

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON LAND USE

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September 20, 2018  
Start: 11:29 a.m.  
Recess: 11:48 a.m.

HELD AT: Committee Room - City Hall

B E F O R E: RAFAEL SALAMANCA, JR.  
Chairperson

COUNCIL MEMBERS: Adrienne E. Adams  
Inez D. Barron  
Costa G. Constantinides  
Chaim M. Deutsch  
Ruben Diaz, Sr.  
Vanessa L. Gibson  
Barry S. Grodenchik  
Ben Kallos  
Andy L. King  
Peter A. Koo  
Rory I. Lancman  
Stephen T. Levin  
I. Daneek Miller  
Francisco P. Moya  
Antonio Reynoso  
Donovan J. Richards  
Carlina Rivera  
Ritchie J. Torres  
Mark Treyger

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

2 [sound check] [pause] [gavel]

3 CHAIRPERSON SALAMANCA: Alright, good

4 afternoon everyone. [background comments] Oh.

5 [pause] [gavel] Alright, good afternoon everyone. I

6 am Council Member Rafael Salamanca. [shushing for

7 quiet] Alright. Thank you, guys. Good afternoon.

8 I'm Council Member Rafael Salamanca. I'm the Chair

9 of the Land Use Committee. I want to welcome my

10 colleagues who are present today. We have—thank you.

11 We have Council Member Barron, Constantinides,

12 Kallos—Chair Kallos, Koo, Lancman, Levin, Reynoso,

13 Richards, Torres, Grodenchik, Chair Adams, Chair

14 Moya, and Rivera. I want to thank Chair Moya, Chair

15 Adams and Chair Kallos for their work on our Land Use

16 Subcommittees. Today we will be voting on items

17 referred out of our three subcommittees from our

18 Planning subcommittee. We will be voting to approve

19 LUs 184 and 185 for the properties in Council Member

20 Levin's district in the Hamilton Heights neighborhood

21 in Manhattan. LU 184 is affected property located in

22 at 638-640 Riverside Drive. HPD seeks approval of an

23 Article XI tax exemption for a period of 40 years

24 pursuant to Section 577 of the Private Housing

25 Finance Law to replace a 40-year Article XI tax

2 exemption previously granted in 2003 so that the term  
3 of the new tax exemption coincides with the terms of  
4 the 30-year construction loan that was closed this  
5 year for much needed rehabilitation of an existing  
6 partially occupied building. The building is  
7 anticipated to convert to a cooperative ownership in  
8 the future. The 34 vacant units would have income  
9 restrictions of 120% of AMI and rent restrictions of  
10 100% AMI. LUs 185 affected property located at 642-  
11 644 Riverside Drive. HPD seeks approval of an  
12 Article XI tax exemption for a period of 40 years  
13 pursuant to Section 577 of the Private Housing  
14 Finance law to replace a 40-year Article XI tax  
15 exemption granted in 2003 so that the term of the new  
16 tax exemption coincides with the term of a permanent  
17 financing loan that the owner is seeking. The  
18 property recently went through substantial  
19 rehabilitation. It's a partially occupied 12-story  
20 building anticipated to convert to a cooperative  
21 ownership in the near future. The 15 vacant units  
22 would have income restrictions of 70% AMI and rent  
23 restrictions at 60% AMI. From our Landmarks  
24 Subcommittee we will be voting to approve two  
25 applications with modification. We will-

2 [background comments] We will be voting to approve  
3 one application with modi-modifications. We will  
4 vote to approve with modifications LU 175 an  
5 application submitted by New York City Police  
6 Department and the Department of Citywide  
7 Administrative Services for renewal of an existing  
8 lease for the acquisition of property located at 700  
9 Calandra Street in Red Hook, Brooklyn in Council  
10 Member Menchaca's district. The Police Department  
11 has leased this property since 1994 for use as a  
12 vehicle evidence storage facility that has a capacity  
13 of 1,700 vehicles. Our modifications will be limited  
14 to the term of the acquisition to ten years. We will  
15 be laying over LUs 151, the Landmark Preservation  
16 Commission designation of the Central Harlem West  
17 130<sup>th</sup> to 132<sup>nd</sup> Street Historic District. From our  
18 Zoning Subcommittees we will be voting to approve LUs  
19 199 and 200 the 57 Caton Place Rezoning Application  
20 in Council member Lander's district in Brooklyn.  
21 Application for 57 Caton Partners, LLC seeks  
22 rezonings of C8-2 to R7A/C2-4 to facilitate the  
23 development of 9-story mixed use building with  
24 approximately 107 apartments and ground floor retail.  
25 MIH Option 1 is also proposed within an amendment to

the Special Ocean Parkway District Text, which would rezone an approximately 27 affordable units. We will also vote approve LUs 201 and 202 the 1881 and 1883 McDonald Avenue Rezoning Application for property located in Council Member Yeger's District in Brooklyn. Applicant Quinton Plaza, LLC seeks to rezone property from R5 to R7A/C2-4 and to apply MID Option 1 and 2 to the Rezoning area to facilitate a new 8-story building with approximately 35 apartments and ground floor commercial space and approximately 11 affordable units under MIH Option 2. We will vote to approve LUs 207, the O'Neil Rezoning for property located in Council Member Holden's district in Queens. All of the property in the rezoning area is currently zoned R4. The rezoning to R5D-R5B/C2-2 and R4/C2-2 would bring existing buildings into zoning compliance, and to the project site located on-on the corner of 53<sup>rd</sup> Drive and 65<sup>th</sup> Place. It would allow the enlargement of O'Neill's Restaurant with a second floor for catering. We will vote to approve LUs 217 the HK Kitchen Corp Application for revocable consent for an unenclosed sidewalk café at 3599 East Tremont Avenue in Council Member Gjonaj's district in the Bronx. The size of the café has been adjusted to

2 address the concerns of the community. We will vote  
3 to modify LUs 206 the 3122-3136 Victory Boulevard  
4 rezoning for property located in Council Member  
5 Matteo's district in Staten Island. Applicant C&A  
6 Realty Holdings, LLC seeks a rezoning to replace an  
7 existing R3X/C2-2 District with a C8-1 District to  
8 legalize an existing automobile repair stalls and to  
9 increase the size of the facility. We will be voting  
10 to modify the application to remove the corner  
11 property from the rezoning. The building on the  
12 corner property at 1020 (sic) was recently built and  
13 conforms and complies with the existing C2-2 zoning  
14 and is not likely to be redeveloped pursuant to the  
15 C8 zoning. This is stated in the EAS. However, the  
16 adjacent and nearby residential properties would be  
17 put at risk of inappropriate illuminated advertising  
18 signs, which are permitted under the C8 zoning. To  
19 be clear, it would be permissible for these signs to  
20 have nothing to do with the existing or future  
21 business on this corner zoning lot as we are not  
22 talking about accessory signage. The proximity to  
23 residential use of the illuminated advertising sign,  
24 which bring in immense revenues to their owners and  
25 operators makes the rezoning of this corner parcel

2 inappropriate in addition to being unnecessary. We  
3 will be voting to disapprove pre-LU 203 and LUs 204  
4 and 205 and the 27 East Fourth Street Application for  
5 the property located in Council Member Rivera's  
6 district in Manhattan. Applicant Caldecott Park  
7 Corporation seeks a zoning text amendment to Special  
8 Permit 74-712 to make this eligible for a Special  
9 Permit and seeks two special permits under this  
10 Section to allow a transient hotel and retail use on  
11 the—on the project site, and to modify bulk  
12 regulations to allow the proposed buildings to reach  
13 a height of 90 feet without setback. In considering  
14 the proposed text and the text of the risk posed to a  
15 very unique landmark Merchant House Museum, which  
16 could benefit from a continuing maintenance plan. We  
17 question the policy rationale behind the proposed  
18 amendment to 74-712. Our view is that the zoning  
19 resolution already contains an applicable special  
20 permit under Section 74-711, which does the same  
21 thing as a proposed zoning text, but with a public  
22 benefit, landmark preservation. Given that 74-711 is  
23 available to the developer of 27 East Fourth Street  
24 today, the Council believes that the proposed zoning  
25 text amendment is neither necessary nor appropriate.



2 Because the Special Permits are contingent upon the  
3 next text, they will also be disapproved. We will be  
4 voting to approve the modifications to LUs 192, 193  
5 and 194, the 80 Flatbush applicant in Council Member  
6 Levin's district in Brooklyn. Alloy Development is a  
7 co-applicant with the New York City Educational  
8 Construction Fund seeking a zoning map amendment from  
9 C6-2 to C6-9, and zoning text amendment to establish  
10 a Mandatory Inclusionary Housing Area, establish  
11 applicable regulations from new C6-9 District within  
12 the Special Downtown Brooklyn District and create a  
13 new Special Permit to permit modifications of both  
14 MIH ground floor use, parking and loading regulations  
15 for a development in conjunction with ECF in the  
16 Special Downtown Brooklyn District. These proposed  
17 actions will facilitate the development of two new  
18 schools, two new mixed-use towers originally proposed  
19 at 561 and 989 and 989 feet. Modifications will be  
20 density and building scale instead of an FAR of 18.  
21 The site will be rezoned to allow a much increased  
22 FAR upon the provision of 100,000 square feet of  
23 special school floor space. The height of the taller  
24 phase 2 tower has been reduced to 840 including the  
25 bulkhead and the height of the smaller Phase 1 tower

2 has been reduced to 510 including the bulkhead.

3 These modifications will result in fewer shadows on

4 the nearby community garden and a more appropriate

5 urban design with better relationships to the

6 surrounding buildings. Are there any questions or

7 remarks from members of the committee? Council

8 Member Levin.

9 COUNCIL MEMBER LEVIN: Thank you, Chair.

10 I spoke mostly about this--this project during the

11 subcommittee vote. I just wanted to--I was remiss in

12 acknowledging a few more people. I Carl Rodriguez

13 and Carolee Fink from Deputy Mayor Glen's office as

14 well as my staff, Elizabeth Adams, Jonathan Boucher,

15 Lumani Bravo Lopez who was with the Community for

16 numerous, numerous meetings, and Edward Paulino. So,

17 I just I want to acknowledge them and their hard work

18 on this project. Thank you.

19 CHAIRPERSON SALAMANCA: Thank you,

20 Council Member Levin and congratulations.

21 Council Member Rivera, would you like to speak on

22 your project?

23 COUNCIL MEMBER RIVERA: Thank you. I did

24 make some remarks earlier in the Subcommittee and

25 again thanks to Chair Moya for allowing me to make

2 some brief remarks. I just want to thank you for what  
3 you said in terms of why we are disapproving this  
4 application, and I want to thank all my colleagues in  
5 advance for supporting me. [pause] Alright and I  
6 call on a vote in accordance with the recommendations  
7 of the Subcommittees to approve LUs 184, 185, 199,  
8 200, 201, 202, 207, and 217 to approve with  
9 modifications. I have described LUs 175, 192, 193,  
10 194, and 206 to disapprove Preconsidered LUs 203 and  
11 LUs 204 and 205. A vote of aye on all is a vote to  
12 approve and approve with modifications and  
13 disapprove. Will the Clerk please call the roll.

14 CLERK: Matthew DeStefano, Committee  
15 Clerk, Committee on Land Use. Roll call vote on the  
16 aforementioned LUs with all accompanying resolutions.  
17 Chair Salamanca.

18 CHAIRPERSON SALAMANCA: Aye on all.

19 CLERK: Gibson.

20 COUNCIL MEMBER GIBSON: [off mic] Aye on  
21 all.

22 CLERK: Barron.

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

2 CHAIRPERSON SALAMANCA: Council Member  
3 Barron to explain her vote.

4 COUNCIL MEMBER BARRON: Thank you, Mr.  
5 Chair. I'm voting aye with the exception of Land Use  
6 192 through 194. I just think that—that is much too  
7 much. I appreciate all the work and the reduction  
8 and the height, but it is much too dense, and it is  
9 only I think 200 units, which we appreciate, but my  
10 opinion again is that the people who need housing the  
11 most are not being afforded an opportunity to apply  
12 for housing in large enough numbers, and that is the  
13 reason that I'm also voting no on Land Use 199, Land  
14 Use 200 and Land Use 201 and 20—201 and 202. I think  
15 199 and 200 has about 25% affordable, but we always—  
16 that's a dangling phrase there because it means that  
17 75% is market, and that same holds true for Land Use  
18 201 and 202, which I think is about 30% affordable  
19 and 70% market. We're not going to be able to  
20 address the issue that we're having with homelessness  
21 and people who are living doubled up with other  
22 family members until we provide adequate numbers of  
23 housing for them. So, with that said, I vote aye on  
24 all with the exception of LU 192 through 194, LU 199,  
25 LU 200 and LU 201 and 202. Thank you Mr. Chair.

2 CHAIRPERSON SALAMANCA: Thank you.

3 CLERK: Constantinides.

4 COUNCIL MEMBER CONSTANTINIDES: Aye on  
5 all.

6 CLERK: Deutsch.

7 COUNCIL MEMBER DEUTSCH: [off mic] Aye.

8 CLERK: Kallos.

9 COUNCIL MEMBER KALLOS: Permission to  
10 explain my vote?

11 CHAIRPERSON SALAMANCA: Chair Kallos to  
12 explain his vote.

13 COUNCIL MEMBER KALLOS: I just wanted to  
14 thank the folks from—coming out from Community Board  
15 2 and protecting that historic district, and  
16 compliment Council Member Rivera yet again today for  
17 her amazing work and preservation, and also I want to  
18 thank the folks who came out from the group to  
19 protect Central Harlem and just to thank you for  
20 coming out and making your voice heard, and that item  
21 was withdrawn from the agenda. So, advocacy works,  
22 and this is the people's house and I proudly vote aye  
23 on all.

24 CLERK: Koo.

25 COUNCIL MEMBER KOO: Aye.

2 CLERK: Lancman.

3 COUNCIL MEMBER LANCMAN: Aye.

4 CLERK: Levin.

5 COUNCIL MEMBER LEVIN: Aye on all and I

6 also want to acknowledge the students and the—the

7 teachers and staff at Collegiate Corella and Bertram

8 (sic) National Academy that did a lot of that

9 advocacy as well. Thank you.

10 CLERK: Reynoso.

11 COUNCIL MEMBER REYNOSO: [off mic] I vote

12 aye.

13 CLERK: Richards.

14 COUNCIL MEMBER RICHARDS: Aye.

15 CLERK: Torres.

16 COUNCIL MEMBER TORRES: I vote aye.

17 CLERK: Treyger.

18 COUNCIL MEMBER TREYGER: Aye.

19 CLERK: Grodenchik.

20 COUNCIL MEMBER GRODENCHIK: Aye.

21 CLERK: Adams.

22 COUNCIL MEMBER ADAMS: I vote aye.

23 CLERK: Moya.

24 COUNCIL MEMBER MOYA: Aye.

25 CLERK: Rivera.

2 COUNCIL MEMBER RIVERA: Aye.

3 CLERK: Okay, the following is a  
4 breakdown of today's Committee vote. The following  
5 items were approved by a vote of 17 in the  
6 affirmative 0 in the negative and no abstentions: LU  
7 Nos. 184, 185, 207 and 217. The following items were  
8 approved by a vote of 16 in the affirmative, 1  
9 negative and no abstentions: LU Nos. 199, 200, 201  
10 and 202. The following items were approved with  
11 modifications by a vote of 17 in the affirmative, 0  
12 in the negative and no abstentions: 175 and 206.  
13 The following items were approved with modifications  
14 by a vote of 16 in the affirmative, 1 negative and no  
15 abstentions: LU Nos. 192, 193, 194. The following  
16 items were disapproved by a vote of 17 in the  
17 affirmative and 0 in the negative and no abstentions:  
18 LU Nos. 203, 204 and 205 and the Land Use Item LU 151  
19 was laid over by committee. Thank you.

20 CHAIRPERSON SALAMANCA: I would like to  
21 thank the members of the public, my colleagues,  
22 counsel and Land Use staff for attending today's  
23 hearing. This meeting is hereby adjourned. [gavel]

24

25

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 30, 2018