

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

SUBCOMMITTEE ON PLANNING, DISPOSITIONS, & CONCESSIONS

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December 15, 2008

Start: 1:40 pm

Recess: 2:25 pm

HELD AT: Council Chambers  
City Hall

B E F O R E:  
DANIEL R. GARODNICK  
Chairperson

COUNCIL MEMBERS:  
Sara M. Gonzalez  
Vincent Ignizio

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

Carol Clark  
Assistant Commissioner  
NYC Housing, Preservation, and Development

Michael Polo  
Director, Staten Island and Queens  
NYC Housing, Preservation, and Development

Terry Arroyo  
Director of Land Use  
NYC Housing, Preservation, and Development

Donald Notice  
Position  
Harriet Tubman HDFC

Richard Heitler  
Chief Operating Officer  
Urban Homesteading Assistance Board

Victor Hernandez  
Director of the Tenant Interim Lease program  
NYC Housing, Preservation, and Development

Bryce Jenson  
Treasurer  
307 Manhattan Residence

James Underwood  
Board Member  
307 Manhattan Residence

1  
2 CHAIRPERSON GARODNICK: Are we  
3 ready? [Pause] Good afternoon, everybody,  
4 welcome to the Subcommittee on Planning,  
5 Dispositions, and Concessions, my name is Dan  
6 Garodnick, I'm joined by Council Member Vincent  
7 Ignizio of Staten Island, Council Member Sara  
8 Gonzalez of Brooklyn. Today's date--

9 COUNCIL MEMBER GONZALEZ: 15th.

10 CHAIRPERSON GARODNICK: --is  
11 December 15th and we have a lengthy agenda, so  
12 we're going to get right into it.

13 The first item is Land Use number  
14 861, the Edgemere Urban Renewal Plan in the  
15 district of Council Member Sanders, Queens  
16 Community Board 14, C 080455 HUQ. And we're  
17 joined by representatives of the City's Department  
18 of Urban Housing Preservation Development.

19 And, Ms. Clark, go right ahead.

20 MS. CAROL CLARK: Good afternoon,  
21 I'm Carol Clark, Assistant Commissioner at HPD and  
22 I'm joined by Mike Polo, who's the Director of our  
23 Staten Island and Queens offices.

24 LU 861 consists of the first  
25 Amended Urban Renewal Plan for the Edgemere Urban

1  
2 Renewal area in Queens Community Board 14. The  
3 proposed amendment will revise the plan to make it  
4 consistent with the recent Rockaway area rezoning  
5 approved by the Council in August of 2008. The  
6 proposed amendment and rezoning will allow for the  
7 redevelopment of sites 1, 33, and 34, currently  
8 designated for commercial, residential use as  
9 mixed-use, multifamily buildings. Council Member  
10 Sanders has been briefed about the project and has  
11 indicated his support.

12 [Pause]

13 CHAIRPERSON GARODNICK: Thank you.

14 Let me understand that you say that this is an  
15 amendment to an existing Urban Renewal Plan, is  
16 that right?

17 MR. MICHAEL POLO: That's correct.

18 CHAIRPERSON GARODNICK: State your  
19 name, sir, go ahead.

20 MR. POLO: Michael Polo, I'm  
21 Director of Queens Staten Island Planning for HPD.

22 CHAIRPERSON GARODNICK: Thank you  
23 and welcome. And the answer to that one is yes.

24 MR. POLO: The answer is yes.

25 CHAIRPERSON GARODNICK: And we're

1  
2 doing this to make it consistent with the Rockaway  
3 rezoning as Ms. Clark said, is that right?

4 MR. POLO: We're bringing into  
5 conformance with the recent Rockaway rezoning  
6 [crosstalk]--

7 CHAIRPERSON GARODNICK:  
8 [Interposing] What is out of conformity right now?

9 MR. POLO: The rezoning planned for,  
10 or gave allowance for a larger envelope than the  
11 Urban Renewal Plan provided for and the Urban  
12 Renewal Plan designated it for, and restricted it  
13 to, a residential project, this will give us more  
14 flexibility in how to treat this property. We  
15 would likely bring a mixed-use project to the  
16 site.

17 CHAIRPERSON GARODNICK: Okay. So  
18 the Urban Renewal Plan allows for residential  
19 only, and the Rockaway rezoning designated these  
20 sites as commercial, mixed-use area, is that  
21 right?

22 MR. POLO: Yes, sir, that's correct.

23 CHAIRPERSON GARODNICK: Okay. So  
24 this an amendment to the Urban Renewal Plan to  
25 allow for the redevelopment of those sites into

1  
2 the uses that are prescribed by the Rockaway  
3 rezoning, is that right?

4 MR. POLO: That would be correct,  
5 sir.

6 CHAIRPERSON GARODNICK: Okay. Thank  
7 you.

8 MR. POLO: Thank you.

9 CHAIRPERSON GARODNICK: Seeing no  
10 other members of the public wishing to testify on  
11 this item, we'll close the hearing on Land Use  
12 Number 861, the Edgemere Urban Renewal Plan.

13 I'm sorry, let me just ask, you did  
14 say that Council Member Sanders has indicated his  
15 support of this?

16 MS. CLARK: Yes, that's correct.

17 CHAIRPERSON GARODNICK: Okay. Thank  
18 you and then we will completely close the hearing  
19 on--there is no difference of course between  
20 closing the hearing and completely closing the  
21 hearing, I'm being creative today--on 861, C  
22 080455 HUK, and we will open the hearing on  
23 related Land Use Numbers 887 and 888, the West  
24 143rd Street apartments, Manhattan Community Board  
25 10, C 080501 and 502. These are in the district

1 of Council Member Inez Dickens. Ms. Clark?

3 MS. CLARK: LU 887--I'm now joined,  
4 I might add, by Terry Arroyo, HPD's Director of  
5 Land Use--LU 887, and known as the West 143rd  
6 Street Apartments consists of the proposed new  
7 construction of one building located at 148 West  
8 143rd Street. In 1984, the Board of Estimate  
9 approved disposition of 134 dash 152 West 143rd  
10 Street, for development of 100 dwelling units of  
11 temporary emergency housing, known as the Harriet  
12 Tubman Family Center. On October 11th, 2006, the  
13 City Council approved an amendment of this  
14 project, which permitted 50 units to be operated  
15 as permanent housing. Today [pause] approval from  
16 the Council of the acquisition of the private lot,  
17 148 West 143rd Street, known before the Council as  
18 LU 888.

19 The sponsor, whose representatives  
20 are here and I believe have signed up to testify,  
21 the West Harlem Group Assistance, will construct  
22 one building which will be structurally joined to  
23 the adjacent building undergoing rehabilitation  
24 located at 152 West 143rd Street, 152 West 143rd  
25 Street is not subject to either land-use item.

1  
2 Together the new building will provide 34 rental  
3 units of permanent housing.

4 Council Member Dickens has reviewed  
5 the project and indicated her support.

6 [Pause]

7 CHAIRPERSON GARODNICK: Okay.  
8 That's a lot happening over there.

9 MS. CLARK: Yes, sir.

10 CHAIRPERSON GARODNICK: Okay. Let  
11 me just make sure that I understand everything.  
12 You said that this was initially from the Board of  
13 Estimate, approved as a disposition in 1988?

14 Sorry--

15 MS. CLARK: Eighty-four.

16 CHAIRPERSON GARODNICK: --1984--

17 MS. CLARK: Right.

18 CHAIRPERSON GARODNICK: --  
19 disposition of city lots?

20 MS. CLARK: Right, for--

21 CHAIRPERSON GARODNICK: To whom?

22 MS. CLARK: It was to be--it was  
23 operated as 100 dwelling units of temporary  
24 emergency housing, known as the Harriet Tubman  
25 Family Center.

1  
2 CHAIRPERSON GARODNICK: Okay. And  
3 in 2006 we amended the approval of the Board of  
4 Estimate from 1984, allowing for the possibility  
5 of 50 permanent units on this site, is that  
6 correct?

7 MS. CLARK: That's correct, it  
8 permitted--the amendment in '06 permitted 50 units  
9 to be operated as permanent housing.

10 CHAIRPERSON GARODNICK: Okay. And  
11 the application and before us is the disposition  
12 of--

13 FEMALE VOICE: Acquisition.

14 CHAIRPERSON GARODNICK: --the same  
15 lot, the same building that the formerly 100  
16 emergency dwelling units were on to this new  
17 recipient, is that correct?

18 MS. CLARK: Okay. West Harlem Group  
19 Assistance, and they can correct me if I'm wrong,  
20 is the sponsor, has been the sponsor throughout.  
21 There was a need back since '84 for this  
22 transitional housing. The lot, which is 148 West  
23 143rd Street, was part of this prior disposition,  
24 there were for multiple dwellings existing, which  
25 were rehabbed for this transitional housing, the

2 one lot was not developed, so it'd be like open  
3 space. At this point, since there's less of a  
4 need of transitional housing, more of a need of  
5 permanent housing for low income, the lot will now  
6 be developed in conjunction with the rehab of the  
7 adjacent 152--152nd--which has nothing with what  
8 we're here for, but just to let you know. This  
9 new structure being built on an undeveloped lot  
10 that was previously disposed to the West Harlem  
11 Group Assistance will now, that we're acquiring it  
12 to give it back to them to redevelop--

13 FEMALE VOICE: New construction.

14 MS. CLARK: --do new construction  
15 and structurally connect it to the existing  
16 building.

17 CHAIRPERSON GARODNICK: Okay. So  
18 you said that West Harlem Group Assistance was the  
19 owner as of 1984?

20 [Off mic]

21 [Pause]

22 CHAIRPERSON GARODNICK: Sir, if you  
23 want to come up--

24 MS. CLARK: Yes, let him come--it's  
25 a legal entity is--what is the Harlem [off mic].

2 CHAIRPERSON GARODNICK: You can go  
3 ahead and introduce yourself and...

4 MR. DONALD NOTICE: Donald Notice.

5 CHAIRPERSON GARODNICK: Mr. Notice,  
6 welcome.

7 MR. NOTICE: Thank you. In 1984,  
8 the property was disposed to 138 dash 152 West  
9 143rd Street, HFDC, and that's who the owner of  
10 the property now.

11 CHAIRPERSON GARODNICK: So it's an  
12 HDFC--

13 MR. NOTICE: Yes.

14 CHAIRPERSON GARODNICK: --and all of  
15 it, the three buildings and the empty lot are  
16 owned by 138 dash 132 West--

17 MR. NOTICE: [Interposing] Four  
18 buildings and the empty lot.

19 CHAIRPERSON GARODNICK: Four  
20 buildings and empty lot, all owned by this entity  
21 this HDFC.

22 MR. NOTICE: Yes.

23 CHAIRPERSON GARODNICK: So the  
24 action that is being taken today is the city is  
25 taking it back and then disposing it to West

2 Harlem Group Assistance?

3 MR. NOTICE: Well, yeah, what  
4 happened is just a change of use from transitional  
5 housing, which the action in '84 was, to permanent  
6 housing, which the action today is. To take two  
7 of the buildings and one lot, which is going to  
8 comprise of 50 units of affordable housing.

9 CHAIRPERSON GARODNICK: Now why  
10 can't 138 dash 152 West 143rd Street HDFC just go  
11 ahead and do that?

12 MR. NOTICE: Because there was a  
13 regulation saying that it had to be temporary  
14 housing, so we just wanted to change it from  
15 temporary housing back to permanent housing.

16 CHAIRPERSON GARODNICK: And the  
17 easiest way to make that change is to give it to  
18 the City and have the City re-dispose it?

19 MR. NOTICE: Yes.

20 FEMALE VOICE: Yes.

21 [Pause]

22 CHAIRPERSON GARODNICK: Okay. It  
23 sounds complicated, so pretty complicated to me.  
24 Okay, all right, so now I understand and the point  
25 of this is that--I'm sorry, what's the

2 relationship between West Harlem Group Assistance  
3 and the 138 dash 152 West 143rd Street HDFC?

4 MR. NOTICE: West Harlem Group  
5 Assistance was a sponsor of the project back in  
6 1984.

7 CHAIRPERSON GARODNICK: Okay. And  
8 the process for--I assume that this was not any  
9 open process for choosing West Harlem Group  
10 Assistance to be doing the redevelopment of that  
11 empty lot, they're the owners of the lot, is that  
12 right?

13 FEMALE VOICE: Right.

14 [Off mic]

15 MR. NOTICE: Correct.

16 CHAIRPERSON GARODNICK: Okay. So it  
17 was just a matter of changing purpose here.

18 MR. NOTICE: Yes, exactly.

19 CHAIRPERSON GARODNICK: Okay. All  
20 right, good. Sorry to put you through that, it is  
21 complicated and I just wanted to make sure I  
22 understand. Council Member Dickens, as you noted,  
23 is very much in favor of this project, in fact,  
24 she has asked me to share with you all a letter,  
25 and share with the record, a letter that she sent

1  
2 to me and Council Member Melinda Katz, the Chair  
3 of the Land Use Committee dated today, December  
4 15th.

5 Dear Chair Katz and Chairman  
6 Garodnick, please allow me to express my strong  
7 support for this project to be developed by West  
8 Harlem Group Assistance at 148 West 143rd Street  
9 in my district. Please also forgive my absence at  
10 Monday, December 15th, Planning Subcommittee  
11 hearing as I am doing the business of the people.  
12 As a presidential elector, I am in Albany at the  
13 electoral college voting to elect Senator Barack  
14 Obama as President of the United States.

15 So to Council Member Dickens that  
16 is, I think a reasonable excuse for her not being  
17 here today, but that's not in the letter I just  
18 threw that it on the side. Okay, back to the  
19 letter.

20 I am pleased to convey to the  
21 Subcommittee my excitement for this project in  
22 West Harlem Group Assistance, developers  
23 revolutionary affordable housing project  
24 throughout my district in northern Manhattan for  
25 many years. This ULURP is a follow-up action to a

2 2006 UDAP action as part of a 53-unit project that  
3 will provide housing at 30% to 48% of AMI, as well  
4 as 16 units for homeless families, 37 of the units  
5 will be rented at 48% of the AMI.

6 The need for this ULURP action  
7 today is to change the purpose of the housing  
8 constructed at 148 dash 152 West 143rd Street from  
9 its former purpose of transitional housing, which  
10 closed in 2005 due to lack of funding from HPD, to  
11 permanent housing.

12 West Harlem has been the owner of  
13 the site since 1987 and operated transitional  
14 housing there from 1987 to 2005. Twenty-six of  
15 the 34 units that will be on this site we are  
16 reviewing today will be for two and three-bedroom  
17 units allowing families to stay in the building.

18 I do have one lingering concern  
19 that I must voice today related to the closing of  
20 the transitional housing that West Harlem operated  
21 on the site elsewhere my district. West Harlem  
22 over their history has been a compassionate and  
23 effective manager of transitional housing. Since  
24 2005, this site alone, due to funding cuts by HPD,  
25 will be losing another 50 transitional units.

2 While I am pleased that these units will remain  
3 affordable rentals for families, our recent  
4 economic downturn will require more and more  
5 versatile housing options for those who lose jobs  
6 and lose homes that we do not revert to the  
7 terrible days where homelessness dominated New  
8 York City. We as a city government will need to  
9 find new dignified and acceptable housing options  
10 for people who suffer due to the economic  
11 downturn.

12 I thank my colleagues for their  
13 indulgence today, and I ask for their support on  
14 this project. Sincerely, Inez E. Dickens, the  
15 Majority Whip.

16 So I wanted to share that with you  
17 and read that into the record.

18 And, with that, anybody else?

19 [Pause] And seeing no other members of the public  
20 wishing to testify on this item, Mr. Notice, we  
21 thank you for your presence here and for what  
22 you're doing. We will close the hearing on Land  
23 Use Numbers 887 and 888, as noted before, the  
24 related items of the West 143rd Street Apartments.  
25 I should note that the next items on the agenda,

2 Land Use Numbers 898 to 903, the related items Via  
3 Verde, we are going to lay over, laying over to  
4 Thursday morning for a special meeting of Planning  
5 at 9:45, which will be followed by the Land Use  
6 Committee at 10 o'clock.

7 We will now open the hearing on  
8 Land Use Number 942, the Willets Point URA  
9 Disposition Agreement, Queens Community Board 7,  
10 20095204 RSQ.

11 [Pause]

12 I will just note for the record  
13 that this item is related to the Willets Point 384  
14 B4 Agreement in which the city commits to using  
15 only that particular part of the--that particular  
16 process to obtain the necessary government  
17 approvals for Willets Point in its dispositions in  
18 lieu of any other disposition process. And,  
19 essentially, what it says it's a resolution, an  
20 agreement which assigned here by Mayor Michael  
21 Bloomberg, which affords Council Members and the  
22 others comprising the borough board with the  
23 opportunity to review and approve the disposition,  
24 and it sets forth the agreement that all property  
25 acquired by the city within the Willets Point

2 Urban Renewal area, if disposed of, shall be  
3 disposed of by the City pursuant to Section 384 B4  
4 of the New York City Charter. And that the  
5 agreement shall become effective upon its  
6 execution by the Mayor and upon the adoption by  
7 the City Council of a resolution approving this  
8 agreement.

9 So I did want to note that it is in  
10 fact signed by Mayor Michael Bloomberg and it has  
11 been transmitted to the Speaker of the City  
12 Council, Christine C. Quinn, by letter dated  
13 today, December 15th, by Patrick Whaley to Speaker  
14 Quinn with carbon copies to Chair Katz and to  
15 myself and was received today at the City  
16 Council's Land Use division.

17 With that, we will close Land Use  
18 Number 942, and we will open the hearing on Land  
19 Use Numbered 943, the third-party transfer,  
20 Brooklyn Community Board 3, 20095189 HAK in the  
21 district of Council Member Vann. Ms. Clark?

22 MS. CLARK: Thank you, Chairman  
23 Garodnick. LU 943 consists of the proposed  
24 transfer of 34 Jefferson Avenue, part of the  
25 Brooklyn In Rem Action Number 48, under HPD's

2 third-party transfer program. The Commissioner of  
3 Finance included this parcel in a final judgment  
4 of foreclosure, known as In Rem Action Number 48.  
5 This judgment authorized the Commissioner of  
6 Finance to execute and deliver the deed to  
7 transferees selected by the Commissioner of HPD.  
8 HPD proposes Neighborhood Restore HDFC as the  
9 transferee, the proposed successor is Pratt Area  
10 Community Council, known as PACC, and Council  
11 Member Vann has been briefed and has indicated his  
12 support.

13 CHAIRPERSON GARODNICK: Well, you  
14 really are making them complicated today, aren't  
15 you, Ms. Clark?

16 MS. CLARK: I wasn't trying to, but,  
17 indeed, we have a complicated agenda.

18 CHAIRPERSON GARODNICK: Well let's  
19 talk about this for a moment.

20 MS. CLARK: Sure.

21 CHAIRPERSON GARODNICK: You said  
22 that there was a foreclosure on this property?

23 MS. CLARK: Yes, that's correct, it  
24 was in the third-party transfer program.

25 CHAIRPERSON GARODNICK: Okay. And

2 the--I don't see in the calendar item, where this  
3 is, other than Brooklyn Community Board 3. I  
4 think you said it in your opening, could you just  
5 give it to us again?

6 MS. CLARK: Yes, at 34 Jefferson  
7 Avenue, in Council Member Vann's district.

8 CHAIRPERSON GARODNICK: Okay. So it  
9 was part of the--you said it was a third-party  
10 transfer?

11 MS. CLARK: Right, it was under the  
12 third-party transfer program.

13 CHAIRPERSON GARODNICK: And it  
14 failed.

15 MS. CLARK: There was litigation  
16 that delayed it, therefore, you may recall that  
17 we've gone through several rounds of third-party  
18 transfer actions, the most recent one being, I  
19 believe, round number seven. And that, typically,  
20 once the Finance has reviewed them and Council  
21 Members have had their 45 days under TPT to  
22 ascertain if they approve of who the ultimate  
23 entity getting the property is going to be, then  
24 the project moves ahead and comes to Land Use.

25 This particular one was caught up

2 in litigation that has taken it out of the normal  
3 cycle, so you're seeing it here at Land Use all  
4 alone at a time when none of the other third-party  
5 transfer properties are coming through the  
6 process.

7 But, indeed, Council Member Vann  
8 has met with us and assured us that he is  
9 delighted that the Pratt Area Community Council  
10 will be the ultimate successor owner of this  
11 property.

12 CHAIRPERSON GARODNICK: Okay. And  
13 the rules allow the Department of Finance or they  
14 require that the Department of Finance allow HPD  
15 to pick the successor, is that correct?

16 MS. CLARK: Yes, from a series of  
17 qualified entities that go through a competitive  
18 process with each round of the third-party  
19 transfer process.

20 CHAIRPERSON GARODNICK: Okay. So it  
21 was through a competitive process that the Pratt  
22 Area Community Council was put on a list that  
23 qualified them for their participation here?

24 MS. CLARK: That's correct, and the  
25 Neighborhood Restore HDFC takes the properties

2 first and then conveys them to the other entity,  
3 in this case PACC.

4 CHAIRPERSON GARODNICK: Okay. And  
5 then this will be a third-party transfer program,  
6 the way that your program is ordinarily  
7 structured.

8 MS. CLARK: Yes, the project will  
9 move out of the third-party transfer program and  
10 be back in the hands of this entity PACC, which  
11 will have rehabilitated the building, back taxes  
12 will have been wiped out, and the building will  
13 move forward.

14 CHAIRPERSON GARODNICK: And in what  
15 form will the building move forward?

16 MS. CLARK: This will be a co-op,  
17 it'll be 66 units, a cooperative, an HDFC  
18 Cooperative.

19 CHAIRPERSON GARODNICK: And are  
20 there any restrictions on the sale of the  
21 cooperative units?

22 MS. CLARK: No, there are no  
23 particular restrictions.

24 CHAIRPERSON GARODNICK: Oh, on  
25 market?

2 [Pause]

3 MS. CLARK: What did--hang on, what  
4 [pause] It's being sold to the tenants who are in  
5 residence as a typical low-income, low-equity co-  
6 op building.

7 CHAIRPERSON GARODNICK: Okay. And  
8 so how are the prices determined in that context  
9 for the folks who are there?

10 [Pause]

11 MS. CLARK: That information, I  
12 don't have at hand, exactly how the prices are  
13 determined is not specifically a Land Use item,  
14 but I can get back to you with that information.

15 CHAIRPERSON GARODNICK: Okay. Yes,  
16 if you would, you can come back to us on Thursday  
17 with that, would be great. Okay. So it's a  
18 rehabilitation, pay back taxes, develop into 66  
19 cooperative units, without any restrictions and  
20 being sold to the occupants of the building? How  
21 many occupants are there--I'm sorry, is that a  
22 yes?

23 MS. CLARK: Yes.

24 CHAIRPERSON GARODNICK: How many  
25 occupants of the building are there today?

1  
2 MS. CLARK: Sixty-six occupied  
3 units.

4 CHAIRPERSON GARODNICK: Okay. So  
5 it's just a direct transfer of unit for unit.

6 MS. CLARK: Yes.

7 CHAIRPERSON GARODNICK: Okay.  
8 [Pause] Okay. We look forward to hearing from  
9 you as to how that works ordinarily in such a  
10 program.

11 MS. CLARK: Will do.

12 CHAIRPERSON GARODNICK: Thank you.  
13 We'll close the hearing on Land Use 943, the  
14 third-party transfer in Council Member Vann's  
15 district, 20095189 HAK and open the hearing on  
16 Land Use Number 944, Surf Gardens, Brooklyn  
17 Community Board 13, 20095219 HAK.

18 And I don't remember if I note it,  
19 but this is in the district of Council Member  
20 Recchia. Ms. Clark.

21 MS. CLARK: Right, and Council  
22 Member Recchia has indicated his support of the  
23 item to us.

24 LU 944 is an item where HPD is  
25 seeking the approval of a partial tax exemption

2 pursuant to Section 422 of the Real Property Tax  
3 Law for this site, which, as you noted, is located  
4 at 3117 dash 3127 Surf Avenue. The project known  
5 as Surf Gardens consists of the new construction  
6 and 76 units of low income housing for senior  
7 citizens, plus one superintendent unit.

8 It was approved by the Council in  
9 June of 2007, however, that UDAP approval did not  
10 include provisions for tax exemption, which is  
11 what we're here for today. And, again, Councilman  
12 Recchia has been informed of this and briefed and  
13 indicated his support.

14 CHAIRPERSON GARODNICK: Why was that  
15 not included in the initial application?

16 MS. CLARK: It wasn't contemplated  
17 at that time that we were going to need the tax  
18 exemption.

19 [Pause]

20 CHAIRPERSON GARODNICK: But  
21 ordinarily it would be included in a project of  
22 this type, is that right?

23 MS. CLARK: Not always, sometimes  
24 yes, sometimes no, but at that time it was not  
25 contemplated that it would have been necessary or

2 we would have brought it to you.

3 CHAIRPERSON GARODNICK: Okay. And  
4 what changed?

5 MS. CLARK: The economic conditions  
6 changed, it was a more expensive project and we  
7 came with a tax exemption today, the request.

8 CHAIRPERSON GARODNICK: Okay. Thank  
9 you. We will now close the hearing a Land Use  
10 Number 944, Surf Gardens, Brooklyn Community Board  
11 13, 20095219 HAK.

12 We will open the hearing on Land  
13 Use Number 946, the Broadway UHAB in the district  
14 of Council Member Jackson, 20095221 HAM in  
15 Manhattan Community Board 9.

16 [Pause]

17 MS. CLARK: Yes, and I'm going to be  
18 joined in a moment by Dick Heitler, who is the  
19 Chief Operating Officer of UHAB, which is involved  
20 in this project.

21 LU 946 consists of the proposed  
22 amendment of a previously approved UDAP for two  
23 buildings, 3603 and 3605 Broadway. Today, HPD is  
24 seeking the approval of an Article 11 tax  
25 exemption for these two multiple dwellings that

2 were conveyed to UHAB HDFC, which is the sponsor.  
3 And this was previously approved by the Council in  
4 February of 2004.

5 However, that UDAP approval did not  
6 include provisions for tax exemption. The  
7 proposed article 11 tax exemption we're before the  
8 Council for today will extend the affordability of  
9 this low-income equity cooperative housing project  
10 for a period of 40 years.

11 These buildings are currently  
12 undergoing rehabilitation and when they're  
13 completed, it will provide 48 units of housing.  
14 Councilman Bert Jackson has been briefed and  
15 indicated his strong support for the project.

16 CHAIRPERSON GARODNICK: Thank you.  
17 Again, why was this not sought at the initial  
18 approval of the project?

19 MS. CLARK: The financing, again,  
20 has changed and more monies are needed in order to  
21 extend the affordability of the low-income tenants  
22 for a full 40-year period.

23 CHAIRPERSON GARODNICK: And by  
24 giving this tax exemption, it locks the project in  
25 to the affordability standards for 40 years, is

2 that right?

3 MS. CLARK: That's correct, a full  
4 period of 40 years.

5 CHAIRPERSON GARODNICK: And what are  
6 the affordability standards here?

7 [Pause]

8 RICHARD HEITLER: Hi, I'm Richard  
9 Heitler from Urban Homesteading Assistance Board.

10 These are very low-income  
11 buildings, most of the tenants who currently  
12 reside there are between 30 and 60% of median,  
13 resales are restricted and it will be a HDFC  
14 Article 11, limited equity cooperative; sales  
15 prices will be about \$6,000 a room, they will  
16 escalate at about 2 to 3% a year over the 40-year  
17 life of the project, so this will be a very  
18 affordable project with the tax exemption. Absent  
19 the tax exemption, monthly maintenance costs would  
20 escalate significantly in the 20th and 30th years.

21 CHAIRPERSON GARODNICK: Okay. Thank  
22 you.

23 And you indicated that Council  
24 Member Jackson has expressed his support for this  
25 item?

1  
2 MS. CLARK: Yes, he has.

3 CHAIRPERSON GARODNICK: We will  
4 close the hearing on Land Use Number 946, the  
5 Broadway UHAB, 20095221 HAM.

6 And open the hearing on Land Use  
7 Number 947, the West 148th Street UHAB, also in  
8 the district of Council Member Jackson, Community  
9 Board 9, 20095222 HAM. Ms. Clark.

10 MS. CLARK: Yes, LU 947 is HPD is  
11 seeking the approval of another Article 11 tax  
12 exemption for 10 multiple dwellings that are  
13 located at 421, 502, 505, 514 dash 16, 518 dash  
14 520, 521, 529, 538, and 555 West 148th Street, and  
15 500, 512 100 West 149th Street, and 518 West 146th  
16 Street They have all also been conveyed to the  
17 UHAB HDFC Housing Development Fund Corporation,  
18 which is the sponsor of this project.

19 Previously, the Council approved  
20 the disposition for these buildings in May of  
21 2002, however, the prior UDAP approval did not  
22 include the provisions for tax exemption.

23 The proposed Article 11 tax  
24 exemption would extend the affordability of this  
25 low-income equity cooperative housing project for

1  
2 a period of 40 years. These buildings are  
3 currently undergoing rehabilitation and, when  
4 completed, will provide 155 units of housing.  
5 Council Member Jackson has indicated his support  
6 of the project.

7 CHAIRPERSON GARODNICK: Thank you.  
8 Tell us the affordability, the income bands for  
9 these 155 units.

10 RICHARD HEITLER: It is exactly the  
11 same as the Broadway buildings.

12 CHAIRPERSON GARODNICK: So it is--

13 RICHARD HEITLER: In other words--

14 CHAIRPERSON GARODNICK: --30 to 60%  
15 of area median income?

16 RICHARD HEITLER: Is pretty much  
17 accurately describes the current residents of  
18 those buildings, and when the vacant units are  
19 offered for sale, they will be offered to sale of  
20 people at or below 120% of median.

21 CHAIRPERSON GARODNICK: Thank you.  
22 And just to go back for a second to the Broadway  
23 UHAB, when you do the resales there, is that the  
24 same...

25 RICHARD HEITLER: Yes, it is.

2 CHAIRPERSON GARODNICK: So sale to  
3 people earning up to 120% of the AMI.

4 RICHARD HEITLER: That is correct.

5 CHAIRPERSON GARODNICK: Thank you.

6 Okay. So we'll close the hearing  
7 on Land Use 947, the West 148th Street UHAB in the  
8 district of Council Member Jackson, 20095222.

9 Open the hearing on Land Use Number  
10 876, non-ULURP Number 20095050 HAM, 212 to dash  
11 214 West 108th Street in Manhattan, and the  
12 district of Council Member Melissa Mark-Viverito.  
13 Ms. Clark?

14 MS. CLARK: I'm joined by Victor  
15 Hernandez, who is HPD's Director of the Tenant  
16 Interim Lease program.

17 LU 876 consists of the proposed  
18 disposition of one occupied city-owned building  
19 located at 212 dash 214 West 108th Street through  
20 HPD's TIL program, Tenant Interim Lease. TIL  
21 assists organized tenant associations in city-  
22 owned buildings to purchase and manage low-income  
23 cooperatives.

24 This project consists of 30  
25 residential units. Council Member Viverito has

2 been briefed and indicated her approval.

3 [Pause]

4 CHAIRPERSON GARODNICK: Thank you.

5 Tell us a little bit more about what happens with  
6 the 30 residential units once disposed.

7 [Pause]

8 VICTOR HERNANDEZ: Victor Hernandez,  
9 Director of the TIL program. Exactly, ask your  
10 question, again, I'm sorry.

11 CHAIRPERSON GARODNICK: The question  
12 is what happens to the units when the city  
13 disposes of the building?

14 VICTOR HERNANDEZ: The units are  
15 sold to the tenants.

16 CHAIRPERSON GARODNICK: To whom does  
17 it dispose it and what happens?

18 VICTOR HERNANDEZ: The units are  
19 sold to the tenants for \$250 a unit and the vacant  
20 apartments, the tenants will sell at a medium  
21 income of 120%, 120%.

22 CHAIRPERSON GARODNICK: Okay. And  
23 there are currently 30 residential units?

24 VICTOR HERNANDEZ: Yeah.

25 CHAIRPERSON GARODNICK: And how many

2 of them are occupied today?

3 VICTOR HERNANDEZ: Twenty-eight.

4 CHAIRPERSON GARODNICK: Twenty-eight  
5 of them are occupied, so there's two that would go  
6 on the market to people--

7 VICTOR HERNANDEZ: Right.

8 CHAIRPERSON GARODNICK: --earning up  
9 to 120%?

10 VICTOR HERNANDEZ: Yes.

11 MS. CLARK: Exactly.

12 CHAIRPERSON GARODNICK: Okay. Thank  
13 you.

14 We'll close the hearing on Land Use  
15 876, non-ULURP number 20095050 HAM.

16 And move on to Land Use Number 877  
17 non-ULURP Number 20095151 HAM, at 307 West 111th  
18 Street, in the district of Council Member Dickens.

19 MS. CLARK: Yes, LU 877 consists of  
20 the proposed disposition of one occupied city-  
21 owned building located, as you noted, at 307 West  
22 111th Street through HPD's Tenant Interim Lease  
23 program, or TIL, which assists organized tenant  
24 associations in city-owned buildings to purchase  
25 and manage low-income cooperatives. This project

2 consists of 15 residential units, I believe the  
3 tenants of that building are here and may wish to  
4 testify. Council Member Dickens has spoken with  
5 them, been briefed by HPD, and indicated her  
6 strong approval of this project.

7 CHAIRPERSON GARODNICK: Thank you.  
8 The 15 residential units, how many of them are  
9 occupied?

10 MS. CLARK: Twelve of them are  
11 occupied and three are vacant.

12 CHAIRPERSON GARODNICK: So the three  
13 will go on the market for to people earning up to  
14 120% of AMI?

15 MS. CLARK: Right, exactly, the HUD  
16 income limits, which is \$92,184.

17 CHAIRPERSON GARODNICK: Okay. Thank  
18 you for that.

19 I am going to ask the residents to  
20 come forward, Bryce Jenson and James Underwood,  
21 gentlemen, welcome. [Pause] Once you're  
22 comfortable, just go right ahead and introduce  
23 yourself and get started. [Pause] There you go.

24 BRYCE JENSON: Hi, I'm Bryce Jenson,  
25 I'm the Treasurer of 307 Manhattan Residence.

2 Thank you for letting us be heard.

3 CHAIRPERSON GARODNICK: Good, so  
4 your position is that you are in favor of this  
5 action today, is that correct?

6 BRYCE JENSON: Absolutely, yes.

7 CHAIRPERSON GARODNICK: Great, thank  
8 you. And you're the treasurer.

9 BRYCE JENSON: Yes.

10 CHAIRPERSON GARODNICK: Okay. And,  
11 sir, Mr. Underwood.

12 JAMES UNDERWOOD: I am a board  
13 member, James Underwood, thank you.

14 CHAIRPERSON GARODNICK: Okay. And  
15 you're also here just to register your support for  
16 this?

17 JAMES UNDERWOOD: Absolutely, thank  
18 you.

19 CHAIRPERSON GARODNICK: Great. Well  
20 we thank you, and we thank you for your presence,  
21 and certainly wish you all the best with what's to  
22 come, and hopefully it will be a tremendous  
23 success for you all.

24 JAMES UNDERWOOD: Thank you very  
25 much.

2 CHAIRPERSON GARODNICK: Thank you  
3 for being here.

4 BRYCE JENSON: Thank you very much.  
5 I just also would like to say to commend our  
6 coordinator, Aziamar Emena [phonetic], from the  
7 TIL program because, without her--I mean she  
8 really pushed us through, and so I would like to  
9 commend her in front of her, whoever--

10 JAMES UNDERWOOD: Absolutely.

11 BRYCE JENSON: --would like to hear  
12 that.

13 CHAIRPERSON GARODNICK: Great, thank  
14 you for that, we appreciate [crosstalk]--

15 BRYCE JENSON: [Crosstalk] And we  
16 are ready to go and we thank you.

17 CHAIRPERSON GARODNICK: Good--

18 JAMES UNDERWOOD: Thank you.

19 CHAIRPERSON GARODNICK: --thank you  
20 for coming down to City Hall today, we appreciate  
21 it.

22 And, with that, we will close the  
23 hearing on Land Use Number 877--I'm sorry before I  
24 close the hearing on Land Use 877, I just wanted  
25 to note that Council Member Dickens, as noted by

2 HPD, is also very, very supportive of this project  
3 and has asked me to read a letter into the record  
4 today that she sent to the Chair of the Land Use  
5 Committee, as well as me, Chair of the  
6 Subcommittee here, dated today, December 15th,  
7 regarding 307 West 111th Street.

8 Dear Chair Katz and Chairman  
9 Garodnick, please allow me to express my strong  
10 support for this project, a TIL building at 307  
11 West 111th Street in my district. Please also  
12 forgive my absence on Monday.

13 She goes on to explain that she is  
14 an elector of the electoral college today, it was  
15 included in her earlier letter, so I won't go  
16 through that part again.

17 I am pleased to be able to  
18 congratulate the tenant organization of 307 West  
19 111th Street, led by James Underwood, Bryce  
20 Jenson, and Inez Gonzalez in their application  
21 today, and I support their transition to full home  
22 ownership through HPD's TIL program.

23 My staff has met with the tenant  
24 organization and I have been assured that they  
25 have not seen a more functional and prepared

2 tenant organization ready to take over their own  
3 than the tenants of 307 West 111th Street.

4 Currently, of the 15 units in the  
5 building, 12 are occupied, according to the tenant  
6 bookkeeper, Bryce Jenson, all tenants are up to  
7 date, and they all have the money for the purchase  
8 price set aside. More than that, the tenants hold  
9 monthly meetings and have managed to make it  
10 through the nine-year process intact.

11 All previous court cases between  
12 the tenants have been resolved. Also, through the  
13 efforts of Yamada Mana [phonetic] of HPD, with the  
14 tenants credit as being the driving force behind  
15 getting to this point today. The tenants have no  
16 outstanding issues with the rehabilitation of the  
17 building. Residents did mention that some of the  
18 apartments were smaller post-rehabilitation due to  
19 handicap requirements, but that all understand the  
20 necessity of the change.

21 Having reviewed the project and  
22 please strongly support this project and the  
23 tenants at 307 West 111th Street. I thank my  
24 colleagues for their indulgence today, and ask for  
25 their support on this project. Sincerely Inez E.

2 Dickens, the Majority Whip.

3 And congratulations, some very  
4 supportive and strong words from your local  
5 Council Member, which is very meaningful to us and  
6 so we congratulate you on that as well.

7 Now I will close the hearing on  
8 Land Use Number 877, non-ULURP 20095151 HAM.

9 And open the hearing on Land Use  
10 878, non-ULURP Number 20095052 HAM, at 660 St.  
11 Nicholas Avenue in the district of Council Member  
12 Jackson. Ms. Clark.

13 MS. CLARK: Yes, LU 878 consists of  
14 the proposed disposition of one occupied city-  
15 owned building located, as you noted, at 660 St.  
16 Nicholas Avenue through HPD's Tenant Interim Lease  
17 program. TIL assists organized tenant  
18 associations in city-owned buildings to purchase  
19 and manage low income cooperatives.

20 This project consists of 30  
21 residential units.

22 Council Member Jackson has been  
23 briefed and indicated his approval.

24 CHAIRPERSON GARODNICK: Thank you,  
25 of those 30, how many are occupied?

2 MS. CLARK: Of the 30, there are 19  
3 units which are occupied and 11 units which are  
4 vacant.

5 CHAIRPERSON GARODNICK: And  
6 consistent with both Land Use 876 and 877, the  
7 vacant units are offered to individuals earning up  
8 to 120 of the AMI?

9 MS. CLARK: Yes, that's correct.

10 CHAIRPERSON GARODNICK: Thank you.  
11 With that, we will--and seeing no members of the  
12 public wishing to testify on this item, we will  
13 close the hearing on Land Use 878 20095052 HAM.

14 Open a hearing on Land Use--

15 [Pause]

16 FEMALE VOICE: Also withdrawn now.

17 [Pause]

18 CHAIRPERSON GARODNICK: Open the  
19 hearing on Land Use 939. And now I note that I  
20 have a letter in my hand from Joseph Rosenberg,  
21 the Deputy Commissioner of the New York City  
22 Department of Housing Preservation and Development  
23 dated December 9, 2008 to Gail Benjamin, the  
24 Director of Land Use regarding Land Use Number  
25 939.

2 Dear Ms. Benjamin, on behalf of the  
3 New York City Department of Housing Preservation  
4 and Development, we respectfully request that the  
5 above referenced land use item be withdrawn from  
6 consideration before the Council Subcommittee on  
7 Planning, Dispositions and Concessions. So we put  
8 that in the record and, with that, so ordered.

9 MS. CLARK: Thank you, Mr. Chairman.

10 CHAIRPERSON GARODNICK: Next item,  
11 and our last item of the day, is Land Use Number  
12 941, non-ULURP, 20095187 HAM, 418 West 129th  
13 Street in the district of Council Member Robert  
14 Jackson.

15 MS. CLARK: Yes, LU 941 consists of  
16 the proposed disposition of one occupied city-  
17 owned building located, as you noted, at 418 West  
18 129th Street through HPD's Tenant Interim Lease  
19 program. TIL assists organized tenant  
20 associations in city-owned buildings to purchase  
21 and manage low-income cooperatives.

22 This project consists of 20  
23 residential units.

24 Council Member Jackson has been  
25 briefed and indicated his approval.

2 CHAIRPERSON GARODNICK: Thank you.

3 Of the 20 units, how many occupied?

4 MS. CLARK: 15 occupied units of the  
5 20.

6 CHAIRPERSON GARODNICK: Okay. I'm  
7 not going to take you through the description of  
8 all of the TIL elements again, but I just want to  
9 note for the record that the five non-occupied  
10 units will be offered to individuals earning up to  
11 120% of AMI, is that correct?

12 MS. CLARK: That is correct.

13 CHAIRPERSON GARODNICK: Thank you.

14 And with that, we'll close the  
15 hearing on Land Use Number 941, non-ULURP,  
16 20095187 HAM.

17 And that's our last item for the  
18 day. We are going to couple together for the  
19 purpose of voting all the items that we heard  
20 today.

21 I note again, just for  
22 specificity's sake, that the Land Use Numbers 898  
23 to 903 were laid over, those are--all of the other  
24 items that we did not hear today are also laid  
25 over. But the Chair will recommend and aye vote

2 on all of the items that we heard today and I will  
3 ask the Counsel to call the roll.

4 CAROL SHINE: Carol Shine, Counsel  
5 to the Subcommittee. Chair Garodnick.

6 CHAIRPERSON GARODNICK: I vote aye.

7 MS. SHINE: Council Member Gonzalez.

8 COUNCIL MEMBER GONZALEZ: Aye.

9 MS. SHINE: Council Member Ignizio.

10 COUNCIL MEMBER IGNIZIO: Yes, I'd  
11 like to vote aye, but I'd like the record to  
12 reflect that I was in a delegation meeting with  
13 the Department of Education during the tenure of  
14 this meeting and I wanted to wish Commissioner  
15 Donovan well on his future endeavors.

16 MS. CLARK: We'll let him know,  
17 thank you.

18 MS. SHINE: By a vote of three in  
19 the affirmative, none in the negative, and no  
20 abstentions, the aforementioned coupled items are  
21 approved and referred to the full committee.

22 [Pause]

23 CHAIRPERSON GARODNICK: Thank you.  
24 And, with that, we are going to stand in recess  
25 until Thursday, this Thursday, the 18th day of

2 December, at 9:45 a.m. And we appreciate  
3 everybody's indulgence on that.

4 And, with that, we are in recess.

5 Thanks.

C E R T I F I C A T E

I, Tammy Wittman, certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature Tammy Wittman

Date January 1, 2009