

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

SUBCOMMITTEE ON ZONING AND FRANCHISES

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February 27, 2017
Start: 11:05 a.m.
Recess: 11:11 p.m.

HELD AT: 250 Broadway - Committee Rm,
16th Fl.

B E F O R E:

DONOVAN J. RICHARDS
Chairperson

COUNCIL MEMBERS:

Daniel R. Garodnick
Jumaane D. Williams
Antonio Reynoso
Ritchie J. Torres
Vincent J. Gentile
Ruben Wills
David G. Greenfield

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

2 [sound check]

3 [pause]

4 [gavel]

5 CHAIRPERSON RICHARDS: Alrighty, good
6 morning everyone. Let me just say on the onset that
7 we are a little delayed this morning, so Landmarks is
8 going to start shortly after this committee hearing.

9 Good morning, I am Donovan Richards,
10 Chair of the Subcommittee on Zoning and Franchises.
11 This morning we are joined by Council Member Ritchie
12 Torres, Council Member Vincent Gentile, Council
13 Member Richards, who is I, and Council Member
14 Garodnick.

15 We have one item for a public hearing
16 today, Land Use Item No. 544, Bread & Tulips,
17 sidewalk café, in Council Member Mendez's district.

18 We will not be voting on Land Use Item
19 No. 545, a zoning text amendment concerning a Theater
20 Subdistrict of the Special Midtown District. We just
21 received confirmation that the Department of City
22 Planning has withdrawn this application.

23 To remind everyone, this text amendment
24 would have changed the rules governing the transfer
25 of unused floor area from listed theaters within the

1 Theater Subdistrict. The proposal would have changed
2 the required payment amount into the Theater
3 Subdistrict Fund from a fee per square foot of
4 development rights transferred to a fee of 20% of the
5 sale price for each development rights transaction,
6 including the concept of a floor price.
7

8 The text amendment also proposed to
9 change the review process for the transfers as well
10 as the rules governing the use of the Fund. This
11 Committee believed that it was long overdue to raise
12 the contribution amount to the Fund, which helps
13 support nonprofit theater groups and applauded the
14 Department for taking that issue head-on, but at our
15 hearing and in subsequent conversations, the Council
16 also raised serious questions about the best
17 mechanism to ensure that the Council and the public,
18 most importantly, can be confident that we receive
19 the full value of these transactions.

20 Unfortunately, despite working diligently
21 over the last several weeks -- and I'll say that
22 again -- despite working diligently over the last
23 several weeks, we have not reached a successful
24 resolution and so instead of voting out changes to
25 the proposal to strengthen and clarify this program,

2 as we prepared to do, and increase the amount of
3 money that will be going to the nonprofit theaters,
4 the application has been withdrawn.

5 So with that being said, I will now go to
6 Council Member Garodnick for a statement on this
7 issue.

8 COUNCIL MEMBER GARODNICK: Thank you very
9 much Mr. Chairman; I know that I share your surprise
10 that the Administration chose to withdraw the
11 application on the Theater Subdistrict rather than to
12 continue to work with us toward a positive resolution
13 here.

14 The City Council had proposed a mandatory
15 audit of every single air rights transfer in the
16 Theater District rather than a floor price. We felt
17 that that was a better and smarter approach rather
18 than to rely on a fixed dollar amount in the Zoning
19 Resolution. Unfortunately, rather than acknowledge
20 this better approach, the Administration decided to
21 take their marbles and go home. The unfortunate
22 result of the Administration's action is that the
23 public continues to be deprived a fair contribution
24 to this fund and I would not that the dollar amount
25 that is set forth as a contribution to the Fund was

2 supposed to have been reevaluated every three to five
3 years; that has not happened since 2011 and that is
4 an important point for everyone to know. So it's
5 disappointing, it's surprising and it's too bad for
6 the public and the cultural institutions that really
7 are the losers here. Thank you.

8 CHAIRPERSON RICHARDS: Thank you Council
9 Member Garodnick. We've been joined by Council
10 Members Williams, Greenfield and Reynoso. Any other
11 statements on this issue? Alrighty. Seeing none, we
12 will now open the public hearing on Land Use Item No.
13 544. Alrighty, are there any members of the public
14 who wish to testify on this issue? Alrighty. Seeing
15 none, I will now close the public hearing on Land Use
16 Item No. 544. Counsel, please call the roll on a
17 vote to approve Land Use Item No. 544 and a motion to
18 file Land Use Item No. 545.

19 COMMITTEE COUNSEL: Chair Richards.

20 CHAIRPERSON RICHARDS: I vote aye.

21 COMMITTEE COUNSEL: Council Member
22 Gentile.

23 COUNCIL MEMBER GENTILE: Aye.

24 COMMITTEE COUNSEL: Council Member
25 Garodnick.

2 COUNCIL MEMBER GARODNICK: Aye.

3 COMMITTEE COUNSEL: Council Member

4 Williams.

5 COUNCIL MEMBER WILLIAMS: Aye.

6 COMMITTEE COUNSEL: Council Member

7 Reynoso.

8 COUNCIL MEMBER REYNOSO: Aye.

9 COMMITTEE COUNSEL: Council Member

10 Torres.

11 COUNCIL MEMBER TORRES: Aye.

12 COMMITTEE COUNSEL: The vote to approve

13 Land Use Item 544 and on a motion to file Land Use

14 Item 545 is approved by a vote of 6 in the

15 affirmative, 0 in the negative and 0 abstentions and

16 referred to the full Land Use Committee.

17 CHAIRPERSON RICHARDS: Alright, thank you

18 so much for all coming out today; this meeting is now

19 adjourned.

20 [gavel]

21 COUNCIL MEMBER GREENFIELD: For those of

22 you who are here for...

23

24

25

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 March 2, 2017