

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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SEPTEMBER 5, 2017
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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
Barry S. Grodenchik

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

Len Garcia Duran, Director
Department of City Planning, Staten Island

Elena Versa
Department of City Planning, Staten Island

Trevor Johnson
Citywide Waterfront Division
Department of City Planning, Staten Island

Michael Morello
Director of Waterfronts
Department of City Planning, Staten Island

2 [sound check, pause] [gavel]

3 CHAIRPERSON RICHARDS: Alrighty, good
4 morning. I'm Donovan Richards, Chair of the
5 Subcommittee on Zoning and Franchises, and this
6 morning we're joined by Council Members Ritchie
7 Torres, Council Member Dan Garodnick and our newest
8 member from Queens.

9 COUNCIL MEMBER GRODENCHIK: [off mic]
10 We're going to have to roll I see. (sic)

11 CHAIRPERSON RICHARDS: [laughs] Barry
12 Grodenchik. Welcome, Barry.

13 COUNCIL MEMBER GRODENCHIK: Thank you,
14 Mr. Chairman.

15 CHAIRPERSON RICHARDS: Now, we are known
16 for being punctual in this committee. So we want you
17 to ensure that you are here on time ready to go. You
18 certainly started off the right way, but welcome to
19 the committee. We're going to have a lot of fun and
20 it's-it's a great committee. You know, you really-we
21 really work to make sure that we do all we can to
22 preserve and help communities and move communities
23 forward. So, welcome aboard and look forward to your
24 guidance and wits in this committee. So, we're glad
25 to have you. Today, we have four items on our

1 calendar. We are going to start with a public
2 hearing on Land Use Item No. 743, an application for
3 an unenclosed sidewalk café in Council Member
4 Rodriguez's district. This application would allow
5 for a sidewalk café to be located at 4325 Broadway
6 for the Altus Café Restaurant. I will now open the
7 public hearing for Land Use Item No. 743. Do we have
8 any applicants here? No. Alrighty, seeing none, are
9 there any members of the public who wish to testify
10 on Land Use Item No. 743? Okay, seeing none, I will
11 now close the public hearing on Land Use Item No.
12 743. Our next hearing will be on Land Use Item No.
13 744 and 745, the East Shore Special Coastal Risk
14 District Application for a zoning text amendment and
15 zoning map amendment. This application would modify
16 the zoning regulations applicable to portions of
17 Oakwood Beach, Grand Beach and Ocean Breeze in Staten
18 Island. These zoning changes are intended to address
19 high flood vulnerability in the area. The special
20 zoning designation would limit future development to
21 low density buildings and create a new discretionary
22 action to ensure sufficient review of new
23 developments potential—developments' potential
24 effects on wetlands, neighborhood character and
25

2 public safety while allowing owners of existing homes
3 to improve the safety of their buildings. In
4 addition, the proposal would align commercial zoning
5 with existing development patterns and uses. I will
6 now open the public hearing on Land Use Item No. 744
7 and 745, and our first panel I will let you introduce
8 yourselves and just state your name for the record,
9 and you may begin.

10 LEN GARCIA DURAN: Good morning. I am
11 Len Garcia Duran, the Director of Staten Island's
12 Office for the Department of City Planning. With me
13 are--

14 ELENA VERSA: Hello, good morning. Elena
15 Versa (sic) from the Staten Island City Planning
16 Office.

17 TREVOR JOHNSON: And good morning. My
18 name is Trevor Johnson. I work in the Waterfront and
19 Open Space Planning Division at the Department of
20 City Planning.

21 LEN GARCIA DURAN: So, I'll just provide
22 a brief introduction before I hand it off to Alena
23 who will walk us through the details of the
24 presentation itself, but just as a background, as you
25 know, the Department of City Planning has actually

2 been—has initiated a number of neighborhood studies
3 throughout the entire city for those neighborhoods
4 that were directly impacted by Sandy, and trying to
5 understand exactly how zoning can assist them in
6 recovering and rebuilding. This particular item was
7 a result of a public outreach on Staten Island, the
8 east shore specifically that included council
9 members, the borough president, a number of civic
10 associations on the east shore the Chamber of
11 Commerce, and provided us an opportunity to actually
12 really completely understand what the community's
13 desires were for the future of the area, and what
14 some of the challenges were that zoning presented,
15 and how we would actually address them through this
16 effort. Earlier this year in April we actually
17 produced an East Shore Report that actually
18 identified a number of recommendations for this area,
19 which included both rebuilding just addressing the
20 zoning to allow additional rebuilding in some of
21 those areas where the community felt that it was
22 appropriate along the commercial corridors. We
23 actually looked at making recommendations for the
24 residential neighborhoods to try and provide a better
25 cottage envelope, but specifically on this particular

2 effort this morning we're looking at the state bound
3 area specifically in those areas where the state has
4 identified an ocean breeze, Midland Beach and Oakwood
5 Beach areas that the state has identified that they
6 should remain an open space, and has had a state
7 program in place. We wanted to ensure that zoning
8 matched those efforts. This is a quick background
9 before I hand this off. The east shore is the
10 hardest hit area and the largest area hit by Sandy in
11 the entire five boroughs. It's an areas that
12 stretches four miles long across the shoreline and
13 one mile deep. The water actually reached a mile
14 deep in these areas. Many of these neighborhoods are
15 actually a bit below sea level. Father Capodanno
16 Boulevard is the high point in this area. Many of
17 these neighborhoods specifically the State Buyout
18 areas had faced substantial challenges even before
19 Sandy. Many of these neighborhoods face challenges
20 with wild fires every summer when areas were dry and
21 flooding every time the area was wet. So the State
22 Buyout Program was welcomed by many of these
23 neighborhoods and there was an opportunity for many
24 of them to state that they wanted to move out. With
25 this, I'm going to hand it to-- Oh, actually, I

2 would also note that of all these recommendations
3 that came out of the East Shore—the East Shore
4 Report, the Borough President and the Council Member
5 asked me that we focus on the State Buyout area
6 specifically as a first effort, and bring this
7 forward, but we anticipate coming forward in the
8 future with additional recommendations for other
9 areas outside of the State Buyout Areas on the East
10 Shore.

11 ELENA VERSA: Thank you. So, one more
12 piece of context I'd like to provide before I walk
13 through, you know, further characteristics of the
14 Buyout Program, the Buyout area is Grand Beach, Ocean
15 Breeze and Oakwood Beach are also largely coterminous
16 with the DEC regulated freshwater wetlands, and
17 adjacent areas in addition to DEP's planned Bluebelt
18 System. And for those who may not be aware, DEP's
19 planned Bluebelt Systems are planned and in progress
20 of being constructed, and then these are base
21 drainage infrastructure that make use of the natural
22 topography to train water upland to the bay. So, two
23 characteristics of the Buyout Program include that it
24 was available to homeowners within these
25 neighborhoods based on the basis of flood risk and

1 the majority of homeowners' desire to depart from
2 these neighborhoods. Eligible home were purchased at
3 pre-storm value and homes and vacant land were
4 eligible for the Buyout Program. However, commercial
5 properties were not able to participate. Post-
6 acquisition use is restricted to open space in order
7 to buffer from future storms within these
8 neighborhoods. Since this program is voluntary, some
9 homeowners and property owners will continue to
10 remain in the buyout areas. And per that data we
11 have that we have from the Governor's Office of Storm
12 Recovery, the participation in Grand Beach and Ocean
13 Breeze approximately 60% of the lots are now publicly
14 owned or have bought out by the state, and in Oakwood
15 Beach the participation has been about 80%. And as
16 far as our information that we have is that, you
17 know, no further offers are being made at the moment,
18 and so this is kind of the--these are the--they're
19 privately owned parcels. We're aware of what's left
20 and--and what--what--what development rights still
21 remain as-of-right n these areas. The next two
22 images just are going to be showing you the existing
23 conditions, and Oakwood Beach--in the Oakwood Beach
24 Buyout Area, you can see that demolitions have
25

1 started occurring, and land is being returned to open
2 space, and further more on Grand Beach and Ocean
3 Breeze Buyout areas although there was less
4 participation, there are still large areas of
5 wetlands and Bluebelts being constructed within the
6 area. So, in summary, issues faced within the Buyout
7 Areas moving forward are many, which include natural
8 hazards including flooding and wild fires, which are
9 risks to public safety. It's important to not that
10 even after the construction of the Army Corps Line of
11 Protection along the East Shore, the Buyout areas
12 will remain in the 1% annual chance flood plain.
13 Furthermore, the function of planned DEP Bluebelts
14 and existing freshwater wetlands may be impaired by
15 continued development and impervious coverage within
16 these areas. And finally, as mentioned before, the
17 State Buyout Program is voluntary and would not reach
18 100%, and so residents and property owners will
19 remain in these areas.

21 The existing zoning and land use within
22 the Oakwood Beach Buyout Area include the R3 and the
23 R3-1 zoning districts. This permits single and two-
24 family detached residences as well as detached and
25 semi-detached residences. Although Oakwood Beach

2 Buyout Area there's a higher participation rate, you
3 can see the concentration of privately owned vacant
4 lots that still remain and have development rights.
5 Currently, that would be as-of-right. Furthermore,
6 in Grand Beach and Ocean Beach-Ocean Breeze Buyout
7 Areas. The districts include R3-2 and R3-1 in
8 addition to a C1-1 overlay. This would permit multi-
9 family residential units in addition to one and two-
10 family detached and semi-detached residences. In
11 addition, the commercial overlay would permit mixed-
12 use buildings as well.

13 To walk through our proposal here, our
14 proposal is seeking a zoning text amending to create
15 the East Shore Sub-district as a special coastal risk
16 district in order to align the local zoning
17 regulations with the New York State's long-term
18 vision for these buyout areas to remain as open
19 space, and to reduce—and to reduce public safety by
20 limiting future residential development in these
21 highly vulnerable areas. In addition, our zoning map
22 change is being pursued in the commercial area of
23 Grand Beach to align commercial zoning with existing
24 uses and building character while providing relief
25 from high parking requirements that may inhibit

1 rebuilding after future floods. So, to walk through
2 specifically in summary of the East Shore Sub-
3 district, this would limit all new residential
4 developments to single-family detached residences,
5 and in order to ensure sufficient review of new
6 development, a CPC authorization is—would be created
7 for all new development and horizontal enlargements.
8 However, Sandy damaged buildings could be continued
9 to be repaired as-of-right. Along with minor
10 retrofits and repairs as well. In addition,
11 community facilities with sleeping or overnight
12 accommodations would be prohibited, and lower density
13 growth management limitations on certain community
14 facility uses would be applied consistently
15 throughout the zoning districts.

17 In order to authorize the construction of
18 one new development, the proposal would need to
19 demonstrate to the City Planning Commission that it
20 minimizes potential impacts on natural drainage, open
21 spaces and wetland areas that the development would
22 be located on an improved street serving other
23 existing residences and this is to reduce the amount
24 of impervious coverage within the buy-out areas, and
25 finally, that the proposed development minimizes risk

1 to public safety from natural hazards including
2 flooding and wild fires, and furthermore to you,
3 authorized construction of more than one new
4 development on a zoning lot, the commission—the
5 authorization would require that a minimum of 9,500
6 square feet of lot area would be required per
7 building excluding the delineated wetland area by
8 DEC. Furthermore, the Commission could permit bulk
9 modifications. Modification of bulk except FAR to
10 allow developments to be sited in a manner that would
11 achieve a superior site plan and that preserves the
12 wetlands, minimizes the need for new infrastructure
13 and is consistent with the character of the
14 surrounding area. And finally, this proposal also
15 includes a zoning map change to the existing C1-1
16 overlay in Grand Beach. These images here show the
17 existing uses along Father Capodanno Boulevard. The
18 remainder of the parcel is beyond the frontage of
19 Father Capodanno Boulevard include single-family
20 residences in addition to lots that were purchased by
21 the state through the Buyout Program. The Resilient
22 Neighborhoods Community Advisory Committee, the City
23 and local elected representatives have agreed that
24 maintaining the existing retail along Father
25

1 Capodanno Boulevard here is appropriate, and given
2 that it's at a higher elevation than the properties
3 located east of this area and the street is being
4 supported by city services. And furthermore, as a
5 reminder, these existing commercial buildings were
6 not able to participate in the Buyout Program. So, a
7 rezoning is proposed for this commercial overlay. We
8 would be—we're proposing to reduce the C1-1 Overlay
9 to the lots on Father Capodanno Boulevard where
10 existing commercial uses currently exist, and we
11 would be establishing a C1-3 overlay, and the purpose
12 of this is that, you know, it would permit the same
13 range of uses, but it would reduce the required off-
14 street parking to more closely align the type of
15 local retail and parking that's currently provided,
16 and it would make reconstruction after a future flood
17 less difficult if these buildings were substantially
18 damaged. And finally, I just want to go over that,
19 you know, outreach that we've done with the community
20 prior to the City Planning Commission Certification.
21 In addition to the two or three years of planning
22 process that we had with the Community Advisory
23 Committee to come up with the East Shore Resilient
24 Neighborhood Study, which included the
25

1 recommendations from the State Buyout Areas, this
2 proposal we did consult and briefed Borough President
3 James Oddo and Council Member Steven Matteo. In
4 addition, we did brief and consult with Community
5 Boards 2 and 3 in Staten Island, and then finally our
6 Resilient Neighborhoods East Shore Report was
7 released in April of this year. The East Shore
8 Buyout Areas Proposal was certified by the City
9 Planning Commission on April 24, 2017. Community
10 Boards 2 and 3 both held a public hearing and voted
11 in approval of this application. The Staten Island
12 Borough Board also adopted a resolution recommending
13 approval of this recommendation. The Borough
14 President also issued recommendations to approve the
15 application, and finally, on August 9, 2017, the City
16 Planning Commission voted to adopt the resolution.
17 Thank you. Please let us know if you have any
18 questions.

19
20 CHAIRPERSON RICHARDS: Thank you, thank
21 you for your work on this, and I think in light of
22 what we're seeing happening in Texas and—and what
23 could happen in Florida as we watch the weather
24 patterns there, it's very important that we continue
25 to look at tools that we can utilize to make

2 communities more resilient and sustainable and this
3 is obviously one way of doing it looking at zoning.
4 Is it safe to say that technically the whole purpose
5 of all of this is to ensure that we're limiting
6 development close to wetlands and areas that were
7 affected by the storm, is it safe to say this is the
8 reason that we are taking this action?

9 LEN GARCIA DURAN: Yes, specifically
10 within those areas that were already identified by
11 the State as Buyout Areas. So, that our-our zoning
12 is in sync with those recommendations about the
13 program.

14 CHAIRPERSON RICHARDS: Right. So, let's
15 just get into so the state obviously is bought out.
16 It's significant. You said around 60% of the homes
17 in this area. So, I know that we're going to limit
18 development. Are we looking at any other strategies
19 instead of just saying you should not rebuild here.
20 Obviously this is-in the event of another storm a
21 catastrophic storm we know these homes could be
22 destroyed again. So, it makes more sense to take the
23 money and go elsewhere. What tools-other tools is
24 the city examining to ensure these communities are
25 more resilient outside of just swaying we're going to

2 win at development in these areas? So, are we
3 looking at I don't know, green infrastructure
4 projects in these areas, parks? Any resilient
5 measures to sort of align what the goals that City
6 Planning has put on the table?

7 LEN GARCIA DURAN: Those are all very
8 good questions. I know well our toolkit is limited
9 to zonings and rezonings. I know that we have worked
10 closely in our outreach efforts with the Department
11 of Parks and recreation on their efforts to work with
12 the Army Corp's line of protection and any future
13 redesign master plan design of the beaches and the
14 parks. I know that the DEP, Department of
15 Environmental Protection is actually completing the
16 Bluebelt Projects on the shore--

17 CHAIRPERSON RICHARDS: [interposing]
18 Right, I'm familiar. Yes.

19 LEN GARCIA DURAN: --which was very
20 effective and supported by the community and the
21 elected officials out in Staten Island. I know that
22 our East Shore recommendation had other aspects
23 besides the State belt (sic) areas. We know our
24 retail and commercial corridor is an area, Midland
25 Avenue and Sand Lane where the community would like

2 to see those commercial corridors brought back so to
3 speak. They do--

4 CHAIRPERSON RICHARDS: [interposing] What
5 does that mean brought back?

6 LEN GARCIA DURAN: They--a number of
7 businesses are currently vacant--

8 CHAIRPERSON RICHARDS: [interposing]
9 Okay.

10 LEN GARCIA DURAN: --post Sandy, and
11 we're going to try and find methods actually allow
12 businesses to come back and build a more resilient
13 fashion. There are challenges facing these
14 neighborhoods because of the flood levels, the flood
15 zones in these areas. So, at time we're going to
16 continue working with the community and the Chamber
17 of Commerce, the local development corporations the
18 state has assisted in funding on Midland Avenue to
19 try and bring back zoning recommendations to how we
20 can actually encourage rebuilding in those areas.
21 Our recommendations in the East Shore Report, which
22 has the support of the community identified re-
23 zonings to allow additional density to offset--

24 CHAIRPERSON RICHARDS: Uh-hm.

2 LEN GARCIA DURAN: --some of the expenses
3 and challenges of rebuilding in those areas. We've
4 let other areas that we're looking at to--actually a
5 citywide. We're calling Flood Text 2.

6 CHAIRPERSON RICHARDS: Uh-hm.

7 LEN GARCIA DURAN: The current flood text
8 is actually an interim effort that was adopted
9 several years ago. We're working closely with our
10 Waterfront Division and going out to all five
11 boroughs to understand how we can actually update the
12 flood text citywide to reflect issues also.

13 CHAIRPERSON RICHARDS: And you're going
14 from a C1-1 to C1-3, correct, and you--and you believe
15 that will help to re-energize the commercial
16 corridors in a way because you're reducing parking
17 or--?

18 LEN GARCIA DURAN: In that specific
19 instance in the State Buyout Areas we're simply
20 trying to make sure the zoning reflects the current--

21 CHAIRPERSON RICHARDS: [interposing]
22 Okay.

23 LEN GARCIA DURAN: --commercial that
24 exists there today.

25 CHAIRPERSON RICHARDS: Okay.

2 LEN GARCIA DURAN: I mean we'd probably
3 find a different commercial zoning for the other
4 areas where actually wanted to encourage more
5 building.

6 CHAIRPERSON RICHARDS: Okay, and let me
7 just get into--so let's have the larger conversation
8 right. So, how many of these neighborhood coastal
9 risks rezonings have taken place? I know we did I
10 believe Broad Channel. What others are in the
11 pipeline that we're not discussing today?

12 LEN GARCIA DURAN: So, actually I need to
13 defer that to Trevor Johnson who's our Citywide
14 Waterfront Division. I've got Staten Island so I
15 don't want to make any comments--

16 CHAIRPERSON RICHARDS: [interposing] Okay.

17 LEN GARCIA DURAN: --for the other four
18 boroughs.

19 TREVOR JOHNSON: Yeah, so--so the--the
20 Special Coastal Risk Districts or sub-districts for
21 Broad Channel and Hamilton Beach were before this
22 committee and the City Council and were adopted
23 earlier this summer. At this time, we haven't
24 identified other areas that would be subject to
25 Special Coastal Risk District like treatments, but

2 our plan moving forward is to continue to analyze
3 coastal hazards and risks, and try to understand if
4 there are other areas of the city that may—may
5 benefit from this kind zoning treatments, but our
6 plan moving forward is to continue to analyze coastal
7 hazards and risks and try to understand if there are
8 other areas of the city that may—may benefit from
9 this kind of zoning treatment.

10 CHAIRPERSON RICHARDS: So, many of these
11 proposals were proposed under the prior Bloomberg
12 Administration, correct? It's under the Bloomberg
13 Administration, correct?

14 TREVOR JOHNSON: The studies--

15 CHAIRPERSON RICHARDS: [interposing] So,
16 most of the study area that we're--

17 TREVOR JOHNSON: [interposing] Yeah.

18 CHAIRPERSON RICHARDS: --discussing now?

19 TREVOR JOHNSON: So, the Resilient
20 Neighborhoods Initiative began under the previous
21 Administration, but much of the work and these
22 proposals were formulated under the current
23 administration.

24 CHAIRPERSON RICHARDS: Right. Alright,
25 so how many areas did that administration, the prior

2 administration propose? So, these were the only
3 areas that they proposed to do these specific
4 actions?

5 TREVOR JOHNSON: Well, the ten--so that if
6 you returned to slide--

7 CHAIRPERSON RICHARDS: Okay.

8 LEN GARCIA DURAN: It's slide 4.

9 TREVOR JOHNSON: Slide 4 these show the
10 ten neighborhoods that were studied to the Resilient
11 Neighborhoods Initiative, and these were
12 Comprehensive Neighborhood Resiliency Planning
13 Studies from which a number of recommendations for
14 zoning actions are--are either in the pipeline or will
15 be forthcoming including the Citywide Flood Text that
16 Len mentioned just--

17 CHAIRPERSON RICHARDS: [interposing] So,
18 out of the ten areas, the only--I think we've done--so,
19 now we're doing--we've done Broad Channel, Rockaway
20 Beach and Rockaway Park, correct?

21 TREVOR JOHNSON: That's correct.

22 CHAIRPERSON RICHARDS: And now we're
23 discussing the East Shore?

24 TREVOR JOHNSON: We're now discussing the
25 East Shore--

2 CHAIRPERSON RICHARDS: [interposing] I'm
3 sorry, this is for--

4 TREVOR JOHNSON: --of Staten Island, yes.

5 CHAIRPERSON RICHARDS: So, it's Staten
6 Island. I'm sorry. So, out of the ten, would it be
7 safe to say that we have seven left and where are we
8 at with the other seven areas that--?

9 TREVOR JOHNSON: Yeah, so, not all of
10 them will result in--in special local zoning actions,
11 but we are in the process of conducting a significant
12 amount of outreach to community boards and their
13 stakeholders around the Citywide Flood Text that will
14 actually implement many of the recommendations from
15 these local neighborhood studies. So, I guess the--

16 CHAIRPERSON RICHARDS: [interposing] So,
17 when do we anticipate these studies will be completed
18 and are--and I know you spoke of looking at other
19 specific areas?

20 TREVOR JOHNSON: Uh-hm.

21 CHAIRPERSON RICHARDS: So, for instance,
22 you know, I represent Edgemere and Rockaway. I'm
23 interested in what are the criteria that you--you are
24 guided by that would push you to do studies in these
25 specific locations?

2 TREVOR JOHNSON: Certainly the—the amount
3 of flood risk and the—and the presence of zoning
4 issues, and so we've—we've studied Rockaway Beach and
5 Rockaway Park, and we've also in conjunction with HPD
6 studied Edgemere and there may well be actions that
7 come out of that planning study as well. So, these
8 will be forthcoming in the next year to two as we
9 formulate how we will actually implement the
10 recommendations of those planning studies.

11 CHAIRPERSON RICHARDS: So, can you speak
12 to what are the criteria. So, I mean the majority of
13 these areas were all hit by Hurricane Sandy, correct?

14 TREVOR JOHNSON: Correct.

15 CHAIRPERSON RICHARDS: So, they—they all
16 feel there is certain criteria. I'm—what I'm
17 interested in know is how did you prioritize these
18 criteria, these specific areas?

19 TREVOR JOHNSON: Primarily because of
20 significant impacts from Hurricane Sandy, and
21 particular zoning issues or building typologies that
22 may have a difficult time retrofitting or being
23 reconstructed in a way that is more resilient.
24 That's hard to do because as the Department of City
25 Planning our primary tool is zoning. So, we have the

2 ability to influence that, and make it easier for
3 homeowners to—to make their buildings more resilient.

4 CHAIRPERSON RICHARDS: So, I'm—I'm going—
5 I—I—we appreciate all the work that's been done on
6 this, and I think I raised this in our meeting last
7 week. My concern is that we're piecemealing a lot of
8 these. So, one by one they come before the
9 committee, and we need to see more of a concerted
10 effort to ensure that we are maximizing especially in
11 like we know climate change is here. We're going to
12 see a very rampant and increased hurricane season
13 this year, and I feel like we're just piecemealing by
14 coming to the committee one by one with these things.
15 So, when will we see more of a comprehensive plan?
16 Is this a resource issue? Does City Planning need
17 more resources to really move more expeditiously to
18 get a lot of these studies done? When can we
19 anticipate all of these areas?

20 LEN GARCIA DURAN: I would say those all
21 very good questions that I'll take back to our chair
22 so she can actually respond directly, but I will also
23 say that there are a lot of issues that you're
24 bringing up that are related to other agencies and—

2 CHAIRPERSON RICHARDS: [interposing]
3 Right.

4 LEN GARCIA DURAN: --and we're going to
5 do a coordination with the Office of Recovery and
6 Resiliency, which would--

7 CHAIRPERSON RICHARDS: [interposing] So,
8 let's get into that. How is coordination amongst the
9 agencies?

10 LEN GARCIA DURAN: I-I was--

11 CHAIRPERSON RICHARDS: [interposing] Are
12 you speaking--

13 LEN GARCIA DURAN: I was going to suggest
14 that we can--I would also bring your message back to
15 them to see if they can actually respond directly.

16 CHAIRPERSON RICHARDS: Next time they
17 should come.

18 LEN GARCIA DURAN: That's a very good
19 point, and I would also note that, you know, it's an
20 East Shore Report that we did on Staten Island just
21 speaking to that one specifically. We worked closely
22 with our HPD--I can go through a number of acronyms
23 from other agencies to make sure that they were all
24 aware of what we could do. While, our toolkit is
25 zoning we wanted to make sure that the committee was

2 aware of all of the efforts going on in all the
3 various agencies that are working on it. And I
4 actually want to introduce Michael Morello, our
5 Waterfront--

6 CHAIRPERSON RICHARDS: [interposing]
7 Good. I was waiting for him to come up.

8 LEN GARCIA DURAN: --Director.

9 CHAIRPERSON RICHARDS: Now, and--and can
10 you speak to what is the coordination beyond just
11 with city agencies, DEC, Army Corp.

12 MICHAEL MORELLO: Sure.

13 CHAIRPERSON RICHARDS: Is there any
14 conversations going on with any of the--

15 MICHAEL MORELLO: There are absolutely--

16 CHAIRPERSON RICHARDS: --State and
17 federal?

18 MICHAEL MORELLO: --and specifically for
19 the project before us today, the proposal before us
20 today.

21 CHAIRPERSON RICHARDS: Okay.

22 MICHAEL MORELLO: That was done in close
23 coordination with DEC in particular because of the
24 amount of the freshwater wetlands that are--that are
25 located within--within the geography of the proposed

1 zoning actions. This is I would say more broadly
2 the—this work is also being coordinated with the U.S.
3 Army Corps of Engineers, and their proposed Coastal
4 Protection Project along the East Shore, and it has
5 been motivated in part the cost of that project.
6 Though that project is going to be preventing storm
7 surge from coming into the inland neighborhoods, with
8 that new proposed dune system along the shoreline,
9 there's going to be still what's called a residual
10 flood risk in the upland communities, and that's
11 where storm water is likely going to be collecting in
12 larger geographies due to the presence of that new-
13 new berm. And so, the tools that we are using today
14 are intended to help address that type of risk as
15 well. Going back to, though, and I want to answer
16 some of previous questions you raised because I think
17 they're very good, and important questions. But I
18 want to start with saying yes the ten Resilient
19 Neighborhood Studies that were selected dating back
20 to 2013, really within days of the storm we began
21 thinking about this. So, even to 2012, and these
22 neighborhoods were selected for a few different
23 criteria, one of which as Len and Trevor were
24 suggesting is the amount of damage that was done by
25

Hurricane Sandy, as well as the vulnerability of the building typography—typology, but perhaps as important was that we knew that these were ten study areas that could help inform how we would go about rezoning other areas of the city as well. So, these in many ways were really neighborhoods that were representative of other neighborhoods and so the types of buildings that we see in Gerritsen Beach in Queens, in Brooklyn rather is similar to other types of neighborhoods that we see elsewhere within the waterfront. Similarly with Rockaway Park, Rockaway Beach. That's a building typology that could—that can give us—that help us identify the tools that are necessary to be able to apply those tools elsewhere, and that's where the Citywide Zoning Text Amendment comes in. And so, we're starting outreach now to begin the conversations and would love additional support from the City Council and members to have more outreach events in your districts sponsored by the Council Members. If that's of interest to you, please do speak with us about that because we want to begin to speak with the public about how zoning can be a tool, but the Citywide Zoning Text Amendment is going to be an incredibly important moment because

2 that is the comprehensive package that you are
3 looking for insofar as that will address--

4 CHAIRPERSON RICHARDS: [interposing] What
5 do we anticipate?

6 MICHAEL MORELLO: We're working on the
7 outreach now and so I don't want to give a date
8 because I know I'm going to be wrong if we--But, it
9 has to be done--

10 CHAIRPERSON RICHARDS: [interposing] So,
11 let's say--let's say not this year but--

12 MICHAEL MORELLO: Well, certainly not
13 this calendar year--

14 CHAIRPERSON RICHARDS: [interposing]
15 Yeah.

16 MICHAEL MORELLO: --but there's a
17 reasonable likelihood that it will be within the next
18 18 to 24 months. Part of the challenge is that we're
19 not saying a definitive timeline yet because we want
20 to be informed by the outreach that we're doing now.
21 We want to make certain that what we're discussing
22 helps inform what that ultimate Citywide Zoning Text
23 Amendment is, and as this committee knows better than
24 perhaps anyone else in the city citywide zoning text
25 amendments are pretty darn tough.

2 CHAIRPERSON RICHARDS: Yes, we do. We
3 have experience in that, and is there any emphasis on
4 environmental justice communities or are you looking
5 at it from an environmental justice lens because when
6 I--when I look at these areas, these are not
7 necessarily communities that are like--

8 MICHAEL MORELLO: [interposing] That's
9 right. I would also say I mean these are just the
10 ten Resilient Neighborhoods Studies, but there's a
11 lot more work that the agency is doing, and so we are
12 in the process of just wrapping up a study on
13 resilient industry right now, which is--has clearly
14 close ties to the issues faced by environmental
15 justice communities, and that study is looking at
16 both the zoning tools that can be used as well as
17 programmatic tools that can be used to address
18 concerns associated with industrial uses in the--

19 CHAIRPERSON RICHARDS: [interposing] Uh-
20 hm.

21 MICHAEL MORELLO: --flood zone. What
22 we're finding through the study is, though, is that
23 the zoning tools are really quite limited. The
24 nature of the industrial areas in our city are those
25 that don't face a lot of new development, and if you

2 don't have a lot of new development, zoning is not a
3 really great tool to use, and so that's why we're
4 really exploring.

5 CHAIRPERSON RICHARDS: But-but I will
6 just to counter that a little bit, though, at least
7 the areas where we have that are industrial areas so
8 there are parts of Manhattan that we should be
9 viewing and looking at tools to make sure that we--

10 MICHAEL MORELLO: [interposing] We-we
11 absolutely are.

12 CHAIRPERSON RICHARDS: [interposing]
13 Yeah.

14 MICHAEL MORELLO: We have a comprehensive
15 plan under it so--

16 CHAIRPERSON RICHARDS: [interposing] To
17 strengthen those specific facilities and whether
18 they're M1s or M3s.

19 MICHAEL MORELLO: That's our point.

20 CHAIRPERSON RICHARDS: But we want to
21 ensure those contaminants in the event of a storm are
22 not-as we see in Texas, as we see in Houston.

23 MICHAEL MORELLO: [interposing] Yes, our
24 concern as well.

2 CHAIRPERSON RICHARDS: So, I thin that we
3 should not run away from that as well. We should
4 figure ways to creatively strengthen--

5 MICHAEL MORELLO: Agreed.

6 CHAIRPERSON RICHARDS: --rezoning to our
7 perhaps--I don't know. I don't want to say what we
8 should look at right now, but ways to strengthen
9 those facilities.

10 MICHAEL MORELLO: Right. I would note,
11 though, that many of the--the environmental
12 regulations associated with the potential release of
13 contaminants are referenced in zoning, but are
14 ultimately enforced by other mechanisms.

15 CHAIRPERSON RICHARDS: Right, but we--so
16 we need to look at those things--

17 MICHAEL MORELLO: [interposing] I agree
18 100%, and this is exactly what we're doing.

19 CHAIRPERSON RICHARDS: -- because with
20 Hurricane Sandy we knew what--what was going on. (sic)
21 Thank you. I'll go to Council Member Garodnick for
22 questions.

23 COUNCIL MEMBER GARODNICK: Thank you very
24 much, Mr. Chairman. I just wanted to run through a
25 few basics. The--the program for eligible homes and

2 the potential for a buy-back, that has not yet
3 launched has it?

4 LEN GARCIA DURAN: The State Buyout
5 Program?

6 COUNCIL MEMBER GARODNICK: Yeah, is that-
7 -?

8 LEN GARCIA DURAN: It was launched by the
9 state.

10 COUNCIL MEMBER GARODNICK: I see. So this
11 is--this is the--this is the add-on, this is the zoning
12 portion of the state--

13 LEN GARCIA DURAN: The State Buyout
14 Program.

15 COUNCIL MEMBER GARODNICK: Okay, got it.
16 So, how many homes actually took advantage of the
17 Buyout Program for the state?

18 LEN GARCIA DURAN: I think that number is
19 through the state.

20 ELENA VERSA: Yeah, so currently Grand
21 Beach and Ocean Breeze there are 116 vacant privately
22 owned tax lots, and 98 non-vacant privately owned tax
23 lots that remain--did not participate in the State
24 Buyout Program, and in Oakwood Beach there are 102
25

2 vacant remaining privately owned tax lots, and 30
3 non-vacant privately owned tax lots.

4 COUNCIL MEMBER GARODNICK: And how many--
5 those are the ones that didn't take advantage?

6 LEN GARCIA DURAN: Right.

7 COUNCIL MEMBER GARODNICK: So, how many
8 are the ones--how many id take advantage?

9 MICHAEL MORELLO: Oh, we--we could follow
10 up with the specific numbers, but both of these
11 neighborhoods had around 500 private lots prior to
12 the Buyout Program. So, each one, you know--

13 COUNCIL MEMBER GARODNICK: [interposing]
14 So that's 60--60%?

15 MICHAEL MORELLO: Yeah.

16 COUNCIL MEMBER GARODNICK: 60% of the
17 first and--?

18 MICHAEL MORELLO: Yeah, so in the
19 neighborhood of, you know, between 200 to 300 of sort
20 of private properties by tax law--on a tax law basis
21 would have participated.

22 COUNCIL MEMBER GARODNICK: Okay, so now
23 you have a situation, which we're going to be
24 potentially changing the zoning to incentivize better
25 layouts, less ground coverage, more sustain--more

2 sustainable developments in the area. What is the
3 impact, if any, on the existing property owners of
4 this zoning, the folks who did not take advantage of
5 the buyout, buy back? The zoning rules are changing
6 around them. So, they will be what they will be. Is
7 there any impact or requirement or obligation on them
8 as a result?

9 ELENA VERSA: No, there are no additional
10 obligations on them. They—they can continue to
11 remain and they can continue to make minor repairs to
12 their homes to become resilient as well.

13 COUNCIL MEMBER GARODNICK: But is there--
14 nothing triggers an additional obligation to add open
15 space if they're doing any renovations or anything
16 like that, they have the same—they're essentially
17 grandfathered in the old zoning text. Is that
18 correct?

19 ELENA VERSA: Correct unless, you know,
20 if they—it depends on the type of like maybe
21 alteration that—that they would be pursuing and if
22 it's a horizontal enlargement that would be--
23 depending on the square footage, that would be—would
24 require the CBC authorization. Should they choose to
25

2 not make any changes, there are not further zoning
3 requirements.

4 COUNCIL MEMBER GARODNICK: And if they
5 were to demolish and rebuild then they would be
6 covered by the zoning. Is that right, the new
7 zoning?

8 ELENA VERSA: Correct. They would—they
9 would have to follow the new rules.

10 COUNCIL MEMBER GARODNICK: And the—the
11 lots that took advantage whatever the precise number
12 is of the State Buy Back Program, those lots will be
13 what now? What's happening with them?

14 ELENA VERSA: Yeah, they will just remain
15 as open space if the state has begun demolition. So,
16 they're in process or not totally completed yet, but
17 they will just remain as open space, and I think and
18 perhaps others can speak to it, but there are other
19 programs that the state has been looking into to see,
20 you know, in terms of how to take care of these lots
21 after this program is complete.

22 COUNCIL MEMBER GARODNICK: Okay. Alright,
23 thank you very much.

24 CHAIRPERSON RICHARDS: We're going to go
25 to Chair Greenfield, and just on that you—I just want

2 to--know in Edgemere we were discussing doing
3 community garden type things. Is there any thought?
4 Has the community made any reference to utilizing
5 these sites because one of the worst things that can
6 happen is they because blight and, you know, what is
7 the maintenance going to look like [laughs] at the
8 end of the day. So, can you speak to sort of where
9 we're headed with that?

10 MICHAEL MORELLO: Others can chime in as
11 well, but--

12 CHAIRPERSON RICHARDS: Because I don't
13 want a case where like what we have in Edgemere now,
14 and I'm going in this administration where we have
15 100 empty lots [laughs]

16 MICHAEL MORELLO: Sure.

17 CHAIRPERSON RICHARDS: Send me sort of
18 their, you know, so I'm interested in hearing sort of
19 what are some of the strategies.

20 MICHAEL MORELLO: And that--that's
21 certainly a concern of the city and of the state,
22 too, and those conversations are ongoing again
23 through the Mayor's Office of Recovery and Resiliency
24 with the State. I would note that there is one
25 program as an example called Lot Next Door which

2 would allow homeowners to essentially have a very low
3 cost lease on the—on the property next door, which
4 would be deed restricted as open space, but they
5 could use it as essentially a yard and can do other
6 sorts of low impact activities on it.

7 CHAIRPERSON RICHARDS: And what is the
8 outreach look like that?

9 MICHAEL MORELLO: I think it's ongoing.
10 The state is administering that outreach.

11 CHAIRPERSON RICHARDS: Okay.

12 MICHAEL MORELLO: They—they've gone out.
13 We've been at civic group meetings on the shore--

14 CHAIRPERSON RICHARDS: [interposing]
15 Okay.

16 MICHAEL MORELLO: --where they presented
17 on this and tried to seek--tried to seek participation
18 in the program.

19 CHAIRPERSON RICHARDS: Okay, great, and
20 I'll go to Chair Greenfield. Thank you for that.

21 COUNCIL MEMBER GREENFIELD: Thanks very
22 much. Actually, I just want to follow up a question
23 on Chair Richards. So, just curiosity. If the state
24 purchases a home, there's a flooded out house on that
25 property, what are you doing with that property?

2 Just status quo or are you knocking it down? Are you
3 saying like Lot Next Door? That implies that there's
4 an actual lot next door. What if there's a home
5 that's in disrepair next door?

6 LEN GARCIA DURAN: So the state is
7 actually acquiring those sites, and demolishing the
8 homes. Again, the goal—the end goal is to have it
9 remain open space.

10 COUNCIL MEMBER GREENFIELD: Okay.

11 LEN GARCIA DURAN: It will remain—the
12 moment these are remaining in the state's
13 jurisdiction, um--

14 COUNCIL MEMBER GREENFIELD: [interposing]
15 So, they are demolishing the homes?

16 LEN GARCIA DURAN: Yes, they are
17 demolishing--

18 COUNCIL MEMBER GREENFIELD: [interposing]
19 As far as you know, all these homes that have been
20 purchased have been demolished?

21 LEN GARCIA DURAN: There are---

22 COUNCIL MEMBER GREENFIELD: [interposing]
23 Have all those been removed?

24 LEN GARCIA DURAN: Yes, there are--

2 COUNCIL MEMBER GREENFIELD: It's simply
3 clear space?

4 LEN GARCIA DURAN: Most of them have
5 been. There are still that have not been just
6 because they are--

7 COUNCIL MEMBER GREENFIELD: [interposing]
8 Okay.

9 LEN GARCIA DURAN: --are semis, so they
10 are attached to perhaps and adjacent home that's
11 still occupied.

12 COUNCIL MEMBER GREENFIELD: Got.

13 LEN GARCIA DURAN: But the state is
14 working through those issues still.

15 COUNCIL MEMBER GREENFIELD: Okay, good.
16 When is this program--state program closing?

17 MICHAEL MORELLO: So the state is no
18 longer making any new offers except in the--in the
19 case of hardship. Exactly how hardship is going to
20 be defined by the state is yet to be determined.

21 COUNCIL MEMBER GREENFIELD: What do you
22 mean by a new offer?

23 MICHAEL MORELLO: Oh--

24 COUNCIL MEMBER GREENFIELD: [interposing]
25 So, if I owned--if I currently own a home let's say I

2 lived there or I left the home, can I now still sell
3 it to the state or no?

4 MICHAEL MORELLO: Unless you have some
5 sort of hardship no.

6 COUNCIL MEMBER GREENFIELD: I can't?

7 MICHAEL MORELLO: No. So, the state has
8 over the past now four plus years has made offers to
9 every homeowner that they can find, which is the
10 best--

11 COUNCIL MEMBER GREENFIELD: [interposing]
12 I understand. I guess my question is are they—I mean
13 we're kind of changing the circumstances.
14 Essentially, we're devaluating much of this property.
15 Let's be blunt. That's essentially what we're doing
16 over here by changing the zoning. We need to be
17 clear according to your own slide sheet to authorize
18 construction of one new development, you need to have
19 CPC authorization. So, effectively what you're doing
20 is you're changing the zoning so you can't even build
21 a home on a property as-of-right any more. Is that
22 correct?

23 MICHAEL MORELLO: Well, you would still
24 be able to build a home, but you would have to seek
25 authorization.

2 COUNCIL MEMBER GREENFIELD: As-of-right
3 is what I said, sir.

4 MICHAEL MORELLO: Yes.

5 COUNCIL MEMBER GREENFIELD: Is that
6 correct?

7 MICHAEL MORELLO: You are correct, Mr.
8 Chairman.

9 COUNCIL MEMBER GREENFIELD: Thank you.
10 so the point that I'm making is that effectively we
11 devalued these properties. Is there an opportunity
12 to go back? I mean I guess my concern is that, you
13 know, some people hold onto this hope and dream that
14 one day I'm able to build my house, I'm going to
15 rebuild my house. Well, sorry folks, it's not going
16 to happen, and so it seems like a slight change of
17 circumstances where I may have thought that I could
18 come back and build my house and now essentially
19 we're doing a zoning action that will essentially
20 guarantee that you can never come back or it would be
21 very difficult for you to come back and build your
22 house. Is there a way to sort of reopen that
23 possibility or let them know, and maybe--? Do you
24 see what I'm saying? Like if I--if I own a home and I
25 think hey, you know, I'm--I have this romantic notion

2 of living by the water and one day I'm going to go
3 and rebuild my home, or I'm going to rebuild the lot
4 or the washed out home, and now essentially the
5 zoning is going to make it difficult if not
6 impossible for me to do so, that might be a renewed
7 opportunity to go back and say okay, maybe you want
8 to sell now. Quite frankly, they would be selling
9 looking down the barrel of the zoning gun. But
10 still, it would allow them an opportunity to
11 potentially—potentially get out. So, is that an
12 opportunity or is it kind of their—at this point
13 they're just screwed?

14 LEN GARCIA DURAN: I think that's an
15 ongoing question that even the Borough President has.
16 You know, the Borough President has a monthly
17 standing task force meeting that includes state and
18 federal government and city in attendance, and might
19 have elected to then suggesting that there should be
20 some program that would allow ongoing buyouts.
21 That's something I think others are still discussing
22 how that could actually occur. I know that the city
23 has a—a buyout program outside of the state areas
24 where you can actually sell for redevelopment. But
25 these specific areas, the state buyout areas are the

most significantly challenged areas to rebuild in.

So, that—and that was one of the reasons why the state identified them for the Buyout Program and—and there are communities where the neighbors have been over the years—have been trying to find solutions to the wild fires and the flooding. And, when Sandy occurred, the majority of them signed petitions saying they wanted to simply get out. Well, as this area on the east shore I guess it is four miles long and one mile deep, there are many other communities that want to see rebuilding, and we want to make sure that zoning allows that to occur easily and readily in a more resilient fashion. These three state buyout areas that we're focusing on today, are those areas where we're trying to ensure that, you know, long-term future is going --

COUNCIL MEMBER GREENFIELD: [interposing]

No, I understand that. I'm just a little bit uncomfortable because you just said yourself it's something that the Borough President is discussing, which I trust you on that. I'm—I'm still a little bit uncomfortable with the idea that essentially there were folks that had the ability to sell their homes. They no longer have the ability to sell their

2 homes, and now we're effectively downzoning their
3 property so that they cannot building as-of-right any
4 more, but they don't have any other recourse.

5 MICHAEL MORELLO: So, I think--

6 COUNCIL MEMBER GREENFIELD: [interposing]

7 And--and I'm certain that--and I'm certain that the
8 way--the reason you structured it and the reason that
9 you keep focusing on the CPC authorization is because
10 technically like from a legal perspective it's not
11 actually they're taking. So, they don't have the
12 ability to go to court and try to get compensated for
13 that, which is fine. Which is certainly the work
14 that you should be doing at--at the City--Department of
15 City Planning making sure that you're not engaging in
16 accidental takings, but at the same time, right, it
17 does put some of these homeowners at a disadvantage
18 especially the ones that thought that they might be
19 ab le to rebuild. Effectively now they're nog going
20 to be able to rebuild, and I'm not disagreeing with
21 that. So, I guess it comes to the next question like
22 why not consider some sort of eminent domain or some
23 other possibility? If that's really what you want to
24 get at over here is to prevent people from--from
25 moving back, certainly the homes are not occupied.

2 Right, if the homes are occupied I don't—I don't want
3 to see people yelling and screaming and getting
4 dragged out of their homes. But if the home is not
5 occupied, why not consider eminent domain and just
6 say okay, we're taking over the property and we'll
7 pay the value and have a nice day?

8 MICHAEL MORELLO: So, I think it's a
9 couple of things. One is that Sandy damage is
10 actually in a different category. Sandy damage—I'm
11 sorry or, in fact, in a different category
12 procedurally under this proposal. So, if you're home
13 was and—if you're home was damaged by Sandy, it goes
14 through a different procedure. The authorization are
15 when you're making significant changes to your home
16 like a horizontal enlargement or building new. So,
17 those—I think that's a very different category, and
18 yes, there would be a CPC authorization. Though I do
19 not think even administratively it's going to be that
20 big of a hurdle that it would present a signif-
21 significant diminution of value. The—yes, there are,
22 in fact, regulations that are going to be put in
23 place here. I would argue, though, perhaps the most
24 important regulation that we're putting in place is
25 related to the authorization is related to the

2 wetlands, the existing wetlands, and it's more that
3 this zoning is now in line with the existing DEC
4 regulations than a new burden in place. Because
5 under the—if we were not to change zoning, an
6 applicant who has wetlands on their site, would still
7 have to go through the DEC regulations. It's just a
8 question of how our zoning meshes with that—with the
9 DEC regulations, and we think this authorization does
10 a far better job of doing just that.

11 COUNCIL MEMBER GREENFIELD: I understand
12 exactly what you're doing. I just wish and I'm
13 stressing the point that I really wish there was a
14 final opportunity for those homeowners to—to get out
15 because I think at this point effectively what we're
16 doing intentionally or unintentionally, I would argue
17 it's unintentional. It isn't intentionally. You're
18 just trying to prevent development in areas that
19 probably shouldn't be developed, but unintentionally
20 we're devaluing the—the values of these properties
21 and these homes, and I think many folks who aren't as
22 sophisticated as you and I may simply not be aware of
23 that. I really wish there was a final opportunity to
24 let them know folks this is happening. There's a
25 window. Get out while you can because, you know,

2 your property that was worth \$300,000 is probably
3 going to be worth \$100,000 now, and so—or may be
4 quite frankly close to worthless soon. And so, I
5 just—it seems unfortunate to me and a little
6 frustrating perhaps that that possibility doesn't
7 exist. I understand it's a state program. So, I'm
8 not pointing fingers. I'm just highlighting an issue
9 that I'm concerned about, and encourage you to try to
10 see if it's something that you can potentially work
11 on considering that this will have impact on dozens
12 of property owners--

13 MICHAEL MORELLO: [interposing] And we
14 will be continuing to work on it.

15 COUNCIL MEMBER GREENFIELD: --who aren't
16 as sophisticated as the folks in this room. Thank
17 you very much.

18 LEN GARCIA DURAN: I would also note that
19 even the state and the city made efforts to actually
20 pretty much knock on everyone's door multiple times
21 in these state bought areas (sic) to let them know
22 that programs were available at that point.

23 COUNCIL MEMBER GREENFIELD: Well, I
24 understand, but they're not aware. My point that I'm
25 making is not that. I'm sure they all knocked on

2 their doors and found them, but they're not aware of
3 what's happening right now, and I don't think there's
4 an understanding, and even if there were suddenly to
5 become aware, they don't have the opportunity to buy
6 out right now. That's my concern. I'm not saying it
7 wasn't in the past, but I'm referring to the fact
8 that there are people who, and it's natural. You're
9 saying hey I'm going to rebuild. One day I'll build,
10 rebuild whatever it is and then at this point,
11 essentially it's too late. I'm not convinced that
12 folks are aware of that, and even if they are aware,
13 it seems like there's no opportunity for them to now
14 take advantage of a program that you're right they
15 should have taken advantage of, but we're all human.

16 LEN GARCIA DURAN: And I would say
17 regarding this particular effort, I know that we did
18 a lot of outreach in advance with the Civic
19 Association leaders in Midland Beach and Cedar Grove
20 and Oakwood Beach. These were their--these are the
21 result of their recommendations, also and--

22 COUNCIL MEMBER GREENFIELD: [interposing]
23 Well, once again, I want to be clear. I'm not
24 pointing at anything faulty in your process.

25 LEN GARCIA DURAN: Okay.

2 COUNCIL MEMBER GREENFIELD: I'm simply
3 raising an issue of the issue of the interaction
4 between the city and the state, and the fact that the
5 state's program is closed. The city is making a
6 change. As you know, civic leaders and now
7 homeowners. Many times civic leaders do think
8 homeowners don't know about it. That's my only
9 concern. I'm flagging it so that if there's some way
10 that you folks can do something about it, I think it
11 would be helpful. That's all. Thanks very much.

12 CHAIRPERSON RICHARDS: Thank you. Any
13 other questions on this item? Alright, thank you for
14 your testimony. Any members of the public are here
15 who wish to testify on this issue? Alrighty, we're
16 going to hold it for one second. [pause] Alrighty,
17 any other members of the public once again who wish
18 to testify on this issue? Alright, seeing none, I
19 will not close the public hearing on Land Use Items
20 No. 744 and 7435, and we are now going to hold a vote
21 on these two applications and two other applications
22 that we laid over from our last meeting, and I'll
23 just state on the record Council Member Matteo does
24 support this rezoning effort, but we also would like
25 to see in writing from City Planning many of the

1 things we've raised today, questions around what does
2 the rest of the coastal community studies look like,
3 and other questions my colleagues raised. So, if
4 that can be sent us in writing before we vote this
5 out in the Council, that would be helpful. We'll be
6 voting now to approve Land Use Items Nos. 743, Altus
7 Café with the modifications that were recommended by
8 the community board to limit the size of the café to
9 no more than 10 tables and 20 chairs, and limit the
10 hours of operation between 12:00 p.m. to—Wait. Am I
11 right? 12:00 p.m. to 10:00 p.m. Sunday through
12 Thursday and 12:00 p.m. to 10:00 p.m. on Fridays and
13 Saturdays. Alright. [pause] I thought so. It's
14 12:00 to 12:00 a.m. on Fridays and Saturdays. We'll
15 also be voting to approve Land Use Item No. 744 and
16 745 the East Shore Special Coastal Risk District.
17 Council Member Matteo once again has submitted a
18 statement in support of approval and we still await
19 our answers in writing from City Planning as well.
20 [pause] Yes. Alright, and we were going to wait for
21 Council Member Steve Levin, but we will be also
22 voting to approve Land Use Items No. 730 and 731, the
23 50 Nevins Street rezoning. This application would
24 allow for development of a 128 units supportive and
25

2 affordable housing development located in his
3 district, and he supports this approval. Lastly, we
4 will be voting to approve Land Use Items No. 732, the
5 40 Wooster Street Special Permit Application.
6 Council Member Chin supports approval of this
7 application to allow retail use on the ground floor
8 and cellar and residential use on the second through
9 sixth floor of an existing building in SoHo as well.
10 Alrighty, before we go to a vote, do any subcommittee
11 members have any questions or statements on these
12 applications? Alrighty, seeing none, I will now call
13 on a vote to approve Land Use Items No. 743, 744,
14 745, 730, 731 and 732. Counsel, please call the
15 roll.

16 LEGAL COUNSEL: A correction. It should
17 be approved with modifications.

18 CHAIRPERSON RICHARDS: Oh, I'm sorry. An
19 approval with modifications on Land Use Items Nos.
20 743—

21 LEGAL COUNSEL: [interposing] I'm sorry,
22 the modifications. The rest are approved.

23 CHAIRPERSON RICHARDS: Oh, okay. I'm
24 sorry, the vote with modifications and the rest are
25 approved.

2 LEGAL COUNSEL: Yeah, I'm sorry. We're
3 going to modify some approval, too.

4 CHAIRPERSON RICHARDS: Okay, okay,
5 alright, let me re-read that. Okay, I will now call
6 a vote to approve Land Use Item No, 743 with
7 modifications, and then we'll vote to approve Land
8 Use Items No. 744, 745, 730, 731 and 732. Counsel,
9 please call the roll.

10 LEGAL COUNSEL: Chair Richard.

11 CHAIRPERSON RICHARDS: I vote aye on all.

12 LEGAL COUNSEL: Council Member Garodnick.

13 COUNCIL MEMBER GARODNICK: Aye.

14 LEGAL COUNSEL: Council Member Torres.

15 COUNCIL MEMBER TORRES: I vote aye.

16 LEGAL COUNSEL: And Council Member
17 Grodenchik.

18 COUNCIL MEMBER GRODENCHIK: Aye on all.

19 LEGAL COUNSEL: By a vote of 4 in the
20 affirmative, 0 in the negative and 0 abstentions,
21 Land Use Items 744, 745, 730, 731 and 732 are
22 approved, and Land Use Item 743 is approved with
23 modifications, and all items are referred to the full
24 Land Use Committee.

2 CHAIRPERSON RICHARDS: Thank you and this
3 meeting is now adjourned. [gavel]

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1 SUBCOMMITTEE ON ZONING AND FRANCHISES

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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 September 7, 2017