

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 24th, 2014

Start: 2:18 p.m.

Recess: 2:58 p.m.

HELD AT: Committee Room
City Hall

B E F O R E: David Greenfield
Chairperson

COUNCIL MEMBERS:

Annabel Palma
Maria Del Carmen Arroyo
Inez E. Dickens
Daniel Garodnick
Darlene Mealy
Rosie Mendez
Ydanis A. Rodriguez
Peter Koo
Brad S. Lander
Mark Levin
Mark S. Weprin
Jumanne D. Williams
Donovan J. Richards
Inez D. Barron
Andrew Cohen
Ben Kallos
Antonio Reynoso
Ritchie J. Torres
Mark Treyger

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Vincent Ignizio
Vincent J. Gentile
Ruben Willis

A P P E A R A N C E S

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2 CHAIRPERSON GREENFIELD: Good afternoon
3 my name is David Greenfield I'm a council member from
4 the 44th councilman district in Brooklyn and I'm
5 privileged to serve as the chair of the land use
6 committee.

7 I'd like to welcome my esteemed
8 colleagues who are members of the committee. Council
9 member Gentile, council member Garodnick, council
10 member Mealy, council member Mendez, council member
11 Koo, council member Levin, council member Weprin,
12 council Williams, council member Willis, council
13 member Richards, council member Barron, council
14 member Reynso, council member Torres and council
15 member Ignizio.

16 I want to thank you all for your
17 attendance today. Of course today our meeting is
18 starting a couple of hours late due to the fact that
19 we had two major projects that were being finalize
20 and those negotiations happily are now complete.
21 Specifically I'm referring to west 57th and to Domino
22 Sugar. This of course leads back if you recall when
23 we assumed this new committee. We made it clear that
24 we would not hold emergency or special meetings of
25 this committee so that to insure that we are fair,

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2 equitable and transparent. And as a result we have
3 in fact done that. I want to thank all the members'
4 especially council member Steve Levin and council
5 member Antonio Reynoso and my fellow chair Mark
6 Werpin for adhering to that so that in fact the
7 public and press could have more transparency. This
8 is good government, this is good business and it's
9 certainly works when you stick to the plan so it
10 certainly grateful for that.

11 Speaking of my subcommittee chairs, I
12 want to thank subcommittee chair mark Werpin, Zoning
13 and Franchise is for his leadership, subcommittee
14 chair Peter Koo, Landmarks, Public Citing, and
15 Maritime Uses and of course subcommittee chair Inez
16 Dickens, Planning, Dispositions and Concessions.
17 Also before you I have the joint reports of the land
18 use, committees and applicable subcommittee for each
19 item we are voting today with proposed resolution for
20 each item. What the committee is voting on today is
21 to approve each of the less versions before you for
22 presentation and vote by the full council. The
23 resolution reflects the recommendation of the
24 applicable subcommittee. In addition today you will
25 also find a briefing a sheet which give you

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2 additional information about the matters and other
3 matters which have been scheduled to be heard by the
4 subcommittee.

5 Today we have the following applications
6 on our calendars for our consideration. 1381
7 Rockaway Park rezoning, 140155 ZNK in council member
8 Barron's districts is before of for a zoning map
9 change to add a C2-3 overwrite to an existing R5D
10 district which would allow a physical cultural
11 establishment at this location in Canarsie Brooklyn
12 AKA a gym. We also have before us 1582 Richmond
13 Avenue rezoning 110106 ZMR in council member
14 Meytayer's district to at a C1-2 overwrite to and
15 existing R3X district. So it's to bring back into
16 conformance and existing commercial development in
17 the bulls heads sections of Staten Island. We also
18 have before the 3 Sidewalk Café in our council member
19 Mendez's district. 7A Café Mama Bar and the 4th have
20 all been modified and of course the recommendations
21 of the council member. We also have before us a
22 special permit pursuant to NYCZR74-781 to allow
23 retail uses on the ground floor and cellar of 59-61
24 Thompson Street in council member Johnson's district.
25 And we also have before us a text amendment to

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2 Manhattan West in a special Hudson Yards district and
3 council member Johnson's district which modifies the
4 open space public access provisions resulting in an
5 increase of the open spaces and more harmonious
6 design of the spaces as well as modifying the parking
7 provision and the construction phasing.

8 We have before us the designation the 88th
9 precinct station house on Classon Avenue in Brooklyn
10 in council member Kambo's [phonetic] district 140254
11 HKK has a historic landmark district and we also have
12 before a lease of the New York Health and Hospice
13 Corporation in council member Eugene's district a
14 building G on the Kings County Hospital campus To
15 Camba for development of housing for the formally
16 homeless as well as the affordable housing. We also
17 have before us 3 applications relating to 606 West
18 57th street in council member Rosenthal's district as
19 zoning text change a zoning map change and a special
20 permit for parking. These applications are proposed
21 to be modified reducing the maximum amount of parking
22 to 400 spaces adding text that would require that any
23 proposed hotel will need to obtain a special permit
24 and be reviewed pursuant to Europe and importantly it
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2 provided for additional middle income housing that
3 would be permanently affordable.

4 And finally today we are approving with
5 modifications recommended by the zoning subcommittee
6 the Domino Sugar Development in Waynesboro Brooklyn
7 in council member Levin's district. This serious of
8 applications will facilitate a large scale general
9 development of a mixed use project containing
10 significant residential and commercial and community
11 facilities this is including a very large amount of
12 permanently affordable housing. And So folks as you
13 have noticed the members of the committee this is the
14 most action packed meeting that we have had which
15 also explain why we have some delays today. We
16 appreciate your patience and we certainly grateful to
17 that. The subcommittees have recommended approval of
18 these items all with the council member these items
19 are located in this district have approved of these
20 items as well. The chair recommends an I vote on all
21 these matters and now we will now give any members
22 that would like first to make comments if they like
23 and then afterward ask any questions. Would any
24 member like to make any comments on any of these
25 projects? Council member Barron has a question.

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2 COUNCIL MEMBER BARRON: Ah, yes thank you
3 Mr. Chair. When the dominos project came to do
4 presentation I raised the question about parkland
5 because there was not an adherence to the designated
6 anchorage that had been indicated would be parkland.
7 Did they address that issue?

8 CHAIRPERSON GREENFIELD: I'm going to turn
9 it over to council member Levin so he can address
10 that as the council member from the district.

11 COUNCIL MEMBER BARRON: Thank you.

12 COUNCIL MEMBER LEVEIN: Council member
13 Barron specifically no on that particular issue they
14 did not make up the additional parkland from what
15 they had initially committed.

16 COUNCIL MEMBER BARRON: Ok. That's
17 that's and issue because we talk about parkland space
18 and they had made that commitment to do that and
19 since they have not honored that initial commitment
20 that is reason for me to not support this. I
21 understand this is a great project and I also have
22 some issues about the levels of the AMI. Which I
23 know is 28/80/20 but the fact that they did not
24 address the parkland is an issue. Thank you.

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2 CHAIRPERSON GREENFIELD: I would just
3 point out just one point of clarification cause were
4 on the record which is that why they did not address
5 the parkland the council member with the
6 administration did in fact address the AMI and has in
7 fact guaranteed the levels of AMI at the council
8 members and communities have been seeking. Just so
9 you are aware of that. Which is a significant
10 achievement and which is in fact what took us an
11 additional a couple hours today but the council
12 members were successful in marking in the level of
13 AMI that is appropriate and will be in fact
14 affordable and guaranteed affordability plus a larger
15 mix of units for this particular project so there
16 were in fact some significant concessions that were
17 achieved by the council member.

18 COUNCIL MEMBER BARRON: Thank you.

19 CHAIRPERSON GREENFIELD: Any other
20 question or comments. Council member Mealy.

21 COUNCIL MEMBER MEALY: I just want to say
22 congratulation to Levin but our in the eastern
23 parkway is that now is going to be designated for
24 cultural like a museum or or Inez?
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2 COUNCIL MEMBER INEZ: Of the parkway
3 project no. When they say cultural they I guess are
4 using a broad term. I think that's the generic term
5 but it's going to be area that they going to expand
6 and the zoning needed to be changed to expand that
7 and it going to be a fitness club.

8 COUNCIL MEMBER MEALY: Ok, thats what I
9 needed to hear. Ok

10 COUNCIL MEMBER BARRON: Yes

11 COUNCIL MEMBER MEALY: Thank you so much

12 COUNCIL MEMBER BARRON: Thank you.

13 CHAIRPERSON GREENFIELD: Any other
14 questions about any other projects or any other
15 comments? Hearing now I'm going to read the
16 applications into the record please bear with me as I
17 mention there are quite a few applications.

18 [background talking]

19 COUNCIL MEMBER TORESS: I have no comment

20 CHAIRPERSON GREENFIELD: Were going to
21 allow council Torres to..

22 COUNCIL MEMBER TORRES: I have no comment
23 the on the substance, but I do feel when we held the
24 hearing on domino I was struck by how disrespectful
25 the developer was to council. He had utter contempt

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2 for our roll in the process and I think that's
3 something that neither the subcommittee chair nor you
4 should ever tolerate. Then I think that has to be
5 that's a message that has to made very clear to
6 future developers who come before this body. We have
7 an official charter recognized roll and if you don't
8 you know, if you don't have respect for our
9 institution then you shouldn't be seeking public
10 benefits or zoning change and so that's my only
11 comment.

12 CHAIRPERSON GREENFIELD: I certainly
13 agree with that. And I recognize that. I will say
14 that to speak frankly the council and the members
15 were perfectly willing to vote down this project. It
16 was only after a since of negotiations and I once
17 again want to especially commend the 2 council
18 members. Council member Levin and council member
19 Reynoso and the staff. I'm not going to name them
20 because I'm certainly going to miss forget someone
21 but I will tell you that that the staff and the
22 council members were here till well pass 3 o'clock in
23 the morning last night. Working out these issues in
24 negotiating the finer details and they came back this
25 morning as well. I think that it fair to say that

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2 this particular project was in aberration the way it
3 came to us. It was for lack of better term half
4 baked. It was already so, it was already in the
5 process with the Bloomberg administration, it had
6 been inherited by the Blosey administration and I
7 certainly concur with you when you made it clear that
8 the this is not how things will proceed in the future
9 and that we certainly jealously guard our charter
10 given roll as the final arbiters on the cities land
11 use process and I appreciate you pointing that out
12 council member Torres.

13 Any other questions or comments?

14 [background talking] We are joined by council
15 members Lander and Cohen. So today were going to be
16 voting on the following projects. In council member
17 Mendez's district Manhattan Community Board 3, LU# 39
18 7A Café 201453052 TCM. 7A café to maintain and
19 operate an on and closed sidewalk café at 109 Avenue
20 A. Also in council member Mendez's district
21 Manhattan Community Board 3 item# 40 Mama Bar
22 201453062 TCM. Mama Bar to establish maintain and
23 operate an on and close sidewalk café at 32 Avenue B.
24 Council members Mendez's district again item number
25 LU#44 the 4th of Manhattan Community Board 2 20145387

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2 TCM the 4th to establish maintain and operate an on
3 and closed sidewalk café at 132 4th Avenue. In
4 council member Levin's district LU#28 through 33 are
5 related. Item number 28 Domino Sugar with
6 modification. Brooklyn Community Board 1 C140132
7 ZSK. Special permit to allow the distribution of
8 total allow floor area and mock coverage without
9 regard for zoning a lot lines. To modify the yard
10 work requirements and to modify the heights and
11 setback requirements. LU# 29 with modifications
12 council member Levin. Domino Sugar Brooklyn
13 Community Board 1C140133 ZSK special permit to allow
14 residential and non-residential uses to be **[unadible**
15 **16:04]** board in without regards for the regulations
16 set forth. LU# 30, Domino Sugar council member
17 Levin's district Brooklyn Community Board one with
18 modification. C140134 ZSK a special permit to allow
19 permanent accessory **[unadible 16:15]** parking spaces
20 without regard for someone a lot lines. LU# 31,
21 Domino Sugar council Levin's district Brooklyn
22 Community Board one with modifications. C140135 ZSK
23 special permit to **[unadible 16:25]** the requirements
24 for voting both through ETL or service uses. LU# 32,
25 council member Levin's district. Domino Sugar

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2 Brooklyn Community Board 1 with modifications.
3 N140131 ZRK for amendment of the zoning reservation
4 concerning inclusion area housing location accessible
5 parking spaces and loading boats with marge scale
6 general developments in Brooklyn community district
7 1. LU# 33 Domino Sugar. Levin. Community Brooklyn
8 Board 1 with modifications N140136 ZAK. An
9 Authorization pursuant to section 62-82 2A of zoning
10 resolution to modify requirements of visual corridors
11 in order for public access areas. LU# 36 council
12 members Kombus [phonetic] district 88th police
13 precinct station house 20145287 HKK regarding the
14 landmark designation of the 4th now 88th police
15 precinct station house located at 289 Classon as an
16 historic district. LU# 41-43 are related. LU# 41
17 606 West 57th Street. Council member Levin's office
18 district of Manhattan. Community board 4 with
19 modifications C130336 ZMM for the amendment of the
20 zoning map for 606 West 57th development. LU# 42,
21 606 West 57th street. Council member Rosenthal's
22 district Manhattan community work forth modification
23 C130339 ZSM special permit to allow for public
24 parking garage on portion of the ground that P1, P2
25 and P3. Letter of proposed mixed use have all been

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2 the property located at 606 West 57th Street. Item
3 number 43 council member Rosenthal's district. 606
4 West 57th Street with modification. Manhattan
5 Community Board 4N130337 ZRM for amendment of the
6 zoning resolution special clinic district consuming
7 regulations for inclusion of housing district areas.
8 LU# 45, 1380 Rockaway parkway rezoning council
9 members Barron's district. Brooklyn Community Board
10 18, C4 C140155 ZMK for the amendment of zoning maps
11 section number 23C. Lu# 46, 1582 Richmond Avenue
12 council member Metayers district. Staten Island
13 community board 12C110106 ZMR for the amendment of
14 the zoning map. LU# 47, Manhattan West text
15 amendment council members John's district. Land
16 community board 4M140191 ZRM for the amendment for
17 the zoning resolution special Hudson Yards District.
18 [background talking] concerning required public open
19 spaces. LU# 48, 59-61 Thompson street council member
20 Johnson's district Manhattan Community Board
21 12C140167 ZSM. Special permit to modify the use
22 regulations to allow use group 6 use retail uses on
23 portions of the ground floor and cellar of an
24 existing 6 story building of property located 59 to
25 61 Thompson Street.

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2 And finally in council member Jusick
3 [phonetic] district LU# 51, Kings County Hospice
4 Center of building G 20145391 HHK by the New York
5 Health and Hospice Corporation requesting the
6 approval of a leasing of G building of the Kings
7 County Hospital for the above and below income
8 housing for the formally homeless. [laughter] With
9 that I will ask our exceptional legal counsel to
10 please call the roll. [pause] [laughter] And our
11 exceptional legal council is handing over to out
12 somewhat exceptional committee clerk. [pause]

13 COMMITTEE CLERK: Committee clerk roll
14 call vote committee on land use. Council member
15 Greenfield.

16 [pause]

17 CHAIRPERSON GREENFIELD: I vote I.

18 COMMITTEE CLERK: Gentile

19 COUNCIL MEMBER GENTILE: I vote I.

20 COMMITTEE CLERK: Gradnoick

21 COUNCIL MEMBER Gradnoick: I

22 COMMITTEE CLERK: Mealy.

23 COUNCIL MEMBER MEALY: I Vote I

24 COMMITTEE CLERK: Mendez
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COUNCIL MEMBER MENDEZ: I vote I on all
and I abstain on land use number 41,42 and 43. Thank
you.

COMMITTEE CLERK: Koo

COUNCIL MEMBER KOO: I Vote I.

COMMITTEE CLERK: Lander

COUNCIL MEMBER LANDER: I on all

COMMITTEE CLERK: Levin

COUNCIL MEMBER LEVIN: I on all

COMMITTEE CLERK: Werpin

COUNCIL MEMBER WERPIN: I

COMMITTEE CLERK: Williams

COUNCIL MEMBER WILLIAMS: Excuse me on
the vote. [background talking]

COMMITTEE CLERK: Mr. Chair.

COUNCIL MEMBER WILLIAMS: I mean you want
me to do it? [laughter]. [crosstalk]

CHAIRPERSON GREENFIELD: Did I mention
what a privilege it is to have you on this committee
[laughter] as well.

COUNCIL MEMBER WILLIAMS: It's a
privilege to be here sir.

CHAIRPERSON GREENFIELD: Thank you
council member.

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2 COUNCIL MEMBER WILLIAMS: It's a
3 privilege to have you as chair sir.

4 CHAIRPERSON GREENFIELD: Thank you for
5 your leadership on housing and buildings. [laughter]

6 COUNCIL MEMBER JOHNSON: What I want to
7 clarify why I cannot support land use 41 to 43. I
8 want to make sure it abundantly clear I do want to
9 put council member Rosenthal for making sure there
10 was an income band that made since, so I have no
11 problem with 175 percent AMI, I actually didn't even
12 have a problem with 230 percent AMI. I think
13 everyone has to have access to housing. Particularly
14 in the middle and even the upper and particularly
15 people who live in the neighborhood should have
16 access to the housing in the project in their own
17 neighborhood. What I had an issue was with the low
18 income band of course 80/20 self doesn't work but
19 within that rule break the 20% that was there I think
20 we should always strive to dig as deep as we could
21 and in that income band we could have gone down to
22 40% of AMI and we choose to stay at 60%. And that is
23 the reason that I could not support that. So I
24 abstain in 41, and 43 and again with the Domino,
25 while I do have some issues, It wasn't' enough for me

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2 to vote against and I wanted to defer to my
3 colleagues council member Reynoso in particular
4 council member Levin who I know worked very hard on
5 this project. So I on all the rest.

6 COMMITTEE CLERK: Wills

7 COUNCIL MEMBER WILLS: I on all.

8 COMMITTEE CLERK: Richards

9 COUNCIL MEMBER RICHARDS: I on all.

10 COMMITTEE CLERK: Barron.

11 COUNCIL MEMBER BARRON: Permission to
12 explain my vote:

13 CHAIRPERSON GREENFIELD: Of course.

14 COUNCIL MEMBER BARRON: I had
15 reservations about the 57th street project, but after
16 listening to my colleague talk about the fact that
17 there will be coming into that area completely
18 affordable housing low income targeted. I will vote
19 in favor of that project. And abstaining on the
20 Domino Sugar project but I vote I on the others.
21 Thank you.

22 COMMITTEE CLERK: Cohen

23 COUNCIL MEMBER COHEN: I on all.

24 COMMITTEE CLERK: Reynoso.

25 COUNCIL MEMBER REYNOSO: I on all.

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2 COMMITTEE CLERK: Torres

3 COUNCIL MEMBER TORRES: Permission to
4 explain my vote. I just want to quickly thank the
5 chairman for your commitment to defending the
6 prerogatives of the council and I agree that you know
7 we should never be afraid to assert the power that we
8 have. So but, I on all.

9 CHAIRPERSON GREENFIELD: Thank you.

10 COMMITTEE CLERK: Treyger.

11 COUNCIL MEMBER TREYGER: Permission to
12 briefly explain my vote chair.

13 CHAIRPERSON GREENFIELD: Of course.

14 COUNCIL MEMBER TREYGER: I just want to
15 credit the council on credit the land use chair,
16 chairman Greenfield also council member Mark Werpin,
17 council member Reynoso, Levin, Rosenthal. I think
18 council member Torres made a very strong point that
19 we do have powers in the city charter over over land
20 use items. And that should be respected by both the
21 administration and by both people seeking to build in
22 our city. And we have exercised that power. I think
23 this is an example of checks in balance in government
24 in our society and I I want to thank the outstanding
25 leadership of our Land Use committee for making sure

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2 that the council was respected in this process
3 throughout. So vote I on all. Thank you.

4 COMMITTEE CLERK: Ignizio.

5 COUNCIL MEMBER IGNIZIO: Yes

6 COMMITTEE CLERK: By a vote of 18 on the
7 affirmative, 0 on the negative and no extensions.
8 All items have been adopted with the exceptions of
9 land use item 28, 29, 30, 31, 32 and 33 of Domino
10 Sugar project was adopted by a vote of 17 in the
11 affirmative, 0 on the negative and 1 extension. And
12 land use items 41, 42 and 43 have been adopted by a
13 vote of 16 in the affirmative, 0 on the negative and
14 2 extensions. Thank you.

15 CHAIRPERSON GREENFIELD: Thank you. As
16 is our practice we would keep the wall open for the
17 next 15 minutes until 2:55 pm. Once again I want to
18 thank my colleagues. I want to congratulate of
19 course council member Levin, council member Reynoso
20 and council member Rosenthal for negotiating this
21 vastly improved projects in their respected district
22 that take into account the need of the community and
23 we congratulate the developers as well and look
24 forward to seeing these projects move on. Thank you
25 very much.

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[pause]

CHAIRPERSON GREENFIELD: We have been joined by council member Rodriguez. Council member Rodriguez how do you vote?

COUNCIL MEMBER RODRIGUEZ: I.

CHAIRPERSON GREENFIELD: Thank you very much.

[pause]

CHAIRPERSON GREENFIELD: Council member Kallos.

COUNCIL MEMBER KALLOS: Well my preference is to have as much affordable housing as possible. I vote I on all.

[pause]

COMMITTEE CLERK: Final vote on committee on land use. All items have been adopted by a vote on 20 in the affirmative, 0 in the negative and no extension with the exception [laughter] with the following exceptions; land use items 28,29,30,31,32 and 33 have been adopted by [pause] 19 in the affirmative, 0 on the negative and 1 extension. And land use items 41, 42 and 43 have been adopted by a vote of 18 in the affirmative, 0 on the negative and 2 extensions. Thank you.

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[gavel]

CHAIRPERSON GREENFIELD: The land use
committee is now 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. 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.



Date April 26, 2014