

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON LAND USE

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June 21, 2017
Start: 10:45 a.m.
Recess: 11:32

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
Antonio Reynoso
Ritchie J. Torres
Mark Treyger
Rafael Salamanca, Jr.

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

2 [sound check, pause] [background
3 comments]

4 CHAIRPERSON GREENFIELD: Council Member
5 Wills, if-if you're ready, we'd liked to begin.

6 COUNCIL MEMBER WILLS: Yes, sir, Chair.

7 CHAIRPERSON GREENFIELD: Okay.

8 COUNCIL MEMBER WILLS: Yes, sir, Chair.

9 We're good.

10 CHAIRPERSON GREENFIELD: Thank you
11 Council Member. It's great to see you again this
12 morning. I want to thank everyone. Folks.

13 SERGEANT-AT-ARMS: Quiet down. We're
14 going to start.

15 CHAIRPERSON GREENFIELD: Quiet on the
16 set. Quiet on the set. Thank you very much.
17 Production is about to begin. Good morning. My name
18 is David Greenfield. I'm the Councilman for the 44th
19 Council District of Brooklyn. I'm privileged to
20 serve as the Chair of the Land Use Committee. I want
21 to recognize my esteemed colleagues who are here
22 today. Of course, I want to recognize Council Member
23 Palma who was the first in attendance, and so far is
24 winning the first in attendance battle. We have a
25 lovely-lovely parting gift at the end of the year

2 that we're going to give you if you end up winning
3 this competition. I want to thank Council Member Dan
4 Garodnick, and congratulate him on his new shiny bus
5 time clocks on the East Side of Manhattan. You will
6 know exactly when the buses are coming so that you
7 can move at roughly 3 miles per hour through the
8 cross-traffic. [laughter] I want to, of course,
9 welcome the Brooklyn Delegation's Co-Chair Council
10 Member Mealy. I want to welcome Council Member
11 Mendez. I want to welcome the Chair, our colleague,
12 Council Member Peter Koo. Of course, all the way
13 from the Island of Staten is Council Member Debbie
14 Rose with the wonderful achievement on behalf of her
15 constituents today back from Queens and giving us
16 investment advice fresh off of reading the Wall
17 Street Journal this morning is Council Member Ruben
18 Wills. I want to welcome Council Member Cohen as
19 well, Council Member Reynoso, who has a beautifully
20 starched white shirt this morning. We've noticed.
21 Thank you very much.

22 COUNCIL MEMBER REYNOSO: [off mic] With
23 this cuffs. (sic)

24

25

2 CHAIRPERSON GREENFIELD: I didn't even
3 notice the cuffs. Can you show us the cuffs for a
4 moment?

5 COUNCIL MEMBER REYNOSO: [off mic]

6 CHAIRPERSON GREENFIELD: Nice.

7 COUNCIL MEMBER WILLS: Those were her
8 high school graduation gifts from last year.

9 CHAIRPERSON GREENFIELD: Well,
10 apparently--apparently.

11 COUNCIL MEMBER REYNOSO: [off mic]

12 CHAIRPERSON GREENFIELD: Apparently,
13 Council Member Reynoso sitting next to Council Member
14 Torres has rubbed off after all these years with his
15 impeccable styles. So, Council Member Torres, thank
16 you as well who is the other Co-Chair of the Brooklyn
17 Delegation Council Member Mark Treyger who wants all
18 you folks from Staten Island to Queens to know that
19 you're complaining about Build-it-Back, but he hasn't
20 even seen any building much less the back. That
21 being said [background comments]. Is that a fair
22 summary, Council Member? Alright, now that we've
23 aired our grievances here in the Land Use Committee
24 because we foresaw to come in for a rather unusual
25 hearing because of our Stated meeting today. I want

2 to thank Chair Salamanca, Chair Richards and Chair
3 Koo for their outstanding work on our Land Use
4 Subcommittees. Today, we'll be voting to approve a
5 piece of legislation as well as all the Land Use
6 items on our calendar except for LU 651, 653, 654 and
7 655, which we will vote to approve with modifications
8 and LU 653 the Spring Street Text Amendment, which
9 we'll—we'll move to file as the application has been
10 withdrawn. The first item on our calendar for vote
11 is to approve proposed Intro No. 1219-A. I'm
12 actually very excited about Intro 1219-A not just
13 because I am the sponsor, but because it is sensible
14 common sense good government reform. We don't always
15 pass legislation out of this committee, but this is
16 rare piece of legislation that we are passing today.
17 It's really quite simple. Our city is starved for
18 open space. Privately owned public spaces provide
19 significant benefits to our dense built environment.
20 They add 3.2 million square feet of public space in
21 more than 500 POPS in 300 locations across the city.
22 Just so folks know, there is no such thing as a free
23 open space. This is in exchange for the fact that
24 developers received permission to build 23 million
25 square feet of private, commercial and residential

2 floor area and, therefore, they agree to have space
3 that would be open to the public. This bill will
4 ensure that developers are held accountable for the
5 public spaces they build in exchange for these
6 substantial additions to development rights. It will
7 keep these privately owned public spaces well
8 maintained, accessible and open to New Yorkers and
9 visitors for years to come. The bill hold developers
10 and city agencies responsible for their obligations
11 by increasing transparency, strengthening compliant
12 based enforcement, mandating proactive inspections
13 and providing much needed enforcement data. This
14 bill will once and for all require the Department of
15 City Planning to catalog and report on all POPS in
16 the city established in exchange for a floor area
17 bonus under the zoning resolution at any time or in
18 connection with the city land use approval on or
19 after January 1, 2001. I want you to think about
20 this folks. There are literally hundreds of open
21 spaces, the equivalent of parks in the city where
22 nobody actually knows where they are, and so for the
23 first time we're going to require the city to catalog
24 them so that folks can finally access. This is
25 common sense legislation, and this bill will also

2 require a publicly available website with an
3 interactive map of all these spaces as well as
4 information on the amenities and the hours. In
5 addition, this bill will require owners of all POPS
6 to post clear signage indicating that the space is
7 open to the public, the name of the person charged by
8 the owner with maintaining it, the open hours of
9 operation, and that complaints can be registered with
10 311. I'm certain that these new tools coupled with
11 the signage requirements and the inspection
12 requirements will actually create an environment
13 where most of these spaces will now be open. The
14 final part, of course, of the legislation is that the
15 legislation requires proactive inspection of these
16 POPS as of July 2019. The bill will not only hold
17 building owners and city agencies accountable, but
18 will protect the public's right to use and enjoy
19 these public spaces that are part of private
20 developments ensuring that these spaces are
21 maintained, and publicly accessible for the life of
22 the building. I want to thank our Speaker Melissa
23 Mark-Viverito for her leadership to ensure that these
24 elements of our urban landscapes are protected for
25 years. I want to thank my Council Member Ben Kallos

2 for his partnership and for continuing to push me on
3 this important and other pieces of legislation. I
4 want to thank our City Planning Director Marisa Lago,
5 who is a wonderful advocate for transparency, and her
6 planning team including General Counsel Anita
7 Laremont, Manhattan Borough Director Edith Hsu Chen,
8 and Daniel Desoto (sp?) for their thoughtful input on
9 this comprised legislation. I look forward to
10 continuing to work with them, and Jon Paul Lupo as
11 well for his negotiation on behalf of the
12 Administration. Last year, if you recall, we had a
13 hearing in June. It was a great hearing. It lasted
14 all day. This bill would not have happened without a
15 professor named Jerold Kayden who literally wrote the
16 book on privately owned public spaces. His feedback
17 on the bill was instrument. I want to thank
18 Comptroller Stringer who was kind enough to follow up
19 on our hearing with an audit of the POPS proving that
20 they are not, in fact, accessible. Finally, and most
21 importantly I want to thank our dedicated Land Use
22 staff. They've worked hundreds of hours on this, our
23 Land Use Director Raju Mann; our Deputy Director Amy
24 Levitan; our General Counsel Julie Lubin; our Counsel
25 Jeff Campagna who literally stayed last week until

2 midnight to wrap up the details of this legislation,
3 as well as my Chief of Staff Annie Polstein and Elana
4 Sacheva (sp?) who hasn't slept in a week just out of
5 concern for this bill. Thank you Elana. [laughter]
6 You know exactly what I'm talking about, folks, and
7 so Intro 1219-A is an important piece of legislation
8 that will bring greater transparency to public open
9 spaces, and ensure that these spaces can be enjoyed
10 for many generations to come. I urge you all to vote
11 yes on Intro 219-1219-A. We will also be voting to
12 approve LUs 677 and 678. Before that, I want to
13 recognize that we've been joined by Council Member
14 Lander. That's that the 74-04 Northern Boulevard
15 Rezoning in Council Member Dromm's district. This
16 application for rezoning is only designated for a
17 facilitated development of a new eight-story mixed-
18 use retail community facility and office development.
19 The rezoning would replace the existing C8-1 district
20 with a C4-3 district. The text amendment would apply
21 to the Mandatory Inclusionary Housing program to the
22 property although the intended development does not
23 include any residential floor area. If the
24 development including the qualified analysis of our
25 potential floor area at the proposed location, it

2 will be required to comply with MIH Option 1 or
3 Option 2.

4 The next item is approval LU 685, 686,
5 687, 688 the Broad Channel Resiliency Text Amendment
6 and Rezoning and Hamilton Beach Resiliency Text
7 Amendment and rezoning. These are applications in
8 Council Member Ulrich's district. These applications
9 will change the zoning rules applicable to Broad
10 Channel and Hamilton Beach neighborhoods in Queens to
11 limit development in the area of high risk flooding
12 for future storms and sea level rise. The zoning
13 test would also help to promote resilient building
14 design. In any future development that does occur,
15 the rezoning for Broad Channel would change existing
16 R3-2 zoning to R3-8 and C3-8 districts. The text
17 amendment would establish special costs to cover the
18 area. The rezoning from Hamilton Beach would change
19 the existing R3-1 zoning to an R3-8 and C1-2
20 district. The text amendment would also establish
21 special costs to the district over the area.

22 We'll also be voting to approve with
23 modifications LU 651 and 652 the 1350 Bedford Avenue
24 Rezoning. This application will facilitate the
25 development of a 9-story building with 94 units of

2 completely affordable housing with the modifying text
3 amendment to ensure that MIH Option 1 is used, the
4 lower affordability option. We will be voting to
5 approve modifications of LU 654 and 655 the 125
6 Edgewater Street application. This application
7 includes a zoning map text amendment a zoning map
8 amendment and a text amendment. We'll be
9 recommending a modification to remove the MIH for
10 options to the development site, and add the deep
11 affordability option so the development will need to
12 comply with MIH Options 1, 2 or the deep
13 affordability option.

14 The next five items are LUs No. 659, 660,
15 662, 663 and 666 are known as POMP Applications for
16 tax exemptions pursuant to Article 11, the Private
17 Housing Finance Board. These properties are required
18 in rem for the city of New York for them dispose
19 through the Private Owner Management Program, also
20 known as POMP to responses before. It does not
21 currently have any regulatory restriction of the rent
22 regulations. The tax exemptions will result in a
23 regulatory agreements, new restricting the rents to
24 50 to 75% of AMI depending on these project
25 locations. These buildings are in the district of

2 Council Members Gibson, Cabrera, Palma, Torres,
3 Speaker Mark-Viverito. The last two items LU 672 and
4 693 the TMN 904 Cluster in Councilman Perkins'
5 District in the Lower East Side, People's Housing,
6 Mutual Housing Association Application in the
7 districts of Council Members and Mendez are both
8 applicants for Article 11 Tax Exemption under the
9 Private Housing Finance Law. The TMN 904 Application
10 also requires an update to receive that approval on
11 the Lower East Side. People's Mutual Housing
12 Association Application requires a correction to the
13 owner's name.

14 All the local council members are all
15 supportive of the applications that I have just
16 described. Are there any questions or remarks on
17 these applications? Hearing none, we will move to a
18 vote in the course of the recommendations of the
19 Subcommittee to approve Proposed Intro 1219-A, LU
20 659, 660, 662, 663. 664, 666, 672, 677, 678, 685,
21 686, 687, 688, 693 and to approve with the
22 modification I described LU 651, 652, 654, 655 and
23 file LU 653 to move this application to the calendar.
24 Will the clerk please call the roll.

2 CLERK: Committee Clerk Matthew
3 DiStefano, Committee on Land Use Roll call on Land
4 Use Items on today's Land Use calendar as well as
5 Intro-Proposed Intro No. 1219-A. Chair Greenfield.

6 CHAIRPERSON GREENFIELD: Thank you,
7 Clerk. I vote aye on all, and I want to recognize
8 we've also been joined by Council Member Jumaane
9 Williams.

10 CLERK: Palma. [pause] Garodnick.

11 COUNCIL MEMBER GARODNICK: Mr. Chairman,
12 just a quick moment to explain my vote.

13 CHAIRPERSON GREENFIELD: Council Member
14 Garodnick to explain his vote.

15 COUNCIL MEMBER GARODNICK: I just wanted
16 thank you for Intro 1219-A. I agree with you that
17 his a smart and common sense bill. Also, as somebody
18 has a lot of these POPS in my district, and as
19 somebody who was nearly arrested for standing in a
20 POPS while conducting First Amendment activity--

21 CHAIRPERSON GREENFIELD: [interposing] Is
22 that all you were doing?

23 COUNCIL MEMBER GARODNICK: Yeah.

24 CHAIRPERSON GREENFIELD: Okay.

2 COUNCIL MEMBER GARODNICK: Yeah, at the
3 request of a private property owner, I recognize how
4 important it is that these rules are defined, that
5 they are transparent, and that the public knows that
6 they can access these spaces, which were, of course,
7 given in exchange for development opportunities. So
8 with that, I-I vote aye on 1219-A and all of the
9 rest. So, thank you.

10 CHAIRPERSON GREENFIELD: Thank you,
11 Council Member. [pause]

12 CLERK: Council Member Mealy.

13 COUNCIL MEMBER MEALY: [pause] I vote
14 aye on all. [background comments]

15 CLERK: Ms. Mendez, Mendez.

16 COUNCIL MEMBER MENDEZ: [off mic] Aye.

17 CLERK: Koo.

18 COUNCIL MEMBER KOO: Aye.

19 CLERK: Lander.

20 COUNCIL MEMBER LANDER: With congrats and
21 appreciation for this good work, I vote aye on all.

22 CLERK: Thank you. Rose.

23 COUNCIL MEMBER ROSE: Permission to
24 explain my vote.

2 CHAIRPERSON GREENFIELD: Council Member
3 Rose to explain her vote.

4 COUNCIL MEMBER ROSE: Thank you. I'm—I'm
5 so pleased that we're voting—voting on this very
6 important project for my district. It will
7 facilitate construction of mixed-use development of
8 371 housing units as well as commercial and retail
9 development and a public walkway along the waterfront
10 and expansion of the Stapleton Waterfront District.
11 Creating affordable housing in my district is a
12 priority for me, and we've been able to come to an
13 agreement with the developer that—that they will
14 remove the mandatory housing workforce option while
15 adding an Option 3 at 20%, at 40% AMI option. Thus,
16 limiting the development on this site to Options 1, 2
17 and 3, and so I'm really please to be able to vote on
18 this—this.

19 CHAIRPERSON GREENFIELD: Thank you,
20 Council Member Rose. I want to congratulate your
21 very significant achievement to actually lower the
22 top of the AMIs and increase the bottom of the AMIs
23 and to essentially make the project much more
24 affordable for your constituents. That's a
25 tremendous achievement. I hear a rumor that even

2 Council Member Williams may vote in favor of this one
3 as well. [background comments] So, congratulations.

4 COUNCIL MEMBER ROSE: Thank you.

5 CLERK: He's next. Alright. Council
6 Member Williams. [pause]

7 CHAIRPERSON GREENFIELD: Council Member
8 Williams. Council Member Williams.

9 COUNCIL MEMBER WILLIAMS: [off mic] Yes.

10 CHAIRPERSON GREENFIELD: Don't make me
11 look bad. I just said you're voting in favor of this
12 one.

13 COUNCIL MEMBER WILLIAMS: [off mic] Okay.
14 [laughter]

15 CHAIRPERSON GREENFIELD: Wow, there you
16 go. Thank you. I appreciate it. [background
17 comments, laughter]

18 CLERK: Wills.

19 COUNCIL MEMBER WILLS: [laughs] I think
20 you should have complimented Williams on his snazzy
21 tie and shirt and then he would have voted aye.

22 COUNCIL MEMBER WILLIAMS: [off mic]
23 That's right.

24 COUNCIL MEMBER WILLS: I vote aye on all.

2 COUNCIL MEMBER WILLIAMS: [off mic] Fair
3 enough.

4 CHAIRPERSON GREENFIELD: That's fair.
5 Council Member Wills pointed out that we thrilled
6 that Council Member Williams decided to wear a tie
7 today. Thank you Council Member Williams. We're
8 busing your chops. We appreciate that you broke out
9 a tie for us today instead of the-

10 COUNCIL MEMBER WILLIAMS:
11 [interposing][off mic] The usual.

12 CHAIRPERSON GREENFIELD: --the usual T-
13 shirt. Every suit a day. Is it the one tie or do
14 you have sort of like a rotation?

15 COUNCIL MEMBER WILLIAMS: [off mic] No,
16 this is now both ties.

17 CHAIRPERSON GREENFIELD: Bot ties. Ah,
18 that's pretty fine. Okay.

19 COUNCIL MEMBER WILLS: But he didn't say
20 bow ties. He said both ties. He only has two.

21 [laughter]

22 CLERK: Cohen. [background comments]

23 COUNCIL MEMBER COHEN: I honestly want to
24 follow Council Wills' lead, but since I don't know
25 that that is I'll vote aye.

2 CLERK: Reynoso.

3 COUNCIL MEMBER REYNOSO: I vote aye.

4 CLERK: Torres.

5 COUNCIL MEMBER TORRES: I vote aye.

6 CLERK: Treyger.

7 COUNCIL MEMBER TREYGER: Aye.

8 COUNCIL MEMBER LANDER: Mr. Chair, I-I
9 lost track of the—of the vote but it seems that we
10 all agree that wearing bow ties to the next Land Use
11 meeting? Is that right?

12 CHAIRPERSON GREENFIELD: Apparently so.
13 We're going to have a summer formal stated. The memo
14 will be coming out shortly.

15 COUNCIL MEMBER LANDER: I look forward to
16 it. Maybe we could do the meeting outdoors in one of
17 the POPS. [background comments, pause]

18 CHAIRPERSON GREENFIELD: Council Member
19 Williams, if—if you don't mind, we've now come back
20 to--

21 COUNCIL MEMBER WILLIAMS: [interposing] I
22 don't mind at all. Thank you, Chair.

23 CHAIRPERSON GREENFIELD: We're happy to
24 pass but if we pass it we'll just come back to your
25 name again.

2 COUNCIL MEMBER WILLIAMS: You're so-
3 you're so accommodating. I appreciate that.

4 CHAIRPERSON GREENFIELD: --we'd-we'd
5 request that you kindly vote on today's calendar.

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

8 CHAIRPERSON GREENFIELD: Yes, of course.
9 Council Member Williams to explain his vote.

10 COUNCIL MEMBER WILLIAMS: Thank you. I
11 just wanted to repeat some of the things I said in
12 zoning, which I'm congratulating everyone but
13 particularly Council Member Rose and Council Member
14 Cumbo and their deals. Council Member Rose as the
15 Chair pointed out, got rid of the horrific workforce
16 that should not have been in the MIH to begin with,
17 and has ensured that there will be some level of-40%
18 of AMI in the project. I know we're going to push to
19 get it further. I look forward to working with
20 Council Member Rose in doing that, and Council Member
21 Cumbo on her deal in addition to getting some low-
22 income AMIs on the project. Also, simultaneously
23 gathering an extension for Section 8 420-A. (sic) So,
24 with that I vote aye on all.

2 CHAIRPERSON GREENFIELD: Councilman
3 Williams you did not disappoint. We appreciate it.
4 You made us wait a little bit, but we appreciate you
5 coming through for us in the end. Thank you.

6 CLERK: By a vote of 14 in the
7 affirmative, 0 in the negative and on abstentions the
8 items have been adopted with the exception of LUs
9 651, 652, 654, 655, which were approved with
10 modifications by the same, 14 in the affirmative, 0
11 in the negative. A not abstention vote, and LU 653,
12 which has been filed by same 14 in the affirmative 0
13 in the negative, a no abstention vote.

14 CHAIRPERSON GREENFIELD: Thank you. As
15 is our practice we're going to wait 15 minutes until
16 we wrap up the vote and that will be 11:15. [pause]
17 I want to recognize that we've been joined by Council
18 Member Rodriguez.

19 CLERK: Council Member Rodriguez.

20 COUNCIL MEMBER RODRIGUEZ: [off mic]

21 CLERK: The vote now stands at 15 in the
22 affirmative, 0 in the negative and no abstentions.

23 [pause] [background comments] Okay, okay.

24 Continuing—continuation of rollcall, Council Member
25 Levin.

1 COMMITTEE ON LAND USE 22

2 COUNCIL MEMBER LEVIN: I vote aye on all.

3 CLERK: The vote now stands at 16 in the
4 affirmative, 0 in the negative and no abstentions.

5 [pause] [background comments] Continuation of roll
6 call Council Member Kallos.

7 COUNCIL MEMBER KALLOS: Aye on all.

8 CLERK: The vote now stands at 17 in the
9 affirmative, 0 in the negative and no abstentions.

10 [pause] [background comments, pause] Continuation of
11 roll call, Land Use Committee. Council Member
12 Barron.

13 COUNCIL MEMBER BARRON: Thank you for
14 consideration of holding the vote. I vote aye on all

15 CLERK: Thank you. The vote now stands
16 at 18 in the affirmative, 0 in the negative and no
17 abstentions. [pause, background comments]

18 Continuation of roll call, Land Use items. Council
19 Member Salamanca.

20 COUNCIL MEMBER SALAMANCA: I vote aye on
21 all. Thank you.

22 CLERK: The final vote 19 in the
23 affirmative, 0 in the negative and no abstentions.

24 [pause]

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2 CHAIRPERSON GREENFIELD: This concludes
3 the Land Use Committed for June 20, 2017, and this
4 meeting is hereby adjourned. [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 July 25, 2017