

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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June 19, 2018
Start: 9:30 a.m.
Recess: 9:53 a.m.

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

B E F O R E: FRANCISCO P. MOYA
Chairperson

COUNCIL MEMBERS: Costa G. Constantinides
Barry S. Grodenchik
Stephen T. Levin
Antonio Reynoso
Donovan J. Richards
Carlina Rivera
Ritchie J. Torres

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

2 [sound check, pause] [gavel]

3 CHAIRPERSON MOYA: Good morning, and
4 welcome to the meeting of the Subcommittee on Zoning
5 and Franchises. I'm Council Member Francisco Moya,
6 and today we are joined by Council Member
7 Constantinides, Lancman, Levin, Reynoso and Rivera.
8 Today we have two hearings, and we will be voting on
9 some applications. If you are here to testify on any
10 item on the calendar for which the hearing was not
11 already closed, please fill out a white speaker slip
12 with the sergeant-at-arms and indicate the LU Number
13 of the item you wish to testify on that slip. Today,
14 we will start with a hearing on LU 107, the Seven
15 Hills Mediterranean Frill, an application for a
16 revocable consent to operate an unenclosed sidewalk
17 café at 158 West 72nd Street in Manhattan in Council
18 Member Rosenthal's district and perfect timing. I now
19 will open the public hearing on LU 107. [background
20 comments] Is—are there any members of the public here
21 who wish to testify? Seeing none, I will now turn it
22 over to Council Member Rosenthal.

23 COUNCIL MEMBER ROSENTHAL: Thank you so
24 much Chair Moya, what an honor it is to be a guest at
25 your committee.

2 COUNCIL MEMBER MOYA: The honor is all
3 ours.

4 COUNCIL MEMBER ROSENTHAL: Very, very
5 impressive. What a great group you have here. Huh,
6 no one's on their cell. Everyone is paying
7 attention. It's really impressive.

8 COUNCIL MEMBER MOYA: It is. [laughter]

9 COUNCIL MEMBER ROSENTHAL: Really
10 impressive. So, Chair, I really appreciate your
11 bringing—allowing us to bring this application forth.
12 I just want to be very clear about some of the
13 stipulations that the Community Board required, and
14 that is we've agreed to—so on this sidewalk, which is
15 always the issue here, we've agreed to one row of
16 tables outside, and the owner has agreed to that as
17 well, and I—I think that's the main thing especially
18 with no one here talking from the community or from—
19 or the applicant. The main thing to have on the
20 record is that everyone has agreed to one row. It's a
21 very busy thoroughfare, and there was nice robust
22 dialogue at the—at the community board hearing, but
23 overall, I'm—I'm supportive of this application.
24 Thank you, Councilwoman. I now close the public
25 hearing on this application. Our next hearing is on

2 LU 114, the application by LAVO Restaurant for a
3 revocable consent to operate an unenclosed sidewalk
4 café at 625 Madison Avenue in Council Member Powers'
5 district in Manhattan, and I will now open up the
6 public hearing on LU 114. There was a letter of
7 agreement, and are there any members of the public
8 who wish to testify? Seeing none—[background
9 comments] Seeing none, I now close the public
10 hearing on this application. We will now move onto a
11 vote on the items we heard prior to the hearings at
12 prior hearings. I now just—I know will describe
13 these. We will be voting to approve 111 the 180-188
14 Avenue of the Americas Application for a zoning map
15 change for the properties in Speaker Johnson's
16 district in Manhattan. The establishment of a new
17 C2-5 commercial overlay, and removal of a C1-5
18 commercial overlay will allow the operation of a gym
19 and a dance studio in an existing mixed-use building.
20 We will be voting to approve LU 112 the 1568 Broadway
21 Palace Theater Text Amendment affecting property in
22 Council Member Power's district in Manhattan. The
23 application seeks a text amendment to modify the
24 special Times Square District signage requirement,
25 and its streets, and it's street wall and setback

2 requirements. These changes will facilitate
3 renovation to the existing 42-story building and in
4 connection with this approval, the application will
5 fully renovate the landmarked Palace Theater's
6 interior and exterior. We will be voting to approve
7 LU 113 the 85 Mercer Special Application-permit
8 application. This application seeks a use-seeks a
9 use waiver to allow retail use on portions of the
10 ground floor and cellar of an existing five-story
11 building at 85 Mercer Street in Council Member Chin's
12 district in Manhattan. We will be voting to approve
13 with modifications LUs 108 and 109 the 142-150 South
14 Portland Avenue Rezoning, a portion of a block bound
15 by South Elliott Place-Place, Hanson Place, South
16 Portland Avenue and the Academy Park Place in Council
17 member Cumbo's district in Brooklyn. This
18 application is for a rezoning that would allow
19 subject properties to build 50 feet higher than the
20 existing zoning allows. The zoning would be in
21 connection a proposed affordable housing development,
22 but it would-it would apply to several other
23 properties on the block. The proposed rezoning area
24 is located in a contextually zoned neighborhood,
25 which was the subject of the Fort Greene Clinton Hill

2 neighborhood rezoning in 2007. In its 2007 report,
3 the City Planning Commission note that 11 to 13-story
4 tower developments were proposed or had been
5 constructed that were inconsistent with the low-rise
6 row house [coughs] neighborhood-[coughs] low-rise-
7 low-rise row house neighborhood character of the
8 neighborhood. The CPC stated that the 2007 rezoning
9 would protect and preserve the historic brownstone
10 row house characteristics and prevent future out-of-
11 scale developments. In connection with the present
12 applications, we heard many members of the community
13 testify against the proposed rezoning due to concerns
14 about inappropriate bulk for this block and concerns
15 that the hard 1 context-contextual zoning would be
16 unraveled by it. Witnesses who testified in favor of
17 the present applications testified about the
18 applicant's particular project and not about the
19 other proposed development in the large rezoning
20 area. The applicant's property would be developed
21 with a 13-story mixed-use residential and community
22 facility building with a total of 100 apartments all
23 of which would be affordable. The applicant will be
24 complying with MIH Option 1, but will be providing
25 many more affordable units than the MIH Option

2 requires and, in fact, one of the actions we'll vote—
3 one of the actions we'll vote to approve today is LU
4 110 an application by HPD for an Article XI tax
5 exemption, which would support this project. The tax
6 exemption would exempt all of the land and proposed
7 building except for the businesses, commercial and
8 community facility components from real property
9 taxes for a period of years. Given that the
10 applicant's site would provide 100 units all of which
11 will be affordable und the city's M² term sheet and
12 we'll include community facilities providing medical
13 and social services. We believe that the burdens of
14 the additional bulk are outweighed for this
15 development site. We distinguished this site from
16 the other sites in the proposed rezoning area
17 preliminary on the basis of the amount of affordable
18 housing that will be developed here as well as other
19 public benefits. There's no indication based upon
20 the environmental review conclusions that two of
21 other sites would be developed at all, and there is
22 no indication that the third would be developed with
23 such a significant amount of affordable housing.
24 There is no reason to reason to rezone those lots.
25 Accordingly, we will be modifying the rezoning

2 application to apply only to the project site. We
3 will also be striking MIH Option 2 from the zoning
4 text map. Okay and now we have Council Member Cumbo
5 who wishes to give her remarks. Thank you, Council
6 Member.

7 COUNCIL MEMBER CUMBO: Thank you, Chair
8 Moya, and I thank all of my colleagues for being
9 here. I know that this is a very busy time with so
10 many graduations and celebrations in our districts.
11 I thank you all for being here for this very
12 important project. Good morning and thank you Chair
13 Moya for the opportunity to speak on this project.
14 The 142-150 South Portland Avenue Rezoning Proposal
15 has attracted significant discussion and debate
16 throughout the Fort Greene community. After hearing
17 from concerned constituents throughout the review
18 process including from over 50 members of the public
19 at our City Council hearing, I have considered all of
20 the varying points of view, and arrived at the
21 conclusion to recommend approval of this application
22 with modifications to restrict this rezoning to the
23 church's proposed development site. I'll say that
24 again, and recommend the approval of this application
25 with modifications to restrict this rezoning to the

church's proposed development site, and allow only MIH Option 1 with deep affordability requirements.

The Fort Greene Clinton Hill rezoning of 2007

established carefully chosen height limits to protect

community character from high-rise development. The

existing R7-A zoning was a height limit of 95 feet

with the proposed R8-A zoning would allow buildings

as high as 145 feet. Such proposals for increasing

height and density in the area of this rezoning,

which was community driven has still strong community

support should only be considered for projects with

truly exceptional public benefit, and I would add

that 100% rent regulated housing in my district is

certainly not a project that comes before me often or

ever. The proposed development at 142-150 South

Portland Avenue will be 100% income restricted and

developed under the HPD M2 term sheet with deeply

affordable units required by MIH Option 1 as well as

units targeting moderate and middle incomes. In

addition to these 100 units of affordable housing,

there will be room to spare for nearly 18,000 square

feet of community facility space for social services,

health services, and general community programming.

Additionally, the church has committed to providing

2 prevailing wages for its building workers, which as
3 we know will afford those workers good paying jobs
4 with themselves and their families, and I want to
5 thank all of my colleagues here, Chair Moya, Chair
6 Salamanca, all of my colleagues, HPD and others for
7 negotiating with us up until the hour, the wee hours
8 of night to get to this place. In contrast, the as-
9 of-right alternative under R7-A zoning would result
10 in 71 units of housing with only 14 affordable units
11 and not enough space in the building to include
12 community facilities. The development proposal
13 before us the significant increase in affordability
14 and community benefits justifies the increase in
15 zoning from R7A to R8A. In contrast, properties
16 outside of the applicant's proposed development site
17 such as the vacant lots on Hanson Place do not
18 warrant this zoning change. There has also been no
19 suggestion that the owner of these vacant lots has
20 interest in pursuing a 100% affordable project.
21 Here, the balance tips in favor of retaining the R17-
22 A zoning that the Fort Greene community fought for in
23 2007. I'd like to thank the community for presenting
24 so many different points of view on how we came to
25 this particular place. I want to thank all of the

1 advocates for advocating for a prevailing wage to
2 make sure that we have worksites that have jobs where
3 people can be proud of and a—and a wage that they can
4 actually live and raise a family with benefits in New
5 York City. I want to thank Crystal Hudson on my
6 team. She has done a phenomenal job throughout the
7 negotiation process, and I want to thank all of the
8 colleagues that have worked with me, but most
9 importantly, I want to thank Hanson Place Seventh Day
10 Adventist Church and all of their members. They have
11 done extraordinary work in our community from the
12 food pantry to the education of our youth, and so
13 many other integral programs that have helped to make
14 the Fort Greene community the place that it is today.
15 So, I want to thank everyone here for making this
16 possible, and I'm not going to turn it back to Chair
17 Moya.

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19 CHAIRPERSON MOYA: Thank you,
20 Councilwoman, and just wanted to congratulate you
21 again on—the wonderful work on this project, and I
22 want to say that it was probably one of the best
23 hearings I was able to chair in my short time here,
24 but a wonderful congregation really made that a very
25 special hearing.

2 COUNCIL MEMBER CUMBO: I think that
3 district always keeps it interesting. We'll have
4 plenty more good hearings for you.

5 CHAIRPERSON MOYA: I'm looking forward to
6 it. So, we will be voting to approve with
7 modifications both the Block 675 Applications, LUs 89
8 through 91 and 92 through 94 in Speaker Johnson's
9 district in Manhattan. These applications for zoning
10 map changes, text amendments and special permits will
11 facilitate the transfer of floor area from Hudson
12 River Park as permitted by state law to upend
13 development sites, the state and city owned the
14 underlying park property and the Hudson River Park
15 Trust leases the property from each entity and
16 operates the park. In 2016 to facilitate the
17 continued repair, rehabilitation, maintenance, and
18 development of the Hudson River Park the Special
19 Hudson River Park District was established. The
20 provisions of the Special District permit the
21 transfer of unused development rights from the park
22 in exchange for financial contributions dedicated to
23 the improvement of the park. The applicant—
24 applications before us today would establish a new
25 granting site and new receiving sites in the Special

Hudson River Park district permit a wider range of uses and higher density. The two development sites require permanently affordable housing and support certain identified improvements in the maintenance of the Hudson River Park within Manhattan Community District. We will be modifying the Special Permit plans for Site A, the development at 106 West 29th Street to reduce the tower height of the building to less than 600 feet. We will be modifying both the applications for 601 West 29th Street, and 606 West 30th Street to ensure that the specified park improvements are properly funded and the additional financial contributions totaling \$4 million will facilitate the completion of a stretch of the park between 32nd and 34th Street. Last, we will be modifying the restrictive declarations associated with each site to ensure that open space mitigation funds contributed by the developers are applied by the Parks Department to Chelsea Park, and that if childcare impacts are found at the time of development, ACS consider whether it is feasible to distribute childcare vouchers to qualifying residents of the development for use at daycare facilities in the community district. Speaker Johnson could not be

1 here today, but I want to congratulate him on this
2 important project, which will benefit the Hudson
3 River Park and all its users, and I will now read his
4 statement into the record. Today we will be voting
5 on two Land Use applications that I've been working
6 on for years even before I was sworn in as a Council
7 Member, when I was chair of Community Board 4. It
8 presented a lot of challenges and involved a wide
9 range of diverse stakeholders, but the proposals have
10 the potential to produce substantial affordable
11 housing, create more open green space and help us
12 achieve many long sought goals for our community.
13 I'm extremely proud to say that after a long rigorous
14 process involving much negotiations, detailed and
15 thoughtful input from the community and my colleagues
16 in government, the projects on Block 675 Lazarian at
17 606 West 30th Street and Douglas-Douglaston
18 Development at 601 West 29th Street are an all-around
19 in for the people of my district and the city. While
20 both projects have and will contain some of the
21 nicest affordable housing units in the country, the
22 main impetus of this project is to help completed
23 Hudson River Park putting needed capital money
24 between the areas from 29th to 34th Street with the
25

additional investment, approximately 10% more will be coming to the park. We've seen an unprecedented level of support for Hudson River Park from both the state, city, and the private development community in the last two years. In addition, the Douglaston Development will provide 12,500 square feet of lot area to allow the construction of a new permanent FDNY/EMS facility to be the new home of the EMS Station No. 7, which is currently on West 23rd Street. EMS Station No. 7, which provides vital emergency services will better—will be better equipped to serve the west side of Manhattan as a result of this development. Both projects will also create approximately 310 units of desperately needed permanent affordable housing on the west side.

Through this process we will be able to achieve an equitable distribution of affordable units throughout both buildings exceeded the 65% distribution minimum both the market rate and affordable units will be—will provide the same fixtures and finishes and discounts will be offered to fee based amenities to families and individuals who live in the affordable units. Further, to main the character of the surrounding neighborhood, Douglaston Development has

1 redesigned its tower and decreased its maximum height
2 to less than 600 feet. Lazarian has maximized its
3 development to include an out parcel that wide would
4 have been sandwiched between two towers. There are
5 many partners involved in this effort and I wanted to
6 thank Deputy Mayor Glenn, City Planning Chair Lago,
7 my fellow local elected officials, and the Hudson
8 River Park Trust President Madelyn Wils and the
9 persistent advocacy of the Friends of the Hudson
10 River Park. I want to also thank Community Board 7,
11 Burt Lazarian, and CB4 members Lee Compton, Betty
12 McKintosh, J.D. Nolan, and Joe Restuccia (sp?)
13 Finally, I want to acknowledge Steve Chernob, Steve
14 Levin from the Douglaston Development and Kevin
15 Lazarian for their spirit of collaboration to make
16 sure we deliver to the public the best possible
17 project and thank you for your support. Speaker
18 Johnson. We will now be voting to approve the two
19 revocable consent applications for the sidewalk cafes
20 that will be—that we held hearings on this morning
21 and I now call for a vote in accordance with the
22 recommendations of the Local Council Members to
23 approve LUs 107, 110, 111, 112, 113 and 114 to
24 approve with the modifications I have described for
25

2 LUs 89 through 91 and 92 through 94 and LUs 108 and
3 109. Counsel, please call the roll.

4 LEGAL COUNSEL: Constantinides.

5 COUNCIL MEMBER CONSTANTINIDES: I vote
6 aye on all.

7 LEGAL COUNSEL: Moya.

8 CHAIRPERSON MOYA: Aye on all.

9 LEGAL COUNSEL: Lancman.

10 COUNCIL MEMBER LANCMAN: Aye.

11 LEGAL COUNSEL: Levin.

12 COUNCIL MEMBER LEVIN: Aye.

13 LEGAL COUNSEL: Reynoso.

14 COUNCIL MEMBER REYNOSO: Aye.

15 LEGAL COUNSEL: And Rivera.

16 COUNCIL MEMBER RIVERA: Aye.

17 LEGAL COUNSEL: The Land Use Items are
18 approved by a vote of 6 in the affirmative, 0
19 negative and no abstentions and recommended for
20 approval to the full Land Use Committee.

21 CHAIRPERSON MOYA: Thank you, I would
22 like—I would now like to thank the—[pause]. I would
23 now like to thank members of the public, my
24 colleagues, the Council and Land Use staff for all
25 the great work that they've been doing, and for

2 everyone who is attending the hearing, and let me
3 turn it over once again [laughter] to the great
4 Councilwoman from Brooklyn, Councilwoman Cumbo.

5 COUNCIL MEMBER CUMBO: Thank you and I
6 just want to thank Raju Mann and Brian Paul for all
7 their incredible work on this particular project.
8 They really stayed with us and got through a very
9 challenging time, and I also want to thank Pastor
10 Penn of Hanson Place Seventh Day Adventist Church who
11 has done a yeoman's job of leading his church
12 throughout this entire project. So, just want to
13 thank everyone for being here and for all of their
14 support. Thank you, colleagues and now, I turn it
15 back to Chair Moya.

16 CHAIRPERSON MOYA: Thank you and just one
17 quick correction. It was Jeff Levine, not Steven
18 Levin [laughter] and I'm going to leave the roll open
19 for 10 more minutes. Thank you. [pause] This
20 meeting is hereby now adjourned. [gavel] Thank you.

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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 16, 2018