

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON LAND USE

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November 15, 2017
Start: 12:15 p.m.
Recess: 12:52 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
Deborah L. Rose
Donovan J. Richards
Inez D. Barron
Andrew Cohen
Ben Kallos
Antonio Reynoso
Ritchie J. Torres

COUNCIL MEMBERS:

Mark Treyger
Rafael Salamanca, Jr.
Barry S. Grodenchik

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

[sound check]

[pause]

[background comments]

CHAIRPERSON GREENFIELD: Good afternoon; apologies for the delay. My name is David Greenfield; I am the Councilman from the 44th Council District in Brooklyn; I'm privileged to serve as the chair of the Land Use Committee. I want to welcome my colleagues who are members of the Committee and who have joined with us today -- Council Member Palma; Council Member Mealy; Council Member Lander; Council Member Richards; Council Member Cohen; Council Member Kallos; Council Member Reynoso; Council Member Treyger; Council Member Grodenchik; and Chair Salamanca.

I wanna thank Chair Salamanca, Chair Richards, and Chair Koo for their outstanding work on our Land Use Subcommittees; today we'll be voting on resolutions for six applications that were recommended by the Subcommittees.

We'll be voting to approve LU 789, the Khe-Yo sidewalk café application in Council Member Chin's district. Council Member Chin supports approval, as this applicant made commitment to limit

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2 the hours of the café and limit noise generated by
3 the customers.

4 We'll be voting to approve LU 784, the
5 449 Broadway special permit application, also in
6 Council Member Chin's district. This application
7 would allow for retail use in portions of the ground
8 floor and the cellar of an existing five-story
9 building. Council Member Chin supports approval
10 after the applicant submitted a letter committed to
11 conducting outreach to find a culturally-related
12 tenant and to consult with the Council Member's
13 office prior to choosing any tenant that would use
14 the space for an eating or drinking establishment.

15 We'll be voting to approve, with
16 modification, LU 787 and 788, the Myrtle Avenue
17 Rezoning in Council Member Levin's district. This
18 application for a zoning map amendment and text
19 amendment will facilitate the development of an
20 eight-story, 66-unit mixed-use development; 25
21 percent of the floor reserved for the affordable
22 housing through MIH Option 1. We are going to take
23 modifications of this application to remove MIH
24 Option 2 from the rezoning area and to change the
25 proposed R6A zoning district outside of the

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2 development site to an R6D [sic] district to more
3 closely match the existing building. Council Member
4 Levin supports approval with these modifications.

5 We're voting to approve Preconsidered
6 Land Use application for the landmark designation of
7 the Old Saint James Episcopal Church in Council
8 Member Dromm's district. Built between 1735 and
9 1736, the Old Saint James Episcopal Church has a
10 significant association with the early colonial
11 settlement of Queens and with the mission activity of
12 the Church of England and the American colonies, a
13 remarkable colonial era mission church that retains
14 its early 18th century rectangular box-like form,
15 wood shingle siding, round arched windows, and heavy
16 timber framing; it is New York City's oldest Church
17 of England building and the City's second-oldest
18 religious building that is still standing. Council
19 Member Dromm supports approval of this designation.

20 We'll be voting to approve LU 791, an
21 acquisition and site selection application submitted
22 by the New York City Office of Emergency Management
23 and Department of Administrative Services that seeks
24 to expand an existing OEM warehouse located at 930
25 Flushing Avenue in Council Member Reynoso's district.

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2 This application will commit the warehouse to
3 increase from 96,600 square feet to 304,000 square
4 feet; the additional space for this application is
5 needed for the storage of additional emergency
6 equipment and supplies to fully build up and back up
7 emergency operations center. Council Member Reynoso
8 is in support of the acquisition.

9 Finally, we'll be voting to approve
10 Proposed Introduction No. 1692-A, a local law to
11 amend the Administrative Code of the City of New York
12 in relation to technical corrections to Local Law 116
13 for the year 2017. The bill would make corrections
14 to Administrative Code Section 25-114 as added by
15 Local Law 116 of 2017. It would amend the
16 construction code by classifying violations of
17 conditions, restrictions and requirements relating to
18 privately owned public spaces as major violations and
19 would establish a minimum \$4,000 penalty for a first
20 violation and a minimum \$10,000 penalty for a
21 subsequent violation.

22 We'll now move on to vote on these five
23 applications and a local law before moving on to a
24 vote on our last application, and we are voting to
25 approve Proposed Introduction No. 1692-A. On the

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2 Land Use applications we're voting in accordance with
3 the recommendation of the subcommittees and with the
4 support of local Council Members to approve LU 784,
5 789, 791 and a preconsidered landmark designation and
6 approve LU 787 and 788 with the modifications that I
7 just described.

8 So to be clear, clerk, we're gonna have
9 two votes; yes? [background comment] [pause] Okay,
10 revise that; we are in fact going to have one vote on
11 all of the items, and I would like to turn it over to
12 Council Member Kallos to speak of Intro 1692-A, which
13 he is the prime sponsor and I'm pleased to be the co-
14 sponsor along with him.

15 COUNCIL MEMBER KALLOS: Just wanna thank
16 Chair Greenfield for adding a new light to POPS.
17 Some might think POPS are just how you say soda in
18 Buffalo and Western New York and other parts of the
19 country, but here -- [background comment] and
20 Detroit, but here in New York City POPS are privately
21 owned public spaces and they are often honored breach
22 -- Council Member Greenfield held a hearing; our
23 Comptroller held an audit; we have been all working
24 together on legislation, and grateful to be working
25 with our chair on this and hopefully moving forward

1 we'll actually see signage in all of the POPS that
2 actually shows what we're supposed to have there and
3 we'll actually be able to use them, regardless of
4 what a security person may say and there will
5 actually be fines for when people don't follow the
6 rules, which should have a huge impact when we see
7 \$4,000 for the first offense and \$10,000 or more on
8 second and additional offenses. Thank you to the
9 chair.
10

11 CHAIRPERSON GREENFIELD: Absolutely.

12 Thank you, Council Member Kallos. And just to expand
13 on that, there are approximately 3.2 million square
14 feet of public space in New York City; it's known as
15 privately owned public space, where we as the City
16 agreed to give developers more ability to build in
17 return for providing these privately owned public
18 spaces. Some of them are easily accessible; you'll
19 walk down the street, you'll see a building, you'll
20 see some seats next to it and you know that's a
21 public space that is privately owned; others,
22 unfortunately, are not easily accessible and so we've
23 held hearings and we've passed legislation to enforce
24 it, to bring signage; to actually have folks come and
25 inspect it as well and I'm proud to have worked very

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2 closely with Council Member Kallos on this particular
3 legislation Council Member Kallos is sponsoring and
4 I'm co-sponsoring, which would increase the penalties
5 for violations for not allowing the public to access
6 these public spaces. So I wanna thank Council Member
7 Kallos for being a partner with me for the last two
8 years on the POPS-related legislation; are very
9 pleased that we're able to get this wrapped up today
10 as well.

11 I also would like to thank the Department
12 of City Planning Director Marisa Lago and General
13 Counsel Anita Laremont for their collaboration on
14 this legislation.

15 I wanna thank our Land Use staff for
16 really tremendous work, probably a thousand plus
17 hours working on this, including our Land Use
18 Director Raju Mann; Assistant Director Amy Levitan;
19 General Counsel Julie Lubin; and Counsel Jeff
20 Campagna.

21 I also wanna thank in my own office my
22 Counsel Elena Sytcheva, who is the point person on
23 this and my Chief of Staff Danny Pearlstein, for
24 working with me to get this done; it's a wonderful
25 achievement -- 3.2 million square feet of public

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2 space, half of which traditionally has not been
3 accessible -- we're finally gonna have the
4 enforcement mechanism to actually make sure that the
5 public can access this space and once again, thank
6 you to Council Member Kallos for working with me on
7 this for the last two years.

8 Any other questions or comments? Hearing
9 none, I will ask the clerk to call the roll. And
10 once again, we'll be voting on all of the items -- I
11 want to recognize that we've been joined by Chair Koo
12 -- we're gonna be voting on all the items that are
13 coming out of subcommittees, including this
14 legislation sponsored by Council Member Kallos,
15 Intro 1692-A. Will the clerk please call the roll?

16 COMMITTEE CLERK: Committee Clerk Matthew
17 DiStefano [sp?], Committee on Land Use, roll call
18 vote to approve Intro. 1692-A; LU 784, 789, 791, and
19 the Preconsidered LU regarding the Old Saint James
20 Episcopal Church, and local vote to approve with
21 modifications LU 787 and LU 788. Chair Greenfield.

22 CHAIRPERSON GREENFIELD: Aye.

23 COMMITTEE CLERK: Palma.

24 COUNCIL MEMBER PALMA: Aye.

25 COMMITTEE CLERK: Mealy.

COMMITTEE ON LAND USE

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COUNCIL MEMBER MEALY: Aye.

COMMITTEE CLERK: Koo.

COUNCIL MEMBER KOO: Aye.

COMMITTEE CLERK: Lander.

COUNCIL MEMBER LANDER: Aye.

COMMITTEE CLERK: Richards.

COUNCIL MEMBER RICHARDS: Aye.

COMMITTEE CLERK: Cohen.

COUNCIL MEMBER COHEN: I vote aye.

[background comments, laughter]

COMMITTEE CLERK: Kallos.

[background comments]

COUNCIL MEMBER KALLOS: Aye.

COMMITTEE CLERK: Reynoso.

COUNCIL MEMBER REYNOSO: Permission to
explain my vote.

CHAIRPERSON GREENFIELD: Council Member
Reynoso to explain his vote.

COUNCIL MEMBER REYNOSO: On Land Use Item
No. 791 I just wanna thank New York City OEM for the
work that they've done in coming to an agreement with
exploring the relocation of NYPD PSA3's parking
facility from 119 Noll Street to 930 Flushing Avenue
in an attempt to build affordable housing on 119 Noll

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2 Street and also allowing for DCAS to have an
3 opportunity to outright acquire the property at 930
4 Flushing we're voting to approve, again, Land Use
5 Item No. 791, and with that said, I vote aye on all.

6 CHAIRPERSON GREENFIELD: Congratulations,
7 Council Member.

8 COUNCIL MEMBER REYNOSO: Thank you.

9 COMMITTEE CLERK: Treyger.

10 COUNCIL MEMBER TREYGER: Aye.

11 COMMITTEE CLERK: Grodenchik.

12 COUNCIL MEMBER GRODENCHIK: Aye.

13 COMMITTEE CLERK: Salamanca.

14 COUNCIL MEMBER SALAMANCA: Aye.

15 COMMITTEE CLERK: 'Kay the following is
16 today's Land Use Committee vote: Intro 1692-A,
17 LU 784, 789, 791 and the Preconsidered LU have been
18 approved by a vote of 12 in the affirmative, 0 in the
19 negative and no abstentions. LU 787 and LU 788 have
20 been approved with modifications by the same vote of
21 12 in the affirmative, 0 in the negative and no
22 abstentions.

23 CHAIRPERSON GREENFIELD: Thank you. As
24 is our practice, we're gonna keep the roll open for
25 15 more minutes, until 12:50 p.m.

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COMMITTEE ON LAND USE

[pause]

COMMITTEE CLERK: Continuation of roll call. Council Member Williams.

COUNCIL MEMBER WILLIAMS: Aye.

COMMITTEE CLERK: The vote now stands at 13 in the affirmative, 0 in the negative; no abstentions on all the items. Thank you.

[pause]

[background comment]

COMMITTEE CLERK: Continuation of roll call. Council Member Gentile.

COUNCIL MEMBER GENTILE: I vote aye on all.

[pause]

COMMITTEE CLERK: Continuation of roll call, Committee on Land Use. Council Member Garodnick.

COUNCIL MEMBER GARODNICK: Thank you. I vote aye.

[pause]

COMMITTEE CLERK: Continuation of roll call, Committee on Land Use. Council Member Levin.

COUNCIL MEMBER LEVIN: Aye on all.

[pause]

COMMITTEE CLERK: Continuation of roll call, Committee on Land Use. Council Member Rodriguez.

COUNCIL MEMBER RODRIGUEZ: Aye.

COMMITTEE CLERK: Today's Land Use vote: Intro 1692-A, LU 784, 789 and 791 and a Preconsidered LU were approved by a vote of 17 in the affirmative, 0 in the negative; no abstentions, and LU 787 and 788 were approved with modifications by that same 17 affirmative, 0 in the negative and no abstentions.

Thank you.

CHAIRPERSON GREENFIELD: Thank you. This concludes the Land Use Committee for November 15, 2017. I wanna thank Courtney Gross for her breaking NY1 Spectrum News continuing coverage of the Land Use Committee and we look forward to seeing the highlights this evening on NY1.

[gavel]

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 November 22, 2017