CITY COUNCIL
CITY OF NEW YORK

----- X

TRANSCRIPT OF THE MINUTES

Of the

SUBCOMMITTEE ON ZONING AND FRANCHISES

----- X

April 24, 2014 Start: 11:42 a.m. Recess: 2:10 p.m.

HELD AT: Committee Room

City Hall

B E F O R E:

Mark S. Weprin Chairperson

COUNCIL MEMBERS:

Daniel Garodnick
Jumaane D. Williams
Donovan J. Richards
Antonio Reynoso
Ritchie J. Torres
Vincent M. Ignizio
Vincent Gentile
Ruben Wills

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

25

2 CHAIRPERSON WEPRIN: Alright. We're 3 going to get started. My broken glasses, but 4 okay. Okay. Alright, we apologize for the 5 delay, but good morning everyone. I can still 6 say that. I'm Mark Weprin, the Chair of the Zoning and Franchises Subcommittee. I am joined 8 by the following members of the subcommittee, 9 let's see here, Vinnie Gentile is still in the 10 room? Oh, alright. Vinnie Gentile is not in 11 here now? He stepped--oh, he's next door. 12 Alright. Jumaane Williams, Ruben Wills, 13 Donovan Richards, Mr. Reynoso, Council Member 14 Reynoso is here, Council Member Torres is not 15 here anymore. He stepped out, and Council 16 Member Ignizio is here. So we do have a quorum. 17 Vinnie Gentile just walked in as well. So we 18 are going to get started on a number of items 19 that we have had the hearings on and we are now 20 ready to vote, some of which involved detailed 21 negotiations. We're going to start off with the 22 sidewalk cafes that we heard yesterday hearings 23 on, Land Use 39 which was 7A café, Land Use 24 number 40, which was Mama Bar, and Land Use

number 44, which was the The Fourth, all in

2 | (

Council Member Rosie Mendez's district, and I believe Council Member Mendez has a statement she wants to make on at least one of these items. Council Member Mendez?

COUNCIL MEMBER MENDEZ: Thank you,
Chair Weprin. At yesterday's hearing we went to
discuss making modifications and trying to get
the Community Board and the applicant, Mama's
Café, to come to an agreement and in fact,
Mama's Café has agreed to reduce the sidewalk
café by two tables and four seats to be a total
of 10 tables and 20 seats, and they have agreed
to close the sidewalk café at 9:00 p.m. all
week long and making some modifications that
needed to be done to the awnings. So, thank
you, Mr. Chair, for granting us the time to get
to a better place with all the parties.

CHAIRPERSON WEPRIN: Thank you,

Council Member Mendez. And we have now been

rejoined by Ritchie Torres who actually was the

first one here today, I think got the gold star

today. Congratulations, sir. Well, we have

them in a box somewhere. Our next item before

us are three applications related to 606 West

COMMITTEE ON ZONING AND FRANCHISES

2.

57th Street in Council Member Rosenthal's district, a zoning text change, a zoning map change and a special permit for parking. These applications are proposed to be modified, reducing the maximum amount of parking to 400 spaces, adding text that will require that any proposed hotel would need to obtain a special permit and be reviewed pursuant to ULURP, and importantly, provides for additional middle income housing that would be permanently affordable. I'd like to call on Council Member Rosenthal who has a statement to make. Council

COUNCIL MEMBER ROSENTHAL: Thank
you, Chair Weprin. Thank you for giving me the
opportunity to make a statement about this
project. When I was elected to this City
Council seat, the wind was already in the sail
of the 606 West 57th Street approval process.
In 2013, Community Board Four and then
Manhattan Borough President Stringer voted to
approve the project with stipulations regarding
affordable housing and parking spaces. In
January 2014 the current Manhattan Borough

impact on traffic. The affordable units will be

distributed throughout 80 percent of the

24

2

3

4

5

6

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

building with amenities the same as those used for market apartments with minor exceptions. In the allocation of affordable housing units of different sizes, studio, one, two, and three bedroom will mirror the market rate apartments. We also addressed the concerns of Labor when TF Cornerstone agreed to build using union labor and staff with 32 BJ employees. TF Cornerstone also agreed to go back to City Planning now asking for a special permit should they decide to build a hotel on their property, which I understand is important to the hotel trades union. At my request, TF Cornerstone also agreed to the following, paying for the build out of a new 1,500 square foot public school pre-k which the Department of Education School Construction Authority has agreed to lease, 17 to 20 additional middle income family-sized affordable units, 100,000 dollars to improve the local park, Clinton Cove and participation in a construction advisory committee to work with neighbors to minimize the impact of construction on their quality of life during the project's construction. None the less, I

council and across the hall in the Mayor's 19 20 office about necessary changes to the 21 environmental impact review statement to make them more responsible in addressing legitimate 22 planning concerns. I want to give special 23 thanks to the following individuals who held my 24

hand on more than one occasion over the past

18

deal, Council Members Weprin and Greenfield,

4 | the City Council Land Use Staff, Community

5 Board Four, in particular, the Land Use Co-

6 Chair Joe Restucci [sp?], my staff and the City

7 | Council Staff Aday Fox [sp?] without whom there

8 | would be no deal. I also want to thank members

9 of the community, especially those living along

57th Street for raising serious and correct

11 concerns about density. I urge my colleagues to

12 | vote yes.

10

20

13 CHAIRPERSON WEPRIN: Okay, thank you.

14 Also, other items that we heard on last--

15 | yesterday's agenda are the Rockaway Park

16 | rezoning in Council Member Barron's district.

17 We had that hearing and I know Council Member

18 | Barron is supportive of this item. I don't know

19 | if Council Member Barron if you wanted to make

a statement? A brief statement from Council

21 | Member Barron.

22 COUNCIL MEMBER BARRON: Yes. This is

23 a project that has been supported by the

24 | Community Board 17, I believe it is, that's the

25 | Community Board that it's located in. it is in

2 my district, Council district, and they want to

3 expand an area that they already own so that

4 they can have another type of facility there.

5 So I am in favor of it.

1

6

2.4

CHAIRPERSON WEPRIN: Thank you,

7 | Council Member Barron. Then Land Use Number 46

8 was the Richmond Avenue rezoning in Council

9 Member Matteo's district. He was here yesterday

10 | and stated his support for this project, and we

11 | had that hearing as well. Next we have Land Use

12 | Number 47, the Manhattan West text amendment in

13 | Council Member Johnson's district as well as

14 | Land Use Number 48, also in Council Member

15 Johnson's district which is 5961 Thompson

16 Street. Is he here, Corey? No, okay. But he

17 | is advocating for a yes vote in my last

18 conversation. Okay. I just want to mention that

19 Domino is not on the agenda at the moment.

20 | We'll probably be taking up at a recessed

21 | meeting after this one. Okay. So now, what I'd

22 | like to do is call for a vote on the following

23 | times which that we will couple the three

cafes, Land Use Number 39, 40 and 44. The Land

25 Use Number 45, Rockaway Park, 46, Richmond

very much. So I head a lot of things about this

4

5

6

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

particular project and one of them caused me a lot of concern, and I listened to what some of the people who were against it were saying and about the height, which is of concern, but then I learned that that's actually probably won't be the tallest building on that block, but there is something that I think we have to be very concerned about when we are building, we're probably going to do some up-zoning in the city, and that I think is the plight of people. All people's access to affordable housing and I am concerned that the lowest income in New Yorkers are squeezed into certain communities, and sometimes we talk about the achievement gap, but I actually think it's more of a development gap or an access gap because if you squeeze those communities together, they do not have the same social networking, the same access to things that other communities who are more affluent have. And I want to make sure that that is dealt with in a way that makes sense. Now, I think the 80/20 thing needs to be redone. It doesn't work, but even within those confines my hope is that with at least

2

3

4

5

6

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

the 20 percent we can dig as deep as we can. So I applaud the council member for making sure that a middle income and higher income people have access to housing because they should, so I have no problem with the 175 percent. I have no problem with 230 percent. If those are the people who are there, I want to make sure they can stay in their own communities. I did have an issue that we could--within the 20 percent we could have dug as low as 40 and 50 percent and did not, and jumped to 60 percent. So that gives me a lot of pause for concern which makes me really unable to support this project, and I apologize for that, but out of deference of my colleague I'm simply going to abstain from the vote.

CHAIRPERSON WEPRIN: Thank you, Mr. Williams. I'm going to allow Council Member Rosenthal to make just a quick statement in response to that.

COUNCIL MEMBER ROSENTHAL: Council

Member Williams, I so appreciate what you're

saying and I so appreciate the fact that you're

a Chair of the Housing and Buildings Committee.

conversations and you'll see in the text

language that the homes that will be for people

4

9

10

24

Richards?

1 COMMITTEE ON ZONING AND FRANCHISES COUNCIL MEMBER RICHARDS: I just want to say congratulations, Council Member 3 Rosenthal, and I vote age on all. 4 COUNCIL CLERK: Council Member 5

6 Reynoso?

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

COUNCIL MEMBER REYNOSO: Permission to explain my vote?

CHAIRPERSON WEPRIN: Yes, to explain his vote, Council Member Reynoso.

COUNCIL MEMBER REYNOSO: Thank you. I just wanted to congratulate Council Member Rosenthal for the work that she did on this project and I do want to say when it comes to the affordable housing aspect of the work that we're doing, each of our district has needs that are specific to our districts and for too long our narrow scope when it comes to affordable housing and subsidies and incentives that the city has pushed has left many without an opportunity. In my district specifically we're either extremely poor or extremely rich. There's no middle class. There has been no opportunities for them, and I've been encouraging my not for profit organizations to

to explain my vote?

CHAIRPERSON WEPRIN: Council Member 2 3 Torres to explain his vote.

1

4

5

6

8

9

10

12

15

16

17

18

19

20

21

22

23

24

25

aye.

COUNCIL MEMBER TORRES: I just want to commend my colleague Helen Rosenthal for being a ferocious advocate for the residents of the upper west side. I know she was handed a difficult situation, but she made every effort to make the best of it and I don't think the residents in the upper west side could have a final negotiator. You know, I do have the 11 planning concerns about, you know, the sheer 13 size of the project and the implications it 14 will have, the transit infrastructure and for schooling, but in deference to you, I will vote

CHAIRPERSON WEPRIN: Thank you, Council Member. You okay?

COUNCIL CLERK: Yeah, sorry. By a vote of seven in the affirmative, zero abstentions and zero negatives, Land Use items 39, 40, 41--I'm sorry, 39, 40, 44, 45, 46, 47 and 48 are adopted and referred to the Full Land Use Committee, and by a vote of six in the affirmative, zero abstentions--six in the

3

4

5

6

8

9 10

11

12

13 14

15

16

17

18

19 20

21

22

23

24

25

affirmatives, zero negatives and one abstention, Land Use items 41, 42 and 43 are approved with modifications and referred to the full Land Use Committee.

CHAIRPERSON WEPRIN: Thank you very

much, Ann McCoy. Ladies and Gentleman, the Land Use committee will follow this meeting, so please don't go anywhere. We are going to hold the vote open until the Land Use meeting starts today and then we are just going to recess the meeting and at a time to be named later. Okay, well maybe. So we're recessing the Zoning meeting. It may be as soon as an hour from now, so we will let you know as soon as we know when the Zoning Committee will re--will regroup. So in the meantime, the meeting is now recessed and the Land Use meeting will follow. Okay, let me just make a statement. The Land Use Committee meeting will not meet right away. We're going to wait until the agreement is made on one other item on Domino and then we're going to regroup as the Subcommittee, vote on it, and then the Land Use Committee is meeting. I apologize. I did not understand. So this

1 meeting is recessed for the next few minutes, 3 and maybe we'll be convened in a very short order. Thank you. Okay. Ready? Alright we 4 are going to restart the recessed meeting of 5 the Zoning and Franchises Subcommittee. We do 6 have a quorum present. I am the Chair Mark Weprin of the Zoning and Franchises Committee. 8 We're joined by Council Members Gentile, 9 10 Garodnick, Reynoso, Torres and Ignizio at the moment. We're also joined by the Chair of the 11 12 Land Use Committee, David Greenfield, and we 13 are now going to deal with the one--well, oh 14 Darlene Mealy is here as well as a couple other guests, but they're not necessarily members of 15 the Committee, so please take no offense. 16 17 Yeah, Land Use, but not on the Subcommittee. Darlene, you get me in trouble. We're done by 18 Darlene Mealy. And Steve Levin who represents 19 20 Domino Sugar where we have the remaining item. 21 So that is Land Use Numbers 28 to 33, known as Domino Sugar, and we are going--offering the 22 following modification that's being made. And 23

we will be making the modification by the City

Council to the restricted declaration

24

3

4

5

6

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

concerning the structure authority powers and governance of the review board which is tasked with evaluating making determinations and improving declarant's [sic] proposed public programming for the public access areas and waterfront public access areas on the Domino site. The modifications include the composition of the review board, the ability of local officials and community stakeholders to directly appoint members of that review board, the mechanism by which the developer and the review board will reach consensus and agreement on the public programming on the public access and waterfront access areas including user fees. It will require the review board be formed and empowered in advance of any proposed interim public programming of Domino's Square before the developer seeks a notice of substantial completion in accordance with the development phasing requirements, and finally the annual reporting to the review board of operating costs and information relative to the maintenance and operation of both the public access and the waterfront public access areas.

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

And that was a mouthful, but what I'm going to do now--we're also joined by Ruben Wills, by the way. Thank you Ruben. And Donovan Richards and Jumaane Williams who are members of the Subcommittee. I'd like to call on Steve Levin

7 to make a statement on Domino on where we are.

COUNCIL MEMBER LEVIN: Thank you very much, Chair Weprin. I want to thank you Chair as well as Chair Greenfield for your assistance and help in negotiating and shepherding the Domino Sugar rezoning through. I want to especially acknowledge our fantastic Land Use Staff, Gale Benjamin [sp?], Ann McCoy, Amy Levitan, Aday Fox [sp?] who was excellent in this process. I want to thank Robby Medal [sp?], my Chief of Staff. I want to thank Ramon Martinez, Deputy Chief of Staff here at the Council and everybody at the Mayor's office who were helpful, Ashley Thompson, from the Mayor's Office who's here who worked on this project when she worked at the Council in my office, John Paul Lupo [sp?], Emma Wolfe, Deputy Mayor Elicia Glenn [sp?] and her Chief of Staff James Pagett [sp?] as well as everyone at the Parks

3

4

5

6

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

2.4

25

Department. Everyone put a lot of effort into this. I want to also acknowledge the great work of my colleague Antonio Reynoso in this process in doing a fantastic job on negotiating very important parts of this with the developer and with the city as well as was really being a great community leader in responding to the community's concerns and standing up for those concerns, you did a great job, Council Member Reynoso. I want to also acknowledge the developer Two Trees for working with us for a very long period of time in an extensive amount of community outreach during this process. don't want to get too much into the details here, but it was a lengthy process and we have a deal that will meet the community's needs in terms of affordable housing and deeper affordability, making sure that there's units that are available to people making 40 percent of AMI and 50 percent of AMI and 60 percent of AMI, and as well as a handful of moderate units as well at 125 percent of AMI. In addition, units will--had discussions extensive

discussions with the Administration about

back over to the Chair. Thank you for the

opportunity to speak.

24

3

4

5

6

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

2.4

25

1

CHAIRPERSON WEPRIN: Okay. Thank you.

I'd like to call our--we're joined by members of the Land Use Committee as well, but Rosie Mendez is here as well. I know Antonio Reynoso has a comment he wants to make. He represents the district directly across the street from the site.

COUNCIL MEMBER REYNOSO: Thank you, Chair. I just want to say that over the last at least eight years the burden of the work that has been done on the waterfront has fallen upon Council Member Steve Levin and that he's done an extraordinary job in representing his community and I'm extremely grateful to have the opportunity to have worked with him on this project and I think, you know, some boxers say styles make fights and I think working alongside with Steve and our style has really got us to a point where we pulled as much as we possibly could to make sure that our neighborhoods were okay. So just want to thank you for your leadership and the work you did there. I also want to thank the Land Use Staff as well for always being there with us, you

19

20

21

22

23

24

25

2 guys, filled with patience in these committees.

3 My staff as well, Ava Farkas [sp?] and Lacey

4 Talber [sp?] for the work that they did, the

5 Mayor's Office of course, Steve's staff which

6 was really was working very hard. I want to

7 | thank Ramon Martinez, a special thank you. He

8 was someone I went to often and his advice was

9 | always helpful, and for my community in being

10 able to show up when I needed them to and

11 | actually asking for things that are going to

12 | help with the long term sustainability of these

13 organizations that are actually going to

14 prevent further displacement or at least

15 | support the sustainability of our history and

16 the culture. So again, grateful to Council

17 | Member Steve Levin, and I would recommend that

18 | everyone votes aye. Thank you.

CHAIRPERSON WEPRIN: Thank you,

Council Member. Alright, with that in mind

we're going to call on Ann McCoy, the Counsel,

to--well, first we're going to couple to vote

on these three, these items, Land Use Numbers

28 through 33, and approve--couple to vote on

approve with modifications that I described

1	COMMITTEE ON ZONING AND FRANCHISES 27
2	earlier, Land Use numbers 28 through 33, the
3	Domino Sugar development project. Ann McCoy,
4	would you please call the roll?
5	COUNCIL CLERK: Chair Weprin?
6	CHAIRPERSON WEPRIN: Aye.
7	COUNCIL CLERK: Council Member
8	Gentile?
9	COUNCIL MEMBER GENTILE: I vote aye.
10	COUNCIL CLERK: Council Member
11	Garodnick?
12	COUNCIL MEMBER GARODNICK: Thank you.
13	Aye.
14	COUNCIL CLERK: And on our previously
15	adopted items?
16	COUNCIL MEMBER GARODNICK: Also aye.
17	Thank you.
18	COUNCIL CLERK: Council Member
19	Williams?
20	COUNCIL MEMBER WILLIAMS: [off mic]
21	COUNCIL CLERK: Council Member Wills?
22	COUNCIL MEMBER WILLS: Aye.
23	COUNCIL CLERK: Council Member
24	Richards?
25	COUNCIL MEMBER RICHARDS: Aye.

Street. There's major problems going in there,

and vote aye.

but I will also say I have been trying to see
if there was other management problems in all
of their buildings, and I have not been able to
find that, and so having being such large land
owners, we may have some issues with one or two
buildings. So if I get more information, I may
change my mind, but as of right now I want to
defer to my colleague and say congratulations

COUNCIL CLERK: By a vote of nine in the affirmative, zero abstentions and no negatives, Land Use items 28, 29, 30, 31, 32 and 33 are approved with modifications and referred to the Full Land Use Committee.

CHAIRPERSON WEPRIN: Great. Thank

you. I want to thank everyone for their

patience today, members of the committee as

well as the public and members of the press who

are here. I know it's been a little confusing.

We are going to have--I think everyone's here

so we don't have to leave the rolls open,

right? Everyone cast their vote? So we are

going to adjourn this meeting and then the Land

Use meeting will be meeting as soon as we get a

COMMITTEE ON ZONING AND FRANCHISES quorum for that. So with that in mind, the Subcommittee on Zoning and Franchises is now adjourned. [gavel]

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify there is no relation to any of the parties to this action by blood or marriage, and that there is no interest in the outcome of this matter.



Date ____05/07/2014_