

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON LAND USE

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May 07, 2015
Start: 11:25 a.m.
Recess: 12:04 p.m.

HELD AT: Committee Room - City Hall

B E F O R E: DAVID G. GREENFIELD
Chairperson

COUNCIL MEMBERS:

- ANDREW COHEN
- ANNABEL PALMA
- ANTONIO REYNOSO
- BEN KALLOS
- BRAD S. LANDER
- DANIEL R. GARODNICK
- DARLENE MEALY
- DONOVAN J. RICHARDS
- INEZ D. BARRON
- INEZ E. DICKENS
- JUMAANE D. WILLIAMS
- MARIA DEL CARMEN ARROYO
- MARK S. WEPRIN
- MARK TREYGER
- PETER A. KOO
- RITCHIE J. TORRES

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

COUNCIL MEMBERS: (CONTINUED)

ROSIE MENDEZ

ROBEN WILLS

STEPHEN T. LEVIN

VINCENT IGNIZIO

VICENT J. GENTILE

YDANIS A. RODRIGUEZ

[gavel]

CHAIRPERSON GREENFIELD: Good morning.

My dear colleagues as soon as you're ready we'll start the hearing. I'm in no rush. Whenever you're ready. Thank you. Good morning. My name is David Greenfield. I'm the Council Member for the 44th Councilmatic [phonetic] District in Brooklyn and serve... serve as the chair of the Land Use Committee. I want to welcome my esteemed members of the committee who are here today. I want to first give the gold star to Council Member Vincent Ignizio. Thank you for your prompt attendance. I'd also like to recognize Council Member Gentile. Bittersweet but we're certainly happy to have you back here on the City Council; Council Member Palma, Council Member Dickens, Council Member Garodnick, Council Member Rodriguez, Council Member Koo, Council Member Lander, Council Member Weprin, Council Member Williams, Council Member Richards, Council Member Barron, Council Member Kallos, Council Member Reynoso. At this point, at this point before we go any further we'd like to wish a very happy birthday to Council Member Reynoso. This Saturday is his birthday. And as is our tradition

here in the Land Use Committee we ask the, the great tenor, the great tenor Jumaane Williams to please indulge us in a rendition of, absolutely, in a rendition of Happy Birthday for our colleague Council Member Reynoso.

COUNCIL MEMBER WILLIAMS: [off mic]
[singing] Happy Birthday to ya [phonetic], happy birthday to...

[pause]

[applause]

CHAIRPERSON GREENFIELD: Well done. Well done. Congratulations. Congratulations.

UNIDENTIFIED MALE: Mr. Chairman I hear that the Manhattan Borough President is dissatisfied with the audio quality of our web streaming. You can't listen in stereo apparently so I'd ask you to see if you can work on this problem.

CHAIRPERSON GREENFIELD: We will work on it but we encourage her to attend these meetings live to celebrate these birthdays as well. You will see on the table before you several items relating to the committee. First is the agenda prepared by the committee staff containing those matters that.. had a hearing and have been reviewed and fully

vetted by the subcommittees. Those are the matters in which we will be acting on today. I'd like to take the opportunity to thank our outstanding subcommittee chairs; Chair Weprin of Zoning and Franchises, Chair Koo Landmarks Public Siting, and Maritime Uses, and Chair Dickens Planning, Dispositions, and Concessions. Also before you are the joint reports of the Land Use Committee and applicable subcommittee for each item we are voting on today with the proposed resolution for each item. With the committees voting on today is to approve each of the resolutions before you for presentation and vote by the full council. The resolutions reflect the recommendations of the applicable subcommittee. Today we are voting to refer back modifications through the city planning commission on three different projects. The fourth item LU218-222 East 13th Street we're voting on without any modifications. First up is LU number 197-201 modifications to Vanderbilt text... Vanderbilt. These applications include the Department of City Planning proposed Vanderbilt Corridor Text Amendments and modify zoning regulations for the five blocks along the western

side of Vanderbilt Avenue between East 42nd East 47th Street on a city map change to create Vanderbilt public places as well as three private application by... for special permits... proposed text amendments to development of the one Vanderbilt Commercial Building. The project is located in Council Member Garodnick's district.

Congratulations Council Member Garodnick. As a result of the extensive discussions between the Department of City Planning SL Green and the esteemed Council Member Dan Garodnick we are a series of wonderful modifications that we are voting on today. The following modifications are proposed for the Vanderbilt Corridor text amendment LU1971. To add language to the general purposes of the special midtown subdistrict which made clear that any additional density which may be allowed along this corridor must be based sound site planning criteria and additional finding which will be applicable to development sites that do not front on too wide streets. Two, with respect to the landmark transfer special permit the text will be modified to obtain the requirement... improvement to transit and the public realm but will allow the

city planning commission the discretion to waive the requirement where appropriate. Three, to allow an existing hotel within the corridor to have the ability to rebuild in the event of damage or destruction of its building to know more than its as of right FAR without having to apply for a new hotel special permit. The following modifications are proposed to the One Vanderbilt special permits LU199, 200, and 201. The plan for onsite public realm improvement at One Vanderbilt as approved by the city planning commission have been modified... applicant, the discussion with Council Member Garodnick to further enhance the public improvements that are required for the proposed One Vanderbilt Building Two, A, increase the size, visibility and functionality of the 42nd Street Subway entrance, B increase the daylight to the below grade circulation spaces, C create a new direct elevator connection from East side access to the street level, D these additional improvements will result in a 22 percent increase in public circulation space provided by the project. It is therefore recommended that we vote to approve these applications with modifications in zoning text,

special permits... declaration to reflect these changes. Once again I want to congratulate Council Member Dan Garodnick and I honestly believe that this is probably the greatest public benefit that we've had on a public skyscraper here in the city of New York and these are incredible achievements and I'm looking forward to Council Member Garodnick's remarks shortly. Next projects on the deck... LU number 209 210 modifications... 39-41 West 23rd Street Special Permits, applications to modify the... regulations permit in automated parking facility in the residential development containing 43 dwelling units including four affordable units... retail floor. This item is now before us for a vote in following modifications. One to a strict two units of affordable housing with people earning no more than 80 percent AMI, two to a strict... to households with people earning no more than 130 percent AMI. This project is located in Council Member Johnson's district and he's asked us to approve this project. LU number 211, modification to the Cherry Hill Text Amendment. This was fun. This application would permit a food store of limited size and... of the Special Sheep's Head Bay

District. This subcommittee held a public hearing on... May 5th, 2015 and is now before us for a vote with the following modification, recommended for the following approval that the text be amended for, to a state, a food store of limited size be allowed in Area B for a period of ten years from the date of this text amendment becomes effective. This project is located in Council Member Deutsch's district. I want to congratulate Council Member Deutsch. This was a lot of work, a lot of contention. And he negotiated a compromise that appears to make both sides happy. He's limiting the length of the text amendment and at the same time we'll be focusing to make sure that cherry hill is in compliance with everything that's said that they would be. LU number 218-B... residents an application from HPD to facilitate the rehabilitation where they've been building for approximately... individuals. This application's located in Council Member Mendez' district. The subcommittee have recommended approval of all these items. As have the members whose districts these projects are located. The chair recommends an aye vote on all these matters and I' now going to ask my colleagues

if they'd like to make any remarks and I will start first with Council Member Dan Garodnick.

COUNCIL MEMBER GARODNICK: Thank you very much Chair Greenfield for the opportunity to say a few words about the Vanderbilt Corridor and also about One Vanderbilt. As my colleagues will recall toward the end of his administration former Mayor Bloomberg proposed an extensive rezoning of East midtown. While I shared his concerns about the quality and the age of office buildings in the area of the mayor's proposal left too many unresolved questions of air rights pricing, public realm improvements and infrastructure deliverables. This was particularly troubling in the context of so much as of right zoning. As a result I ultimately decided to oppose that plan and Mayor Bloomberg withdrew it. Last year with my support Mayor de Blasio and city planning commission chair Carl Weisbrod announced a different two pronged approach to addressing the zoning changes in East Midtown. The first phase which is what's before us today is a rezoning of Vanderbilt Avenue between 42d and 47th Streets in which applicants can apply for a special permit to build up 30 FAR n exchange for

public improvements or via the purchase of air rights from a neighboring landmark. The second phase covering the rest of East midtown will follow. It is no secret to anyone that the Grand Central Area and Vanderbilt Avenue in particular are in need of significant improvements. Grand Central is a mess. It is one of the busiest transit hubs in the world and has gotten crowded well beyond its capacity. It badly needs upgrades to its infrastructure and pedestrian circulation system. Sidewalks in the area are far too narrow and crowded and Vanderbilt Avenue, a street directly adjacent to one of the most iconic buildings in New York City looks and feels like a back alley. This rezoning will bring some badly needed change to the area. My concern from last term which included the fact that so much certainty was afforded to the development community without any real guarantees to the public do not exist here. That's because the city and the public maintain full discretion to approve or deny each application through a special permit. Any applicant along this corridor will therefore have the burden of convincing the public that the proposed infrastructure improvements are

worthy of the additional development rights. We in turn will demand that any improvements to area infrastructure are done and delivered to the public in advance of the occupancy of the building. One of the key questions will be whether any given site along the corridor deserves the density that it seeks. Of course not all development sites will necessarily go after or be deserving of the maximum FAR. Well I believe that this is the appropriate location for the city to encourage high density development not every site is going to be worthy of the max. The first applicant at One Vanderbilt is subject to this very question. They have proposed considerable infrastructure improvements ranging from subway entrances to platform changes to new public areas and access points to grand central that initially were valued at 210 million dollars in exchange for the density bonuses necessary to build a 1.6 million square foot and 67 story commercial building. In addition to those improvements the council has negotiated in this process some additional significant changes to One Vanderbilt to further enhance the benefit to the public in two ways. First SL Green, the developer

has now committed to add a second transit hall in 42nd Street at the base of One Vanderbilt. This will create a grand three story light and air field public transit entrance o 42nd Street at the base of One Vanderbilt. We are also delivering as the chair noted 22 percent more subgrade circulation space for commuters to move underground from level to level. Prior versions of this plan would have required east side access and subway riders to go up to the main concourse level at Grand Central in order to transfer between them. We have corrected this problem creating a straight shot on the same level and generations of commuters may not know it now but they will thank us later. At a cost of an additional ten million dollars these improvements bring SL Green's total public investment to at least 220 million dollars. It is worth noting that these improvements come out to about 400 dollars per square foot of additional density which means that the public is getting more per square foot than they would have under the last administration's plan. Additionally the public will see these improvements up front. If there are cost overruns or unforeseen circumstances the developer

is still on the hook to complete the projects before moving into their building. We're also sending to city planning today several changes on the Vanderbilt, Vanderbilt corridor proposal itself. The chair did it in technical terms. Let me just do it in plain language. First we're also going to further define the site criteria that might entitle a site to get to the Maximum Density such as the size of the lot, whether it has direct access to subway and transit facilities and whether it is directly adjacent to the Open Area above Grand Central Terminal. One Vanderbilt has all of those characteristics but not every site will. It needs to be clear to the development community today that 30 FAR is not an entitlement here. It is not a gimmie [phonetic]. And not all sites will be deemed worthy of such a large density bonus. We're also going to add back a requirement that a developer make pedestrian circulation improvements when purchasing air rights from a landmark. We will have the ability to waive this requirement through ULERP but we believe that the default position should be that any applicant seeking such a large entity bonus, even if they are using a Landmarks

Transfer should be contributing in some way to the public realm. Finally while any hotel that wishes to build along the corridor are going, is going to be required to seek a special permit. We do not want to penalize hotels that are damaged or destroyed. In the event that an existing hotel in the corridor is damaged or destroyed they can do as the chair noted and go back to their as of right position without a special permit. I want to thank the chair of the multi-board taskforce Lola Finkelstein and the other members of both Community Boards 5 and 6, the Borough President Gale Brewer as well as my colleagues Chairs Greenfield and Weprin for their support and guidance through the process. Today we have a much better rezoning end project thanks to all their hard work and suggestions. We have still work to do not only on the greater east midtown rezoning but also in pursuit of historic preservation in this area. We're not designating buildings today but there are buildings that have been cited as potential landmarks in the territory. We want the Landmarks Commission to review them act as appropriate and move so that sites are not lost due to development

pressure. Lastly and in conclusion this plan gives the public certainty about real improvements to Grand Central which will have a positive impact for riders along the 456 route and for riders on east side access. It will, even with the first project alone create over 5,000 construction jobs, 190 permanent union jobs, and this is not even to mention the jobs of the people who are going to occupy the building for their regular day to day employment from the various companies that will be located there and it will create 50 million dollars in annual tax revenues for the city of New York. So with that I urge my colleagues to join me today in voting to send these changes to city planning before final approval of this plan. And thank you very much for the time Mr. chair.

CHAIRPERSON GREENFIELD: Thank you Council Member Garodnick. Congratulations. I just wanted to add a couple of points. The first actually is I want to recognize that we've been joined with, by our former colleague current borough president of Staten Island the great... James Oddo. Thank you for joining us here today. It's very good to see you. And you know rather than harp

on the points that Council Member Garodnick made which are really incredible points I just do want to point out that part of the commitment that this council and this committee had made in the last 16 or so months since we've been constituted is to try to improve on prior projects. And I think if you look at our track record whether it was the domino project in Brooklyn, the Astoria Cove project in Queens and now the One Vanderbilt project in Manhattan you will see that thanks to the very hands on work of the council and especially the council members in this committee and the outstanding committee staff we have improved on all these projects for the public benefits of all of these projects. And I can tell you witnessing first hand that the people of East Midtown are fortunate to have Council Member Garodnick as our representative. He was incredibly conscientious and hardworking and really is focused not just on today but the future of his district for generations to come. So thank you very much Council Member Garodnick. Are there any other comments on this particular project before we move on to other projects. Council Member Barron.

COUNCIL MEMBER BARON: Thank you Mr. Chair. I just have a quick question for my colleague. You said that not all projects would be deemed worthy for this density bonus. Is that what you had said? And my question is what would be the objective criteria that would determine which ones would and which ones would not.

COUNCIL MEMBER GARODNICK: Right. So every site along the Vanderbilt corridor between 42nd and 47th Street would have to go through a public process through a special permit. They would need to come to the city council, the community boards, city planning, ULERP. They need to go through ULERP if they want to seek additional density on that corridor. They have the opportunity to buy air rights from a landmark or they have the ability to do significant public realm infrastructure improvements to entitle themselves to go up to what they're otherwise not allowed to do. The criteria will be as they're set out in the, the zoning text you know size of the lot, the ability to connect to mass transit both the subway and the future east side access, the adjacency to Grand Central and the fact that you have a very low

building and you know if you are directly next to it you might be able to go a little higher because the impacts will be lower. They're spelled out in the text but those are some of the, the, some of the criteria that we in the council added into the text to be able to create a little more contour as to how you would be able to evaluate these sorts of projects in the future.

CHAIRPERSON GREENFIELD: Any other comments on this project? Before we move on to the next projects Council Member Gentile needs to run so we'd promised that we'd allow him the opportunity to vote. How do you vote on all the matters here today?

COUNCIL MEMBER GENTILE: On all matters I vote aye.

CHAIRPERSON GREENFIELD: Thank you Council Member. Are there any other comments on any of the other projects, Council Member Williams. When you want. Okay. Once again I very much also would like to take the time to congratulate Council Member Chaim Deutsch hit a very complicated application in his community a change of use group on a location currently known as Cherry Hill. The

council member worked very hard literally to the very late hours last night to broker a deal between all parties to reach an agreement to change the use group but only for a period of 10 years. And we want to congratulate him for that resolution as well. Hearing no other comments or questions I will ask the esteemed council to call the roll.

COUNCIL: Chair Greenfield.

CHAIRPERSON GREENFIELD: I vote aye on all.

COUNCIL: Palma.

COUNCIL MEMBER PALMA: [off mic] Aye.

COUNCIL: Dickens.

COUNCIL MEMBER DICKENS: [off mic] Aye.

COUNCIL: Garodnick.

COUNCIL MEMBER GARODNICK: Aye.

COUNCIL: Rodriguez.

COUNCIL MEMBER RODRIGUEZ: [off mic] Aye.

COUNCIL: Koo.

COUNCIL MEMBER KOO: [off mic] Aye.

COUNCIL: Lander.

COUNCIL MEMBER LANDER: The real congratulations to Council Member Garodnick on a

very thoughtful and excellent compromise and approach. I vote aye.

COUNCIL: Levin.

COUNCIL MEMBER LEVIN: Aye.

COUNCIL: Weprin.

COUNCIL MEMBER WEPRIN: To explain my vote just briefly.

CHAIRPERSON GREENFIELD: Sure, Mr. Weprin to explain his vote.

COUNCIL MEMBER WEPRIN: Thank you.

[laughter] So I just want to comment on the Vanderbilt, the Vanderbilt rezoning. Council Member Garodnick has done an amazing job. But this is a big issue for the city of New York. And this is not a local zoning matter. This is one that effects everyone in the city of New York. This is the future of our city. These are transit improvements that'll help move this city around for years and years to come. And it's going to allow office buildings to be efficient and modern and new to help attract and bring new people to this city for the future. So this vote today is, is not just about how great work Dan Garodnick did and he did but about how he is now and wwe all are really

affecting the... this city, the future of this city, excuse me to make it, to, to allow, to allow it to continue to be the greatest city to do business and to live and to community and in the entire United States. Thank you. And I vote aye.

COUNCIL: Council Member Williams.

Richards.

COUNCIL MEMBER RICHARDS: I vote aye.

Congrats.

COUNCIL: Barron.

COUNCIL MEMBER BARRON: Permission to explain my vote.

CHAIRPERSON GREENFIELD: Council Member Barron to explain her vote.

COUNCIL MEMBER BARRON: Yes I'm very much concerned about the height and density of all the projects that come before us. But I think that in the context of where this project is located it would be considered appropriate. So with that understanding I vote aye.

COUNCIL: Cohen.

COUNCIL MEMBER COHEN: Aye.

COUNCIL: Kallos.

COUNCIL MEMBER KALLOS: Aye.

COUNCIL: Reynoso.

COUNCIL MEMBER REYNOSO: Permission to explain my vote?

CHAIRPERSON GREENFIELD: Council Member Reynoso to explain his vote.

COUNCIL MEMBER REYNOSO: Just want to speak to land use number 210 the Manhattan... District on West 23rd Street just hearing that some of the levels of affordability, just want to you know have my colleagues know that we know the city of New York's 165 percent is considered affordable. And we're talking about over half of the population of the city of New York at or below poverty rate to really think about what that means for, for a majority, a great majority of the people in this city and try our best to always fight for the lowest AMI so that we actually fit a need. But with saying that I want to congratulate Councilman Dan Garodnick in his project ad I vote aye on all. Thank you.

COUNCIL: I'm sorry, Ignizio. Yeah. Williams.

COUNCIL MEMBER WILLIAMS: May I excuse to my vote.

CHAIRPERSON GREENFIELD: Councilman Williams to explain his vote.

COUNCIL MEMBER WILLIAMS: Thank you very much. Congratulations again to Council Member Garodnick. I did want to speak on Land Use items number 2009, I'm sorry, 209 and 210. With respect from my colleague Council Member Johnson I have some issues with this particularly as the housing chair I pay very much attention to the type of housing that we're passing out of the Land Use Committee. ...43 unit building and I believe it was only four units that were quote unquote affordable which I believe were low to begin with. We did have two at 40 percent that were then changed to 130 percent. So we now have the affordable units at 80 percent and 130 percent. And one of the reasons that was stated was that the folks in and around that area need to be able to afford the units that are there as well which I totally agree with and that's why I love to have mix income units in the project. But if we use that scenario to lock out lower income bands we will continue to have the pockets of poverty that we have in the city now which brings its own set of problems. And I, I

can't support something that does that. We have to really begin to break up the pockets of poverty in this city. And the only way we can do that is if we include lower income bands in those projects. So I'm going to try to speak to my colleague a little bit more. But until then I'm going to abstain from those two votes and I'm going to vote aye on all the rest.

COUNCIL: Ignizio.

COUNCIL MEMBER IGNIZIO: [off mic] Aye.

COUNCIL: Arroyo.

COUNCIL MEMBER ARROYO: [off mic] Aye.

COUNCIL: By a vote of 18 in the affirmative, zero abstentions, and zero negatives all items are adopted with the exception of land use items 209 and 210 which is adopted by a vote of 17 in the affirmative, one abstention, and no negatives.

CHAIRPERSON GREENFIELD: Thank you. As is our practice we will keep the vote open for 15 minutes until 12:03 p.m.

COUNCIL: Council Member Torres.

COUNCIL MEMBER TORRES: I'm genuinely grappling with this issue but I'll vote aye.

COUNCIL: Council Member Treyger.

COUNCIL MEMBER TREYGER: Aye.

UNIDENTIFIED MALE: [off mic] I just feel like that article, because Sally's, she writes with a rough edge...

UNIDENTIFIED MALE: [off mic] ...with a razorblade. But the, the, but the family suing is saying why do they put him in knowing he has a mental... he has, he has, and his mother said that he has, he's psych, he has schizophrenia, he's very mentally ill. Do they just shove anyone from homeless service shelters right into NYCHA apartment without any type of analysis who they're putting in? That's... because they now live in my district... family. And they're very upset with NYCHA. They, they hold NYCHA accountable.

UNIDENTIFIED MALE: [off mic] We, we should have a meeting and, and ask if you want we can have a meeting with DHS and NYCHA and identify, you know what kind of tenants are we transitioning into the shelter. Are these the working families or are these developmentally ill tenants who require supportive services?

UNIDENTIFIED MALE: [off mic] Has there ever been a hearing on that.

UNIDENTIFIED MALE: [off mic] We could do the hearing.

[background comments]

UNIDENTIFIED MALE: [off mic] It's a sensitive topic because we have to be careful not to stigmatize the whole homeless population.

UNIDENTIFIED MALE: [off mic] Actually you can advocate for them. You're advocating for additional services... saying that hey you need help let's get you the help..

[background comments]

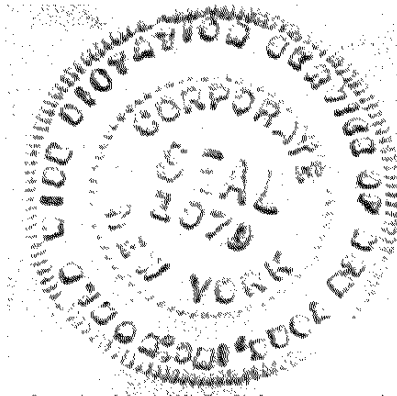
COUNCIL: Final vote Committee on Land Use; all items are adopted by a vote of 20 in the affirmative, zero abstentions, and zero negatives with the exception of Land Use items 209 and 210 which are adopted by a vote of 19 in the affirmative, one abstention, and no negatives.

CHAIRPERSON GREENFIELD: This concludes the Land Use Committee for the meeting of May 7th, 2015. We are hereby adjourned.

[gavel]

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 14, 2015