

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON LAND USE

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December 14, 2016
Start: 11:00 a.m.
Recess: 12:00 p.m.

HELD AT: Committee Room - City Hall

B E F O R E: David Greenfield
Chairperson greenfield person

COUNCIL MEMBERS:
Vincent J. Gentile
Annabel Palma
Inez E. Dickens
Daniel R. Garodnick
Darlene Mealy
Rosie Mendez
Ydanis A. Rodriguez
Peter A. Koo
Brad S. Lander
Stephen T. Levin
Deborah L. Rose
Jumaane D. Williams
Ruben Wills
Donovan J. Richards
Inez D. Barron
Andrew Cohen
Ben Kallos
Antonio Reynoso

Ritchie J. Torres

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

[gavel]

CHAIRPERSON GREENFIELD: Good morning.

My name is David Greenfield, I'm the Council Member from the 44 of council district in Brooklyn and I'm privileged to serve as the chair of the Land Use Committee. I want to welcome my esteemed colleagues who are members of the committee who have joined us today. Council Member Gentile, Council Member Palma, Council Member Dickens, Council Member Garodnick, Council Member Rodriguez, Council Member Koo, Council Member Lander, Council Member Rose, Council Member Williams, Council Member Richards, Council Member Barron, Council Member Cohen, Council Member Kallos, Council Member Treyger. I want to thank Chair Dickens for her dedication and leadership on the Planning Subcommittee, Chair Richards for conducting the Zoning Subcommittee and Chair Koo for his work on the Landmarks Subcommittee. I especially want to recognize Chair Inez Dickens for her leadership; she has spent the last decade, that's ten years for those of you who can only serve eight years.

[applause]

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2 CHAIRPERSON GREENFIELD: ...here in the
3 New York City Council...

4 [applause]

5 CHAIRPERSON GREENFIELD: Chair Dickens
6 of course represents wonderful areas such as
7 Harlem, she is incredibly smart, fair, and funny
8 and she's one of the great leaders that we have
9 here in this body. Our loss is Albany's gain and we
10 are truly sad to see you go but we thank you for
11 your many years of hard work and dedication not
12 just on the Planning Subcommittee but for all the
13 great work that you've done on the budget
14 negotiations in leadership and really the fabulous
15 work that you've done here in the City Council over
16 the last ten years and we wish you much and
17 continued success as this being your last Land Use
18 Committee meeting. Let's give the Chair a big round
19 of applause please...

20 [applause]

21 CHAIRPERSON GREENFIELD: We'll give the
22 chair opportunity to make remarks at the end if
23 she'd like. I'm also very excited to report to you
24 that we will be voting today on a piece of
25 legislation that marks an important milestone of

1 the council's commitment in accountability in land
2 use and that will be the second vote that we are
3 doing today. We are also voting to disapprove a
4 small rezoning in Council Member Lander's district.
5 The Council's voting no on LU531 and 532, an
6 application for rezoning from a M11 to an R6B in
7 designation for a mandatory inclusionary housing
8 area on three lots in Council Member Brad Lander's
9 district in Brooklyn. The site of the rezoning is
10 located on the border of both predominately
11 manufacturing and residential uses. Anytime the
12 city considers whether to rezone manufacturing land
13 we must carefully consider whether the public
14 benefit of the new uses would outweigh the
15 potential loss in jobs and economic activity that
16 is associated with manufacturing and development.
17 In this case the rezoning would lead to a
18 development of exclusively market rate housing, we
19 are willing to disapprove the application because
20 the commercial and manufacturing use is currently
21 permitted on the property would in our view better
22 serve the city and the neighborhood than the
23 anticipated development that would result from the
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2 rezoning. Are there any questions or remarks on
3 this application? Council Member Lander.

4 COUNCIL MEMBER LANDER: Thank you Mr.
5 Chair and thanks for you dialogue with me and
6 leadership on this issue. I said this in
7 subcommittee and most of you were here so I'll try
8 to keep it brief but it's unusual to be moving to
9 disapprove so for members who weren't I'll just
10 quickly restate. I am asking you to vote yes to
11 disapprove this application which I don't take any
12 relish in doing but in this case there's just not
13 a, a public intersect in rezoning the land. We have
14 a 6200 square foot lot currently zoned
15 manufacturing in a mixed area with some mix of
16 residential and manufacturing on the block. There
17 are good light manufacturing and commercial uses
18 nearby that the community needs and relies on but
19 which have been being displaced in this area
20 because of rising rent and speculation over the
21 last few years and so we could use the M-zoned... the
22 uses that are allowable on this site today. Now had
23 they brought a rezoning that would include at least
24 the MIH standard of affordability there would be
25 public benefit to rezone it to residential but even

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2 though the applicant is seeking a rezoning that
3 would take it above the minimum MIH threshold, up
4 to 13,700 square feet of developable residential
5 space, they have made clear they do not intend to
6 utilize or participate in the MIH program and that
7 they would build zero affordable housing and not
8 participate in the in-lieu fee program and so
9 there's just no public interest or, or public
10 rational for this rezoning. We sought different
11 ways of working with them so that they would
12 utilize the MIH program either just by doing it
13 under what they're seeking today and committing to
14 do it or even adding some additional density to the
15 site or making it mixed use. Those latter two
16 things however out of scope of the application that
17 they submitted and they refused to, to indicate
18 that they would utilize or commit to utilize the,
19 the MIH program. So at that point I just don't see
20 any public benefit in this rezoning. Perhaps they
21 will resubmit a new application that does have the
22 benefit of participating in MIH and we can take it
23 up again then but both because it doesn't make
24 sense on this site and because I think it's very
25 important for this council to be standing up for at

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COMMITTEE ON LAND USE

least the MIH minimum standards. I ask you to join me in voting to disapprove this application so thank you very much.

CHAIRPERSON GREENFIELD: Thank you Council Member Lander. Are there any other questions or remarks on this application? So hearing none we'll move onto a vote. Just to be clear this is the first of two votes today so please stick around. We'll now call the vote to disapprove Land Use items 531 and 532 in accordance of the recommendation of the zoning subcommittee and Council Member Lander. I'm going to ask the clerk to please call the roll just to be clear a yes vote means you agree with the Zoning Subcommittee's recommendations to disapprove this application.

COMMUNITY CLERK DESTEFANO: Community Clerk Matthew DeStefano Committee on Land Use roll call on LU numbers 531 and 532. This is a vote for disapproval. Chairperson Greenfield?

CHAIRPERSON GREENFIELD: Aye.

COMMUNITY CLERK DESTEFANO: Gentile?

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2 COUNCIL MEMBER GENTILE: Underscoring
3 the good work of Council Member Lander and
4 advocating for the public interest I vote aye.

5 COMMUNITY CLERK DESTEFANO: Palma?

6 COUNCIL MEMBER PALMA: Aye.

7 COMMUNITY CLERK DESTEFANO: Dickens?

8 COUNCIL MEMBER DICKENS: Permission to
9 explain my vote?

10 CHAIRPERSON GREENFIELD: Council Member
11 Dickens to explain her vote.

12 COUNCIL MEMBER DICKENS: Thank you.
13 This is the last vote I will take in Land Use and I
14 just want to take just a moment to first
15 congratulate Council Member Lander on having the
16 fighting spirit to do what's best for his district.
17 I want to thank my chair for the last three years
18 of having phenomenal leadership in Land Use. The
19 Land Use staff, Barshov and, and Amy and the rest
20 of the, the Land Use staff have been phenomenal.
21 Dillon as my attorney has been great and I have
22 enjoyed so much and learned a lot and hope that
23 I've been able to impart some of the knowledge that
24 I have in Land Use over the years to help this body
25 to do the best they can as this is the house of the

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2 people. I thank my colleagues for the experience
3 that I've had with you. I have enjoyed phenomenally
4 the last 11 years of service to the citizens of the
5 New York. All of you are great, we have not agreed
6 on everything, we've had different pathways but
7 we've always had the same goal and that is to
8 represent our districts and our people to the best
9 of our ability. I wish only the very best that god
10 will continue to lead us all whether it's god or
11 Allah that you believe it whatever entity it is
12 that is the guiding light in your life. I thank you
13 that you will listen to it to do the best that you
14 can and pray for me as I go to call Albany. Thank
15 you.

16 COMMUNITY CLERK DESTEFANO: Alright,
17 your vote?

18 COUNCIL MEMBER DICKENS: I vote aye.

19 COMMUNITY CLERK DESTEFANO: Garodnick?

20 COUNCIL MEMBER GARODNICK: Praying for
21 Inez Dickens in Albany, I vote aye.

22 COMMUNITY CLERK DESTEFANO: Rodriguez?

23 COUNCIL MEMBER RODRIGUEZ: Thank you
24 for your leadership of this matter, congratulations
25 Inez and I vote aye.

2 COMMUNITY CLERK DESTEFANO: Koo?

3 COUNCIL MEMBER KOO: I vote aye.

4 COMMUNITY CLERK DESTEFANO: Lander?

5 COUNCIL MEMBER LANDER: Adding my voice

6 of good luck and best wishes and gratitude to

7 Assembly Member elect Dickens I vote aye.

8 COMMUNITY CLERK DESTEFANO: Rose?

9 COUNCIL MEMBER ROSE: [off mic]

10 COMMUNITY CLERK DESTEFANO: Williams?

11 COUNCIL MEMBER WILLIAMS: Just want to

12 reiterate my appreciation for what Council Member

13 Lander has done today not just thinking about your

14 district but thinking about your district in light

15 of the entire city and I appreciate that and I vote

16 aye.

17 COMMUNITY CLERK DESTEFANO: Richards?

18 COUNCIL MEMBER RICHARDS:

19 Congratulations to Council Member Lander on his

20 leadership and also I want to congratulate Inez

21 again, I don't know who's going to be my potato

22 chip buddy in BNT now, you know there's never been

23 another woman... there's no other woman in my life

24 who my wife would allow to give me calories except

25 you. so thank you so much for your leadership and

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2 friendship and for always adding more salt to my
3 life. I vote aye on that, thank you.

4 COMMUNITY CLERK DESTEFANO: Barron?

5 COUNCIL MEMBER BARRON: Permission to
6 explain my vote?

7 CHAIRPERSON GREENFIELD: Council Member
8 Barron to explain her vote.

9 COUNCIL MEMBER BARRON: Thank you. I
10 just want to wish my, my namesake all the best as
11 you go to cold Albany and I know that you're going
12 to bring another dimension to that body having
13 served there for a number of years and I'm so glad
14 that reinforcements are coming to assist Charles
15 Barron in his quest to make sure that the little
16 person and the poor person and the low income
17 person is not left out in that struggle. So I wish
18 you all the best, you've been a great model and
19 example here in the city council nothing but god
20 speed for you and I vote aye.

21 COMMUNITY CLERK DESTEFANO: Cohen?

22 COUNCIL MEMBER COHEN: If anybody can
23 fix the problems in Albany its Inez Dickens so I
24 wish her the best and I vote aye.

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2 CHAIRPERSON GREENFIELD: Wow no, no
3 pressure there.

4 COMMUNITY CLERK DESTEFANO: Kallos?

5 COUNCIL MEMBER KALLOS: With permission
6 to explain my vote?

7 CHAIRPERSON GREENFIELD: Council Member
8 Kallos to explain his vote.

9 COUNCIL MEMBER KALLOS: Thank you to
10 Brad Lander for standing up for manufacturing and
11 the jobs that come with it, the good working class
12 jobs that come with it as well as for making sure
13 that rezoning's include affordable housing, there's
14 perhaps nothing more important in a city where that
15 is one of the biggest complaints we get and just
16 it's been a pleasure to serve with Inez in the
17 council. Thank you for being such a strong leader,
18 for standing up for your community, for standing up
19 for others, for standing up for what's right and go
20 get them in Albany.

21 COMMUNITY CLERK DESTEFANO: Reynoso?

22 COUNCIL MEMBER REYNOSO: And I vote
23 aye.

24 CHAIRPERSON GREENFIELD: I don't think
25 he...

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COUNCIL MEMBER KALLOS: I vote aye..

COMMUNITY CLERK DESTEFANO: Reynoso?

COUNCIL MEMBER REYNOSO: [off mic]

COMMUNITY CLERK: Torres?

COUNCIL MEMBER TORRES: [off mic]

COMMUNITY CLERK DESTEFANO: Treyger?

COUNCIL MEMBER TREYGER: Permission to
explain my vote?

CHAIRPERSON GREENFIELD: Council Member
Treyger to explain his vote.

COUNCIL MEMBER TREYGER: Thank you. I
just want to first commend Council Member Lander
for reaffirming the very important principle that
rezonings are not a one way street. There is a two
way street and there must be a direct public
benefit. So I commend you for your courage for
standing up to people on behalf of your district
and the city of New York and to my colleague who's
also the Chair of our subcommittee thank you for
your wisdom, for your.. you know I was.. I was a
rookie and I learned a lot from you. You held
developers accountable, you've held HPD
accountable, you've held anyone who comes on that...
on that hearing accountable and we've learned so

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2 much from you. I look forward to visiting you in
3 Harlem, trying some good food out there and this,
4 this will always be your home here too. God bless
5 you and I vote aye on all.

6 COMMUNITY CLERK DESTEFANO: Levin?

7 COUNCIL MEMBER LEVIN: Aye on all.

8 COMMUNITY CLERK DESTEFANO: By a vote
9 of 18 in the affirmative, zero in the negative, and
10 no abstentions the LU items have been disapproved.

11 CHAIRPERSON GREENFIELD: Thank you.

12 well this concludes the first part of our hearing
13 but we're going to move onto part number two. We
14 have another piece of legislation that we are going
15 to be voting on today. We're going to be voting on
16 intro 1132A which is a bill that would require the
17 administration to establish and maintain a
18 publically accessible searchable database of
19 written commendments made by the mayor to the city
20 council or a council member in a connection with
21 the most... with most... with most eulipe applications.
22 This legislation was introduced by the Public
23 Advocate and the speaker as a much needed reform to
24 help improve the public dialogue and trust during
25 the public review process for Neighborhood

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2 Rezoning and this reform was part of the
3 commitment that we and the council secured from the
4 Deputy Mayor during the council's negotiation and
5 subsequent approval of the mandatory inclusionary
6 housing programs in February. We had a hearing on
7 this legislation last June and we have carefully
8 considered all the testimony in working out a set
9 of changes to this legislation. We worked
10 extensively with administration to reach a final
11 bill that would require transparency and
12 accountability in the rezoning process while still
13 being manageable for the administration to maintain
14 and update. The final legislation will track all
15 commitments made by the mayor to the council
16 relating to eulipe applications for changes in the
17 city map, designations of zoning districts under
18 the zoning resolution including conversion from
19 land use to another land use, special permits
20 within the jurisdiction of the city planning
21 commission under the zoning resolution. Site
22 selection for capital projects for evocable
23 consents, franchises and major concessions, housing
24 and urban renewal plans, and projects pursuant to
25 city, state, and federal housing laws. The position

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2 of real property of the city or acquisition by the
3 city of real property. In all cases the legislation
4 would require tracking of commitments for
5 applications involving properties on city blocks. I
6 strongly believe this would be a powerful tool to
7 ensure that the commitments that we as council
8 members achieve on behalf of our communities will
9 be under similar communities and administrations
10 such as this one and the next one and all future
11 administrations will be held accountable to these
12 critical commitments. I'd like to thank the
13 speaker, Melissa Mark-Viverito for her leadership
14 and her showing you to keep track of promises made
15 to our community during the zoning process. I just
16 want to thank Public Advocate Latisha James for her
17 leadership as well and Council Member Espinal for
18 his advocacy on this important piece of
19 legislation. Council Member Espinal knows just how
20 important keeping these commitments are with his
21 recent neighborhood rezoning in east New York where
22 the city pledged to invest over a quarter of a
23 billion dollars in community benefits including
24 funding to improving parks, schools, and the east
25 New York IBZ. The east New York rezoning in Council

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2 Member Espinal's district will be the first
3 application subject to this legislation and all
4 commitments made within that rezoning will now be
5 tracked. As we look to upcoming neighborhood
6 rezonings I am confident this legislation will
7 provide significant transparency and accountability
8 to the process. This bill's been a subject of much
9 spirited discussions since its introduction and I
10 want to thank all the advocates for their input. I
11 especially want to thank Adam Freeman the director
12 of the Pratt Center for his support and
13 collaboration. I also want to thank our outstanding
14 Land Use staff who worked on this bill for nearly
15 ten months, our Land Use Director Raju Mann, Deputy
16 Director Amy Levitan, General Council Julie Lubin,
17 Deputy General Council Dillon Casey, and Council
18 Jeff Compania [phonetic] and I also want to thank
19 of course everyone's favorite staff Ramon Martinez
20 for negotiating this legislation successfully with
21 the administration. This really is very significant
22 legislation that for the first time... for the first
23 time we will now track promises made by the
24 administration to communities and the reason it's
25 so fundamental is because if you don't know what

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2 the promise was then you have no way of ensuring
3 that that promise will be kept. So I am very proud
4 to be prime co-sponsor on this bill and I urge all
5 of my colleagues on this committee to vote yes on
6 intro 1132A. Are there any members who would like
7 to make any remarks or have any questions on this
8 legislation?

9 COMMUNITY CLERK DESTEFANO: Council
10 Member Barron?

11 COUNCIL MEMBER BARRON: Yes, can we
12 make it retroactive and go back and call back some
13 of what we've lost?

14 CHAIRPERSON GREENFIELD: It's going to
15 be retroactive for Council Member Espinal's
16 rezoning but that is as best as we could get out of
17 this one.

18 COUNCIL MEMBER BARRON: Thank you.

19 CHAIRPERSON GREENFIELD: Thank you very
20 much. Any other questions or comments? Hearing none
21 I will ask the clerk to call the role.

22 COMMUNITY CLERK DESTEFANO: Roll call
23 on intro 1132A Chair Greenfield?

24 CHAIRPERSON GREENFIELD: Aye.

25 COMMUNITY CLERK DESTEFANO: Gentile?

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COUNCIL MEMBER GENTILE: Aye.
COMMUNITY CLERK DESTEFANO: Palma?
COUNCIL MEMBER PALMA: Aye.
COMMUNITY CLERK DESTEFANO: Dickens?
COUNCIL MEMBER DICKENS: Aye.
COMMUNITY CLERK DESTEFANO: Garodnick?
COUNCIL MEMBER GARODNICK: Aye.
COMMUNITY CLERK DESTEFANO: Rodriguez?
COUNCIL MEMBER RODRIGUEZ: Aye.
COMMUNITY CLERK DESTEFANO: Koo?
COUNCIL MEMBER KOO: Aye.
COMMUNITY CLERK DESTEFANO: Lander?
COUNCIL MEMBER LANDER: Aye.
COMMUNITY CLERK DESTEFANO: Levin?
COUNCIL MEMBER LEVIN: Aye.
COMMUNITY CLERK DESTEFANO: Rose?
COUNCIL MEMBER ROSE: Aye.
COMMUNITY CLERK DESTEFANO: Williams?
COUNCIL MEMBER WILLIAMS: This is an
excellent piece of legislation. I just want to
thank the Chair, the public advocate, and the
speaker for their leadership on this. I vote aye
and ask to be added to the item.
COMMUNITY CLERK DESTEFANO: Richards?

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2 COUNCIL MEMBER RICHARDS: Proud to vote
3 aye.

4 COMMUNITY CLERK DESTEFANO: Barron?

5 COUNCIL MEMBER BARRON: I vote aye and
6 ask to be added to the legislation as well.

7 COMMUNITY CLERK DESTEFANO: Cohen?

8 COUNCIL MEMBER COHEN: I'm already on
9 the legislation and I vote aye.

10 CHAIRPERSON GREENFIELD: Profiling
11 courage, thank you Council Member Cohen.

12 COMMUNITY CLERK DESTEFANO: Kallos?

13 COUNCIL MEMBER KALLOS: Aye.

14 COMMUNITY CLERK DESTEFANO: Reynoso?

15 COUNCIL MEMBER REYNOSO: Aye.

16 COMMUNITY CLERK DESTEFANO: Torres?

17 COUNCIL MEMBER TORRES: Aye.

18 COMMUNITY CLERK DESTEFANO: Treyger?

19 COUNCIL MEMBER TREYGER: Aye.

20 COMMUNITY CLERK DESTEFANO: By a vote
21 of 18 in the affirmative, zero in the negative, and
22 no abstentions the item has been adopted.

23 CHAIRPERSON GREENFIELD: Finally before
24 we conclude today we're going to ask the council's
25 most acclaimed performer and thespian, Council

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2 Member Williams to lead us in a rendition of "For
3 She's a Jolly Good Fellow" for our very dear Chair
4 Council Member Inez Dickens, take it away Council
5 Member.

6 COUNCIL MEMBER WILLIAMS: For she's the
7 jolly good fellow...

8 [singing]

9 CHAIRPERSON GREENFIELD: This formally
10 concludes the Land Use Committee for the meeting of
11 December 14th, 2016. this Land Use Committee is
12 hereby adjourned.

13 [gavel]

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C E R T I F I C A T E

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



Date December 26, 2016