wish to speak?

18 COMMITTEE COUNCIL HUH: No, Chair, I see  
19 no other members with their hands raised.

20 CHAIRPERSON SALAMANCA: Great.

21 COMMITTEE COUNCIL HUH: Excuse me, Council  
22 Member... Council Member Barron with a hand raised.

23 CHAIRPERSON SALAMANCA: I'm sorry. I... I  
24 recognize Council Member Barron.

2 COUNCIL MEMBER BARRON: Yes, so I just  
3 joined you. Was... did my project come up? The Sutter  
4 Avenue.

5 CHAIRPERSON SALAMANCA: Yes. Yes, Council  
6 Member, I believe we spoke on your project. Would you  
7 like to speak on it?

8 COUNCIL MEMBER BARRON: Yes, I wanted to  
9 say that I'm in support of it 100% and as Council  
10 Member Sanchez says, we don't want just anything, we  
11 have to demand affordability, so we started off with  
12 a project that was not affordable and now it's 28  
13 units and 20 of those units will be at 40 and 30% of  
14 the AMI and the other 8 units will be at 60% of the  
15 AMI. You know we had to change our priority of the  
16 AMI years ago, it was 80 and 60, like 60% of the AMI  
17 was 64,000 and... and... and matter of fact was even  
18 lower. 80% of the AMI years ago was 64,000 and 60%  
19 was like 30, 40,000, which was in our range, but now  
20 with the AMI at 104,000 it's 60 and 30, so they did  
21 make the adjustment and they kept it for 60 years. I  
22 was trying to get it in perpetuity, but they are  
23 gonna keep that kind of affordability for instead of  
24 30 years, 60 years and as I told the zoning Committee  
25 I'm 70 years old, they thought I was gonna die by

2 130, but I will be around to make sure even when I  
3 get to 130 when the 60 years is up that they keep it  
4 affordable, so I'm not going nowhere and you know  
5 even if I have to stay around to 200 years to make  
6 sure the affordability is in perpetuity, but and also  
7 make sure when they're zoning that it's just for that  
8 project, it's not for a whole extended area, so that  
9 they don't make the zoning changes for the whole  
10 block or two blocks and it should be just that area.  
11 And they're gonna take care of the commercial people  
12 that are already there now, so it's a project that  
13 the Community Board approved, I approved and it's  
14 100% affordable.

15                   And I thank you, Chair, for your  
16 encouragement and your willingness to intervene to do  
17 whatever we could to make this happen, so it has  
18 happened. It's 100% affordable.

19                   CHAIRPERSON SALAMANCA: Congratulations  
20 Council Member Barron. I know we spoke a few times on  
21 this project and I really wanna congratulation for  
22 your good work. Thank you.

23                   Council, is there any other members who  
24 wish to speak?

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2 COMMITTEE COUNCIL HUH: No, Chair, I see  
3 no other members with hand raised to speak.

4 CHAIRPERSON SALAMANCA: All right, thank  
5 you. So I now call for vote in accordance with the  
6 recommendations of the Subcommittee's, so I've got  
7 the following to approve the modifications I've  
8 described, LU's 20, 21, 22, 23, 24, 25, 29, 30, 32 and  
9 33. Will the clerk please call the roll?

10 CLERK MARTIN: Thank you, good afternoon.  
11 William Martin Committee Clerk. Roll call vote  
12 Committee on Land Use. All items are coupled. Chair  
13 Salamanca.

14 CHAIRPERSON SALAMANCA: Aye on all.

15 CLERK MARTIN: Moya.

16 COUNCIL MEMBER MOYA: I vote aye.

17 CLERK MARTIN: Rivera.

18 COUNCIL MEMBER RIVERA: Aye.

19 CLERK MARTIN: Louis.

20 COUNCIL MEMBER LOUIS: I vote aye.

21 CLERK MARTIN: Riley.

22 COUNCIL MEMBER RILEY: I vote aye.

23 CLEAR MARTIN: Brooks-Powers.

24 COUNCIL MEMBER BROOKS-POWERS: Aye on all.

25 CLERK MARTIN: Thank you. Bottcher.



2 COUNCIL MEMBER BOTTCHEER: I vote aye.

3 CLERK MARTIN: Hanks.

4 COUNCIL MEMBER HANKS: I vote aye.

5 CLERK MARTIN: Kagan.

6 COUNCIL MEMBER KAGAN: Aye.

7 CLERK MARTIN: Krishnan.

8 COUNCIL MEMBER KRISHNAN: Aye on all.

9 CLERK MARTIN: Sanchez.

10 COUNCIL MEMBER SANCHEZ: Aye on all.

11 CLERK MARTIN: Thank you, one moment.

12 Borelli.

13 COUNCIL MEMBER BORELLI: Aye on all, thank

14 you.

15 CLERK MARTIN: Thank you. By a vote of 12

16 in the affirmative, zero in the negative and no

17 abstentions, all items have been approved by the

18 Committee as described by the Chair.

19 CHAIRPERSON SALAMANCA: Thank you.

20 CLERK MARTIN: At your convenience.

21 CHAIRPERSON SALAMANCA: Thank you, Clerk.

22 I would like to thank the members of the public, my

23 colleagues of land use and other Council staff and

24 the Sergeant at Arms for attending to this hearing.

25 This... this meeting is hereby adjourned.

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 May 13, 2022