

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 20, 2017
Start: 11:42 a.m.
Recess: 12:13 p.m.

HELD AT: Committee Room - City Hall

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

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

COUNCIL MEMBERS:

Antonio Reynoso

Ritchie J. Torres

Mark Treyger

Rafael Salamanca, Jr.

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

[sound check]

[pause]

CHAIRPERSON GREENFIELD: Good morning.

My name is David Greenfield; I'm the Council Member

from the 44th District [background comments] in

Brooklyn. Quiet on the set please. I know

everybody's excited to see their colleagues and

friends after the spring Easter/Passover break;

welcome back. I hope you enjoyed your matzah and

your chocolate bunnies. Come on, you guys didn't

have chocolate bunnies? Okay, just making sure.

[background comments] Those are delicious.

[background comment] Yes, and the Peeps, of course,

the Peeps. Yes, referring to those sugary things,

Antonio. Okay, I just want to make sure we're on the

same page. Okay.

My name is David Greenfield; I'm

privileged to serve as the chair of the Land Use

Committee. I want to welcome my esteemed colleagues,

our members of the Committee who are joining us here

today -- Council Member Gentile, Council Member

Garodnick -- who is currently featured on *City &*

State's cover, and for a small fee of \$10, will be

happy to autograph said cover. So please see him

1 [background comments] afterwards about that, okay.

2 And for an extra \$50 you can get it framed -- Council
3 Member Mealy, Council Member Rodriguez, Chair Koo,
4 Council Member Wills, Chair Richards, Council Member
5 Cohen, Council Member Kallos, Council Member Reynoso,
6 Council Member Torres, and Chair Salamanca. Thank
7 you all for joining us here today.

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9 I especially want to thank Chair
10 Salamanca, Chair Richards and Chair Koo for their
11 outstanding work on our Land Use Subcommittees.

12 Today we're going to be voting on LU
13 Nos. 589, 590, 591, 592, 594, 595, 596, 597, 598, and
14 601.

15 We will be voting on a Resolution to
16 approve LU 591, which is the West 23rd Street Text
17 Amendment. This is an application that would modify
18 the bulk regulations applicable to the Special West
19 Chelsea District to allow for the transfer of floor
20 area between the proposed portions of the proposed
21 development. Council Member Johnson supports
22 approval of this application.

23 We will also be voting to approve LU 592,
24 the Manor Road rezoning application. This
25 application would establish a C1-1 commercial overlay

1 district in an existing R3-1 district on property
2 located near the intersection of Manor Road and
3 Tillman Street in Staten Island. This rezoning would
4 facilitate the development of a 3,978 sq. ft.
5 commercial building. The property is located in
6 Council Member Matteo's district and he has submitted
7 a written statement expressing his support for the
8 application.
9

10 We will be voting to modify LUs 589 and
11 590, the Rose Castle rezoning. This modification
12 will restrict the MIH options on one of the two
13 development sites. The modification would eliminate
14 the workforce option from the smaller of the two
15 development sites; on this site, the developer would
16 be required to provide either 30% of the development
17 reserved for families making an average of 80% of the
18 area median income or 25% for families making 60% of
19 area median income. Option 4, allowing 30% of the
20 development to be reserved for 115% of the area
21 median income would remain an option on the other
22 development site included in the rezoning. In total,
23 this rezoning will produce approximately 90 units of
24 income-restricted affordable housing. This
25 neighborhood was identified in a financial study that

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2 was prepared in preparation of the Mandatory
3 Inclusionary Housing program as a moderate housing
4 market. These types of housing markets were
5 identified as areas where higher AMIs for the
6 affordability set-aside may be necessary to support
7 development. Here we were able to reach a compromise
8 so that the development as a whole will reach a wider
9 range of income. I know that Council Member Levin
10 grappled long and hard to balance the need for
11 additional affordability with the economic realities
12 of the development and this modification has achieved
13 the balance in regards to that affordable housing.
14 Council Member Steve Levin, it is great to see here
15 today; would you like to make a statement on Rose
16 Castle? Thank you very much. I turn the...

17 [crosstalk]

18 COUNCIL MEMBER LEVIN: Thank you, Chair...

19 CHAIRPERSON GREENFIELD: floor to Council
20 Member Levin, who has so graciously left his own
21 committee that he's chairing.. [crosstalk]

22 COUNCIL MEMBER LEVIN: Thank you.

23 CHAIRPERSON GREENFIELD: to join us here
24 for a few moments...

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2 COUNCIL MEMBER LEVIN: Any members of
3 General Welfare? You're needed across the street.
4 Alright.

5 So I want to thank you very much, Chair
6 Greenfield and Chair Richards for your assistance on
7 working through any issues on this development site
8 as it came to the Council. I want to acknowledge the
9 developer, Riverside and their team at Sheldon Lobel
10 and Musa [sp?] Moore [sic] for working with the
11 Community Board, in particular, on this development.
12 When I was re-elected in 2013 and started my second
13 term in 2014, my second meeting with Community Board
14 3 was around this project and that's how long it's
15 taken to fashion a project that is acceptable to all
16 parties, and so there was a very thorough process.
17 It includes a workforce development option on one of
18 the sites and on the other site there's an agreement
19 to use either Option 1 or Option 2 of Mandatory
20 Inclusionary so that there's a widespread of
21 affordable housing units, from 80% AMI to the more
22 middle income average of 115% of AMI, and actually
23 some of the units will be at 70% of AMI.

24 So in addition, there are other
25 agreements that the developer had reached with the

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2 Community Board around MWBE and community
3 collaboration on the administration of affordable
4 units, all positive things. And so we think that
5 it's been a good process. I want to acknowledge all
6 parties involved, including Community Board 3, their
7 chairs; in particular, a gentleman, Nelson Stoute,
8 who unfortunately passed away in recent months, but I
9 know that he was working on this project as well, and
10 their land use committee. So with that I do
11 encourage my colleagues to vote aye on this project
12 and thank you very much, Mr. Chair for the
13 opportunity to speak.

14 CHAIRPERSON GREENFIELD: Thank you very
15 much Council Member Levin. We are also going to be
16 voting to approve LUs 594, 595 and 596, the Caton
17 Flats Development. In this application, DCAS and EDC
18 seek disposition approval, a zoning map change and
19 text amendment, creating a Mandatory Inclusionary
20 Housing area to facilitate the redevelopment of the
21 Flatbush Caton Market at 794 Flatbush Avenue. This
22 project is in Council Member Eugene's district. The
23 site will be redeveloped with a new 14-story building
24 that would include a 9,000 sq. ft. market for local
25 vendors, incubator space for the community, community

1 facility space, and 251 apartments. As a result of
2 Council Member Eugene's negotiations, the project
3 will now include a tier of 27 units affordable at 37%
4 AMI -- previously, the lowest proposed affordability
5 level was 47% AMI. An offsite temporary market on
6 Clarendon Road will house the vendors during the
7 construction period, with moving costs and one year
8 of free rent provided by the developer. EDC and the
9 new market manager, Urbane Development, have pledged
10 to continue to work with Council Member Eugene and
11 the market vendors to reach consensus on guidelines
12 for the new market and protections for existing
13 legacy vendors.

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15 We will also be voting to approve LUs 597
16 and 598, the Hegeman Avenue application. In this
17 application, HPD is seeking Urban Development Action
18 Area Project designation and approval, disposition
19 approval, and a special permit pursuant to ZR Section
20 74-903 to permit community facility FAR to apply to a
21 nonprofit institution with sleeping accommodations.
22 These actions will facilitate the development of an
23 eight-story affordable supportive housing building
24 with on-site social services and security. The
25 development will have 42 units available for formerly

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2 homeless individuals and 28 units available to
3 individuals with incomes ranging from 27% to 67% of
4 the area median income. The building will include
5 24/7 security and on-site social services. This
6 project is in Council Member Barron's district.

7 Council Member Barron, would you like to
8 make a statement on the project in your district?

9 [background comment] Okay. Council Member Barron.

10 [pause]

11 COUNCIL MEMBER BARRON: Thank you. This
12 is a project that I'm supporting reluctantly, and my
13 reluctance is based on the fact that it's not a mix
14 of family units -- it's all studios -- and the studio
15 apartments are only, on average, 300 sq. ft., but the
16 development has made arrangements to make sure that
17 there are income bands at 37, 47, and 57% of AMI,
18 they have made adjustments to the building façade --
19 which I had some concerns about -- and it is a 50-
20 year regulatory agreement with the City. The
21 Commissioner of HPD has given me a letter which
22 indicates they are quite clear of my displeasure with
23 just having studio apartments and that as other
24 projects come forward they will keep that in mind.
25 So whatever the term is that's the opposite of

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2 setting a precedent, I'm at this point saying, this
3 is not going to happen again; I'm not going to
4 approve apartments coming in at 300 sq. ft., but
5 given the fact that the developer has made their
6 adjustments to the project, I am reluctantly
7 supporting it, so I vote aye on that project and aye
8 on all the others. Thank you.

9 CHAIRPERSON GREENFIELD: Thank you
10 Council Member. Lastly, we will be voting on a
11 motion to file LU 601, the File Mile Stone café; this
12 café was withdrawn by the applicant.

13 Are there any questions or remarks on any
14 of these applications? Hearing none, we will now
15 vote... we will now move to a vote in accordance with
16 the recommendations of the Subcommittees and the
17 Council Members to approve LUs 591, 592, 594, 595,
18 596, 597, and 598 and to approve, with modifications
19 that I have described, LUs 589 and 590, which are
20 Rose Castle which will result in approximately 38
21 units of affordable housing at an average of 80% AMI
22 and 50 units of affordable housing at an average of
23 115% AMI, and a motion to file LU 601, the File Mile
24 Stone sidewalk café.

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2 I also want to recognize that we've been
3 joined by Council Members Lander, Williams and
4 Treyger. And I would like to ask the clerk now to
5 please call the rolls.

6 COMMITTEE CLERK: William Martin,
7 Committee Clerk, roll call vote Committee on Land
8 Use. Chair Greenfield.

9 CHAIRPERSON GREENFIELD: Aye on all.

10 COMMITTEE CLERK: Levin.

11 COUNCIL MEMBER LEVIN: Aye on all.

12 COMMITTEE CLERK: Gentile.

13 COUNCIL MEMBER GENTILE: Aye on all.

14 COMMITTEE CLERK: Garodnick.

15 COUNCIL MEMBER GARODNICK: Aye.

16 COMMITTEE CLERK: Mealy.

17 COUNCIL MEMBER MEALY: Aye.

18 COMMITTEE CLERK: Rodriguez.

19 COUNCIL MEMBER RODRIGUEZ: First I would
20 like to encourage the developer on the Rose Castle to
21 work with the local Council Member Levin and all the
22 advocate groups to create good jobs for his district.
23 I know that this is important for the Council Member,
24 for the voices who speak on support to create local
25 jobs throughout the whole city. So that's my hope

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2 again that the developers for the Rose Castle
3 continue working with the local Council Member; all
4 the voices in the community, to be sure that they
5 create good-paying jobs for the neighborhood. And
6 with that, I vote aye.

7 COMMITTEE CLERK: Koo.

8 COUNCIL MEMBER KOO: Aye on all.

9 COMMITTEE CLERK: Lander.

10 COUNCIL MEMBER LANDER: Request
11 permission to explain my vote.

12 CHAIRPERSON GREENFIELD: Council Member
13 Lander to explain his vote.

14 COUNCIL MEMBER LANDER: I want to give
15 credit to Council Member Levin for pushing and
16 working with these developers to strengthen their
17 affordability, but as I said at the time of the
18 adoption of MIH, I don't believe that the workforce
19 option should be an option and I don't intend to vote
20 for it on any applications, so I respectfully vote no
21 on 589 and 590 and yes on all the others, and I do
22 want to give credit to the Council Member for pushing
23 to go further, by far, than the developers were
24 originally going.

25 COMMITTEE CLERK: Williams.

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COUNCIL MEMBER WILLIAMS: Pass.

COMMITTEE CLERK: Wills.

COUNCIL MEMBER WILLS: I'd like to explain my vote. I just want to... [crosstalk]

CHAIRPERSON GREENFIELD: Council Member Wills to explain his vote.

COUNCIL MEMBER WILLS: I just want to give clear credit to Council Member Barron for making sure that she expressed that this is not a precedent-setting development [background comment] and that we will not be looking to do this in the future [background comment]. With that being said, I vote aye on all.

COMMITTEE CLERK: Richards.

COUNCIL MEMBER RICHARDS: Congratulations to Steve Levin on a well thought out project and for pushing more affordability certainly in the project and for all the work you've done on this, so with that I vote aye.

COMMITTEE CLERK: Barron.

COUNCIL MEMBER BARRON: Permission to explain my vote.

CHAIRPERSON GREENFIELD: Council Member Barron to explain her vote.

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2 COUNCIL MEMBER BARRON: Yes, I neglected
3 to indicate that this project on Hegeman is also
4 going to provide housing for formerly homeless --
5 half of the units will be formerly homeless -- there
6 will be an on-site staff person there; this is for
7 DHS persons with special needs, there will be two
8 case managers, there'll be classes in financial
9 literacy, there will be a computer room on-site, a
10 laundry room on-site, and a beautiful outdoor garden.
11 I vote aye on all.

12 COMMITTEE CLERK: Cohen.

13 COUNCIL MEMBER COHEN: I vote aye.

14 COMMITTEE CLERK: Kallos.

15 COUNCIL MEMBER KALLOS: Permission to
16 explain my vote.

17 CHAIRPERSON GREENFIELD: Council Member
18 Kallos to explain his vote.

19 COUNCIL MEMBER KALLOS: I want to thank
20 Council Member Levin for his championing and fighting
21 for affordable housing and increased units and
22 increased affordability in this district. And I just
23 wanted to, for the record, share my concern; I want
24 to make sure that any construction that is done
25 following MIH or any rezoning is done safely by

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2 people who have training, who have education; who
3 have benefits in case they get hurt on the job, and
4 that after that construction is done, where the City
5 has given a benefit, that those on the job are
6 actually paid a living wage, because after all, we
7 are literally creating something out of nothing here.
8 So with those concerns, I do support my local Council
9 Member and his expertise and his advocacy and I vote
10 aye.

11 COMMITTEE CLERK: Reynoso.

12 COUNCIL MEMBER REYNOSO: Permission to
13 explain my vote.

14 CHAIRPERSON GREENFIELD: Council Member
15 Reynoso to explain his vote.

16 COUNCIL MEMBER REYNOSO: We have to be
17 very careful about unintentionally supporting
18 speculation in these communities through the
19 conversion of manufacturing land to residential, but
20 considering the property and the hard work that
21 Council Member Steve Levin put in, I'm going to vote
22 aye on all.

23 CHAIRPERSON GREENFIELD: Thank you. I
24 want to recognize that we've been joined by Council
25 Member Mendez.

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COMMITTEE CLERK: Torres.

COUNCIL MEMBER TORRES: I vote aye.

COMMITTEE CLERK: Treyger.

COUNCIL MEMBER TREYGER: I vote aye.

COMMITTEE CLERK: Salamanca.

COUNCIL MEMBER SALAMANCA: Aye on all.

COMMITTEE CLERK: Mendez.

COUNCIL MEMBER MENDEZ: Aye on all.

COMMITTEE CLERK: Williams.

COUNCIL MEMBER WILLIAMS: May I be
excused to explain my vote?

CHAIRPERSON GREENFIELD: Council Member
Williams to explain his vote.

COUNCIL MEMBER WILLIAMS: Thank you so
much, Mr. Chair. But I want...

CHAIRPERSON GREENFIELD: Very nice vest
you're wearing today.

COUNCIL MEMBER WILLIAMS: Thank you; I
appreciate that. I want to speak on two projects. I
too just want to thank Council Member Levin for the
work that he did on Rose Castle; I know without that
work we wouldn't even be where we are today,
developers, I know, were pretty obstinate on moving
and he did get them to move. However, on this, I too

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2 will have to vote no; I don't believe the workforce
3 option should be there; I think we had inexplicably
4 missed opportunities when it came to MIH, and even
5 the options for the second site don't mandate that he
6 uses Option 1. So there are two things here: one is
7 that I think Option 3 is just terrible, the workforce
8 option, and the second; I think we should have, of
9 course, mandated a minimum amount of affordability in
10 all of these projects. Option 1 does that, and so I
11 might have felt a little differently if the developer
12 had agreed to do Option 1, but he still has the
13 option not to use either one of those options and
14 that is not something I can support.

15 I will be abstaining on the Caton Flats
16 development. This one hurts a little bit, because I
17 am very much attached to the work that CACCI is doing
18 and I very much want to see that project go up. In
19 fact, the market, until it's been built, will be
20 existing in my district; I'm just getting some of
21 these numbers and I'm not actually liking what I'm
22 seeing -- at 130% of AMI -- that's almost half of the
23 units; I think we could've done more, so I want to
24 get more information on that.

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2 I just quickly want to say that I very
3 much believe in and understand member deference
4 [sic]; I don't think we have to wholesale change
5 that, but we are at this point putting one face as a
6 body to the public and in discussions in the media
7 when it comes to homelessness and housing and another
8 when we vote on these projects that do nothing to
9 help homelessness or provide real affordability.
10 Those two things have to come more in line, and so as
11 a body we have to have a conversation about what
12 these projects are doing to the conversation we're
13 having in public. And I think if the public was
14 really aware of what we vote on every single time we
15 have these votes and how it affects homelessness in
16 this city and how it affects not having the real
17 affordability that we need, they would be outraged,
18 but we put on one face outside and we put another one
19 in here, and I take part in that 'cause I am part of
20 this body, and what I try to do with these votes is
21 really push that conversation, so I very much respect
22 member deference and I try when I can to even abstain
23 in deference to that, but it is coming to a critical
24 point -- homelessness is at an all-time high -- we
25 are missing many, many opportunities and so with

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2 that, I vote no on 589; 590 and I abstain on 594,
3 595, 596, and aye on all the rest. Thank you.

4 CHAIRPERSON GREENFIELD: Thank you...

5 COMMITTEE CLERK: Items on today's [sic]...

6 CHAIRPERSON GREENFIELD: I do actually
7 think it's worth noting; as the Chair of the
8 Committee and somebody who was certainly involved in
9 the negotiations that the developer in the Rose
10 Castle application actually made it clear at several
11 points that there was a breaking point which would --
12 essentially, the developer would walk away from the
13 entire development of the project and even submitted
14 financial documents that indicate that it would have
15 been difficult for them to go forward with the
16 project. So I just simply want to highlight that and
17 recognize that considering that and the facts of the
18 circumstances and the facts that the developer in
19 fact made it clear that they were ready, willing and
20 able to walk away from the development of this entire
21 housing project. I do want to congratulate Council
22 Member Levin for really working hard, and in fact I
23 think the time stamp on my phone was 11:07 p.m. the
24 night before the vote when he was able to squeeze out
25 a few more units of affordable housing, and I want to

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2 congratulate him for that, and so thank you, Council
3 Member Levin for your work... [crosstalk]

4 COUNCIL MEMBER WILLIAMS: One day I'd
5 love to debate that with you; you have [inaudible]...
6 [crosstalk]

7 CHAIRPERSON GREENFIELD: I'm not... I'm
8 not... I'm not debating the issue, I'm...

9 COUNCIL MEMBER WILLIAMS: All I want to
10 say is; I'd love to have that discussion in a
11 different setting.

12 CHAIRPERSON GREENFIELD: I will invite... I
13 will invite Errol Louis, who hopefully is watching,
14 to have you and I on NY1... [crosstalk]

15 COUNCIL MEMBER WILLIAMS: Let's do it.

16 CHAIRPERSON GREENFIELD: so we can have a
17 debate. I'm simply allowing for the record to
18 reflect the facts in this particular situation...
19 [crosstalk]

20 COUNCIL MEMBER WILLIAMS: Sure, I
21 congratulate Council Member Levin... [crosstalk]

22 CHAIRPERSON GREENFIELD: Thank you,
23 Council Member Williams.

24 COMMITTEE CLERK: Items on today's
25 Committee Land Use agenda, Land Use Items 591, 592,

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2 597, and 598 and LU 601 have been adopted by a vote
3 of 19 in the affirmative, 0 in the negative and no
4 abstentions. Land Use Items 589 and 590 have been
5 adopted by a vote of 17 in the affirmative, 2 in the
6 negative and 0 abstentions. And finally, Land Use
7 Items 594, 595 and 596 are adopted by a vote of 18 in
8 the affirmative, 0 in the negative and 1 abstention.

9 CHAIRPERSON GREENFIELD: Thank you.

10 We're going to keep the roll open until 12:10 p.m.
11 Thank you all; have a wonderful day.

12 [pause]

13 CHAIRPERSON GREENFIELD: This concludes
14 the Land Use Committee meeting for Thursday, April
15 20, 2017. This meeting is hereby adjourned.

16 [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 June 23, 2017