

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

SUBCOMMITTEE ON PLANNING, DISPOSITIONS AND
CONCESSIONS

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May 19, 2015
Start: 01:25 p.m.
Recess: 02:11 p.m.

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

B E F O R E:
INEZ E. DICKENS
Chairperson

COUNCIL MEMBERS:
Darlene Mealy
Ydanis A. Rodriguez
Andrew Cohen
Mark Treyger
Donovan J. Richards

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

Hardy [sp?] Pierson [sp?]
Director
Land Use

Carolyn Williams
Director
HUD Multi-Family Program
Housing Preservation & Development

Chuck Brass
Forsyth Street Advisors

Brian Halusan
Participation Loan Program
Housing Preservation & Development

Jonathan Beutler [sp?]
Deputy Director
Multifamily Finance Unit
New Construction Division
Housing Preservation & Development

Shampa Chanda
Director of Queens Planning

Ira Lichtiger
Partner
The Bluestone Organization

Chef Malisa Rivera
Founder and Executive Director
Culinary Kids Culinary Arts Initiatives

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2 [gavel]

3 CHAIRPERSON DICKENS: Good afternoon. I

4 am Council Member Inez E. Dickens, Chair of the

5 Subcommittee on Planning, Dispositions and

6 Concessions. I would like to welcome everyone to

7 today's hearing.

8 I want to thank and acknowledge my

9 Sergeant at Arms, Raul Rosario, my Land Use Director,

10 Raju Mann, Deputy Director Amy Levitan and my

11 attorneys, Ann McCoy and Dylan Casey.

12 I want to acknowledge my esteemed

13 colleagues who are members of the Planning

14 Subcommittee -- Council Member Mark Treyger, who gets

15 the gold star today; [cheers, applause, laugh] don't

16 be upset, Council Member Rodriguez; [laughter,

17 background comments] Council Member Andy Cohen and

18 Council Member Ydanis Rodriguez. We're also joined

19 by Council Member Donovan Richards, who has a land

20 use item before us today.

21 We have seven items on the calendar

22 today; we will be hearing and voting on four and

23 deferring three, which will be laid over to a future

24 subcommittee hearing.

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3 To start, we are laying over the
4 following items: Land Use Item 219, the West 140th
5 Street Cluster, seeking an Article 11 tax exemption
6 for properties located in my district, in Manhattan.
7 This item will be laid over as negotiations move
8 forward. Land Use Item 229, the Arthur Clinton
9 Cluster, seeking a UDAAP and tax exemption in Council
10 Member Cabrera's district. And Land Use Item 230,
11 the Mermaid, West 16th Street, also seeking a UDAAP
12 in Council Member Treyger's district.

13 Again, these items will be laid over to
14 our next hearing on June 2nd, as members continue to
15 gather the necessary information for their
16 perspective projects.

17 I am now opening up the hearing for Land
18 Use Item No. 225, the PRC Andrews Avenue. This
19 application is submitted by HPD, seeking the approval
20 of a 35-year tax exemption for property located in
21 Council Members Cabrera and Arroyo's district in the
22 Bronx. I'm gonna call up -- well hello -- [laughter]
23 Hardy Pierson, Director of Land Use, and Carolyn
24 Williams, Director of HUD Multifamily Program at HPD.
25 Alright. Even though I've called your names, please
identify yourselves.

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3 HARDY PIERSON: Afternoon, Chair Dickens
4 and Members of the Subcommittee. I am Hardy Pierson,
5 Director of Land Use at HPD and I'm joined by my
6 colleague, Carolyn Williams, the Director of the HUD
7 Multifamily Program at HPD.

8 Land Use No. 225 consists of four
9 multiple dwellings currently organized as two
10 separate Article 5 redevelopment housing companies;
11 one is known as the Esperanza Village Associates,
12 located at 955 East 163rd Street and 970 Kelly [sic]
13 Street. And the second development is known as Maria
14 Estella II Associates, located at 1710 and 1730
15 Andrews Avenue.

16 Together the four buildings make up an
17 exemption area and will be known as PRC Andrews
18 Avenue. Under HPD's HUD Multifamily Program, a new
19 sponsor will acquire the exemption area and
20 rehabilitate the buildings, with a total of 246 units
21 for low-income families, plus two units for
22 superintendent. There is a mix of one-, two- and
23 three-bedroom apartments and the sponsor will enter
24 into a new 20-year Section 8 HAP Contract for all the
25 occupied units and vacant units as well.

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3 Rehabilitation of the building will
4 include upgrade to the kitchens, with energy-
5 efficient appliances and water-saving bathroom
6 fixtures. Additional work includes new energy-
7 efficient light fixtures, installation of higher-
8 rated insulation for the roofs and door seals, as
9 well as new plumbing.

10 In order to facilitate the project, HPD
11 is before the Council seeking approval to dissolve
12 both Article 5 redevelopment companies, approve
13 termination of the current Article 5 tax exemption
14 and approve an Article 11 tax exemption for a term of
15 35 years that will coincide with a new regulatory
16 agreement. And both Council Members Cabrera and
17 Arroyo have been briefed and support the project and
18 we're available to answer any questions you may have.

19 CHAIRPERSON DICKENS: Miss Williams; do
20 you have anything you would like to add?

21 CAROLYN WILLIAMS: No, ma'am.

22 CHAIRPERSON DICKENS: Thank you.

23 Alright, I'm sure that my colleagues have questions.
24 Was this originally rehabilitated or built under HUD
25 regulations with a HUD regulatory agreement, a HAP
agreement?

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3 CAROLYN WILLIAMS: Yes, both properties.

4 CHAIRPERSON DICKENS: And has it expired;
5 has the mortgage been paid off? What is the input
6 that HUD now has; is it another HAP agreement that's
7 gonna be done?

8 CAROLYN WILLIAMS: Yes, ma'am; there will
9 be a new 20-year HAP contract for both properties
10 going forward and some of the HUD debt will be
11 consolidated and paid down, but there will be a
12 remaining HUD mortgage on the property going forward.

13 CHAIRPERSON DICKENS: This, I assume, was
14 a pre 1980 universe for... of the HUD...? [crosstalk]

15 CAROLYN WILLIAMS: I am sure is pre 1980.

16 CHAIRPERSON DICKENS: Uhm-hm.
17 [background comments] Do you have something you
18 would like to add... [crosstalk]

19 HARDY PIERSON: We can have those...

20 CHAIRPERSON DICKENS: if so, you...
21 [crosstalk]

22 HARDY PIERSON: Yes.

23 CHAIRPERSON DICKENS: you can approach,
24 and please identify yourself... [crosstalk]

25 HARDY PIERSON: Yes.

[background comments]

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3 CHAIRPERSON DICKENS: And would you
4 please give him a paper so he can fill out?

5 [background comments] Thank you.

6 CHUCK BRASS: Chuck Brass; I'm with
7 Forsyth Street Advisors; I'm a consultant for the
8 project owner, so. One of the projects... [background
9 comments] Maria Estela II, is actually a newly
10 constructed project in the early 1980s; the second
11 project on Andrews Avenue was a gut renovation of
12 vacant buildings; those buildings were probably built
13 in the 20s or 30s, but they were vacant at the time
14 that they were substantially renovated, also in the
15 early 1980s, so.

16 CHAIRPERSON DICKENS: So with it being a
17 HAP contract, I assume it will still be at 30 percent
18 of the adjusted income... [crosstalk]

19 CHUCK BRASS: Yes, all the tenants will...

20 CHAIRPERSON DICKENS: for the rent?

21 CHUCK BRASS: All the tenants will pay 30
22 percent of their income for rent.

23 CHAIRPERSON DICKENS: And the tenants
24 that are... There are tenants already there, living
25 there now?

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3 CHUCK BRASS: Yes, the projects are fully
4 occupied; it's an in-place renovation.

5 CHAIRPERSON DICKENS: Alright. And
6 because of the HAP contract, what happens with the
7 wait list that is required under the regulatory
8 agreement with HUD?

9 CHUCK BRASS: Do you wanna answer that
10 question?

11 CAROLYN WILLIAMS: The wait list has to
12 remain in effect; HUD does not allow us to supersede
13 on an existing waiting list.

14 CHAIRPERSON DICKENS: And what about the
15 priorities; do they remain the same, because HPD has
16 a different regulation as it relates to priorities,
17 so will it be HUD that supersedes their... their
18 priorities...? [crosstalk]

19 CAROLYN WILLIAMS: Yes, the HUD
20 regulations supersede HPD requirement; HUD has agreed
21 to allow HPD to insert a homeless preference into the
22 waiting list, but it does not mean that folks on the
23 waiting list can be chosen after homeless, so there's
24 actually a mechanism that we are devising with the
25 owner and the management company to expand their

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3 preferences to include homeless families going
4 forward.

5 CHAIRPERSON DICKENS: Will this property
6 still be required to do REACs [sic]?

7 CAROLYN WILLIAMS: Yes.

8 CHUCK BRASS: Yes. Yes.

9 CHAIRPERSON DICKENS: Alright. Do any of
10 my colleagues have any questions? Council Member
11 Donovan Richards, he is not a member of the
12 Committee, but he is a Council Member.. [crosstalk]

13 COUNCIL MEMBER RICHARDS: Sorry, but I
14 spotted something; I don't mean to come in and cause
15 trouble.

16 So why didn't we do a 40-year tax
17 abatement; why just a 35-year tax exemption... a tax
18 exemption; I'm sorry...? [crosstalk]

19 CAROLYN WILLIAMS: The 35-year... The 35-
20 year tax exemption is based upon the funding, the new
21 funding that will be... So in other words, the tax
22 exemption goes the length of the funding period.

23 COUNCIL MEMBER RICHARDS: Oh okay; got
24 you. So you couldn't do the 40...

25 CAROLYN WILLIAMS: The funding... the
funding sources... [crosstalk]

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3 COUNCIL MEMBER RICHARDS: So because of
4 the funding; right?

5 CAROLYN WILLIAMS: require that the tax
6 exemption be coterminous with the...

7 COUNCIL MEMBER RICHARDS: Oh with the
8 funding. Okay, good then [sic]... [crosstalk]

9 CAROLYN WILLIAMS: Yeah.

10 COUNCIL MEMBER RICHARDS: Okay. Thank
11 you.

12 CHAIRPERSON DICKENS: Do any of my other
13 colleagues have questions? Seeing none, I am closing
14 the public hearing on Land Use Item 225.

15 Next I am now opening up the hearing for
16 Land Use Item 226, 911 Longwood Portfolio. This
17 application is submitted by HPD, seeking the approval
18 of a 40-year -- Council Member Richards -- a 40-year
19 tax exemption for property located in Council Member
20 Arroyo's district in the Bronx. We have before us to
21 give testimony again is Hardy Pierson and Brian --
22 how do you pronounce -- [background comment] I'm
23 sorry? -- [background comment] Halusan -- the
24 Participation Loan Program; I'm so glad to see that's
25 functioning. [background comment] Very good.
Identify yourselves, please.

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3 HARDY PIERSON: Hardy Pierson, HPD's
4 Director of Land Use, and I'm joined by my colleague,
5 Ryan Halusan from HPD's Participation Loan Program.

6 Land Use 226 consists of an exemption
7 area containing two privately-owned multiple
8 dwellings located at 911 Longwood Avenue and 993
9 Intervale Avenue. Now known as BK Longwood HDFC, the
10 buildings were originally conveyed to the City in
11 1992 to the sponsor under HPD's then Community
12 Management Program to be operated as rental units.
13 As a result of financial problems and mismanagement,
14 the City slated the buildings to be conveyed to a new
15 owner and rehabilitated through the Third-Party
16 Transfer Program. The Council approved the transfer
17 UDAAP designation and tax benefits in 2004 that
18 included the exemption start dates be retroactive to
19 1995 in order to waive tax arrears. Because of a
20 number of construction setbacks, the sponsor was
21 prevented from converting to permanent financing in a
22 timely manner. Currently the project has completed
23 rehabilitation and is ready to complete to the loan
24 conversion.

25 The two buildings have a combination of
41 units with a mix of one-, two-, three- and four-

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3 bedroom apartments and rents will be restricted to 30
4 percent of 60 percent of AMI; 911 Longwood Avenue
5 also has two commercial spaces that are strictly used
6 for community space, while 993 Intervale has two
7 occupied retail spaces.

8 Today HPD is before the Council
9 requesting that the previously approved tax benefits
10 be terminated and a new Article 11 tax exemption be
11 approved that will coincide with a new 40-year
12 regulatory agreement, and Council Member Arroyo has
13 indicated her support for this project. We can
14 answer any questions that you have.

15 CHAIRPERSON DICKENS: Mr. Halusan; do you
16 have anything you wanna add?

17 BRIAN HALUSAN: No, not at this time.

18 CHAIRPERSON DICKENS: Alright. Now the
19 retail spaces; how many retail spaces did you say are
20 involved in this?

21 [background comments]

22 CHAIRPERSON DICKENS: As far as square
23 footage... [crosstalk]

24 HARDY PIERSON: Two. The square footage
25 -- do you know the square footage?

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3 BRIAN HALUSAN: I don't know the square
4 footage off the top of my head... [crosstalk]

5 CHAIRPERSON DICKENS: Are they currently
6 occupied? Well you should know. Are they currently
7 occupied?

8 HARDY PIERSON: Yes.

9 CHAIRPERSON DICKENS: What are the rents?

10 HARDY PIERSON: They rent... It generates
11 approximately \$22,258 per year.

12 CHAIRPERSON DICKENS: And the retail
13 space has been maintained; it's in good shape and the
14 same retailers are gonna remain?

15 BRIAN HALUSAN: Yes, that is correct.

16 HARDY PIERSON: Yeah.

17 CHAIRPERSON DICKENS: What is the length
18 of their lease; how many year lease have they got and
19 were there increments, annual increments on rent
20 increases and what were the percentages?

21 BRIAN HALUSAN: I don't know the answer
22 to those questions... [crosstalk]

23 HARDY PIERSON: We can get you that
24 information. We can get you that information.

25 CHAIRPERSON DICKENS: 'Cause it's part of
the development, isn't it?

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2 [pause]

3 CHAIRPERSON DICKENS: Hello... [crosstalk]

4 BRIAN HALUSAN: Yeah.

5 HARDY PIERSON: Yes. Yes... [crosstalk]

6 BRIAN HALUSAN: Yes.

7 CHAIRPERSON DICKENS: So in the future
8 you know that I like to have all information; not
9 only as it relates to AMIs, which is very good and
10 the rental units, but for the commercial units as
11 well, to ensure the affordability for community
12 businesses to be able to remain. Alright.

13 Do any of my colleagues have any
14 additional questions? [background comments] Council
15 Member Treyger, please.

16 COUNCIL MEMBER TREYGER: Thank you,
17 Chair. [background comments]

18 Just a question on the current condition
19 of the property, whether there are any violations or
20 -- just wanted to get a picture of that. Thank you.

21 HARDY PIERSON: Just a second; I'll check
22 and see. [humming] Excuse me. There is one open C
23 violation.

24 COUNCIL MEMBER TREYGER: And can you
25 explain further what that means?

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3 HARDY PIERSON: The C violation is still
4 open on the record; the violation may not necessarily
5 exist, but the sponsor has to request a dismissal
6 inspection so that HPD can go in and verify that the
7 violation has been addressed.

8 COUNCIL MEMBER TREYGER: And as far as
9 the severity of that; can you explain what a Class C
10 violation means?

11 HARDY PIERSON: A Class C violation is a
12 violation that is immediately hazardous and needs to
13 be addressed within 24 hours, if it's heat and hot
14 water. Some violations can take a little bit longer,
15 but I don't have the specifics for that particular
16 violation. But I can get you that information.

17 COUNCIL MEMBER TREYGER: Yeah, 'cause the
18 question we have is when could we expect that to be
19 addressed if it's that serious and making sure that
20 this proposed action; you know, we... I wanna make sure
21 that yes, we maintain affordability, but safety is
22 equally as important. So if you could speak to that,
23 I'd appreciate it.

24 HARDY PIERSON: So the information that
25 I've just gotten is it's for a window garden in one

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3 of the apartments. We can make sure that it's been
4 addressed and it just hasn't come off the record.

5 BRIAN HALUSAN: And as part of the
6 conversion procedure, all C violations need to be
7 cleared prior to conversion.

8 COUNCIL MEMBER TREYGER: Thank you,
9 Chair.

10 CHAIRPERSON DICKENS: In the future,
11 Hardy; you know that these are some of the questions
12 that are always asked -- the affordability component
13 for the both the residential and the retail and
14 violations, [background comment] so in the future, I
15 suggest that you come with this information; it is
16 likely that that Class C, particularly if it was a
17 window garden, has been removed and I also want to
18 state for the record that frequently owners or
19 managers will put in for violations to be removed and
20 HPD either doesn't come out and look to see that it
21 has been done or they don't remove it, and I find
22 that that frequently happens with DOB, which is not
23 you, as it relates to boiler inspections. So that is
24 a constant complaint that I get from managers and
25 owners about the removal of violations that are
requested in accordance with the procedure that is

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3 printed on the back of a violation, but it's not
4 followed by HPD nor DOB.

5 HARDY PIERSON: I'll definitely follow up
6 on that.

7 CHAIRPERSON DICKENS: Thank you. Do any
8 of my colleagues have any further questions?

9 Alright, I'm closing the public hearing on Land Use
10 Item 226; I'm now opening up the hearing for Land Use
11 Item 227, [background comments] Compass Residence 2A.

12 This application is submitted by HPD, seeking the
13 approval of a 40-year tax exemption for property
14 located in Council Member Arroyo's district also.

15 She got a lot goin' on there. [background comments]

16 Yeah. Hardy, we've gotta do something for Harlem.

17 [laughter] Please... Please... Please... [crosstalk]

18 COUNCIL MEMBER RICHARDS: I think you
19 have a lot goin' on in Harlem.

20 CHAIRPERSON DICKENS: No, Queens, be
21 quiet. [laughter] Please identify yourselves.

22 HARDY PIERSON: Hardy Pierson, HPD
23 Director of Land Use, and I'm joined by Jonathan
24 Beutler, HPD's Deputy Director for Multifamily
25 Finance Unit in the New Construction Division.

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3 Land Use No. 227 consists of an exemption
4 area located at 1524 Boone Avenue, which is also
5 known as 1525 West Farms Road. This area is
6 comprised of two lots on Block 3014; the first is Lot
7 5, which privately-owned by the sponsor; the second
8 lot is 45, which is a City-owned sliver lot, 13
9 square feet, previously approved for UDAAP
10 designation and disposition by the Council on October
11 15, 2011. Now known as Compass Residence 2A, the
12 exemption area is part of a multi-phase development
13 project that was approved as part of a 2011 private
14 ULURP action rezoning from a manufacturing area to
15 residential. Under a mixed-income program, the
16 sponsor proposes to construct a 12-story building,
17 contain 128 units for low- and moderate-income
18 families. There will be a mix of bedroom types,
19 including studio, one-, two- and three-bedroom units
20 with rents at the 40 percent, 60 percent and 80
21 percent AMI levels. Rental assistance may be
22 available for families eligible for Section 8; there
23 will also be approximately 10,816 square feet of open
24 space that will be used as a residential courtyard
25 with a children's playground.

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3 Today HPD is before the Subcommittee
4 seeking approval of an Article 11 tax exemption that
5 will coincide with a regulatory agreement for a term
6 of 40 years, and Council Member Arroyo has indicated
7 her support for this project.

8 CHAIRPERSON DICKENS: Mr. Beutler; is
9 that the correct pronunciation?

10 JONATHAN BEUTLER: Yes it is.

11 CHAIRPERSON DICKENS: Do you have
12 anything you would like to add?

13 JONATHAN BEUTLER: No, ma'am.

14 CHAIRPERSON DICKENS: Gosh, you bring
15 these people and they don't have anything to add.
16 [laughter]

17 HARDY PIERSON: Until you start asking
18 questions. [laugh]

19 CHAIRPERSON DICKENS: Alright; thank you.
20 Now this -- Lot 45, you said is 13 square feet?

21 HARDY PIERSON: That's correct; it's a
22 sliver lot... [crosstalk]

23 CHAIRPERSON DICKENS: Oh god, your city's
24 contributing a lot. [laughter] I assume that 13
25 square feet will be added to the community space; it
sure doesn't give a thing for an apartment.

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3 HARDY PIERSON: I'm not sure how the...

4 [crosstalk]

5 CHAIRPERSON DICKENS: Well I can tell
6 you...

7 HARDY PIERSON: configuration is.

8 CHAIRPERSON DICKENS: [laughter] I can
9 tell you it didn't. And so we're gonna deed that 13
10 square feet?

11 HARDY PIERSON: That's correct.

12 CHAIRPERSON DICKENS: That's a nice thing
13 we're doing. [laugh] And how many units are gonna
14 be built?

15 HARDY PIERSON: 128.

16 CHAIRPERSON DICKENS: So the lot that is
17 privately owned is what is actually gonna allow the
18 building to be built on actually [sic]?

19 HARDY PIERSON: Yes.

20 CHAIRPERSON DICKENS: So nice of us.
21 Alright. And what's' the AMIs; it's gonna be at the...

22 HARDY PIERSON: It's 40, 60 and 80
23 percent.

24 CHAIRPERSON DICKENS: 40, 60 and 80. And
25 the size units; it goes... it's variant... [crosstalk]

HARDY PIERSON: Yes, it var...

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3 CHAIRPERSON DICKENS: along with the
4 AMIs?

5 HARDY PIERSON: Uh the... [interpose]

6 CHAIRPERSON DICKENS: In other words,
7 you're not gonna give me all... at 40 percent one-
8 bedroom... [interpose]

9 JONATHAN BEUTLER: No.

10 CHAIRPERSON DICKENS: I'm gonna get some
11 three-bedrooms; right?

12 JONATHAN BEUTLER: Uhm-hm. These
13 studios, one-, two- and three-bedrooms are evenly
14 dispersed across the affordability tiers.

15 CHAIRPERSON DICKENS: Oh you did have
16 something to add.

17 JONATHAN BEUTLER: I did.

18 CHAIRPERSON DICKENS: Thank you.
19 [laughter] Do any of my colleagues have anything
20 they'd to ask? And Council Member Arroyo's in
21 agreement?

22 HARDY PIERSON: Yes.

23 CHAIRPERSON DICKENS: Alright. Thank you
24 so much for coming and testifying... [interpose]

25 HARDY PIERSON: Thank you.

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3 CHAIRPERSON DICKENS: on Land Use Item

4 227. I'm closing the public hearing on 227.

5 Finally, I'm now opening for the hearing
6 for Land Use Item 228, Beach Green North, for which
7 Council Member Richards has been sitting here
8 patiently waiting to give testimony.

9 This application is submitted by HPD,
10 seeking approval of a 40-year tax exemption. Who's
11 here to testi... [background comment] Now Chef Melissa
12 Rivera, [background comment][cough] are you here in
13 support of this or in opposition? [background
14 comment][laugh] Was stipulated; have you spoken to
15 your Council Member about the stipulation?
16 [background comment] And is he in agreement with you
17 or is in opposition to you? [background comment]
18 Because that'll dictate whether you will approach now
19 or you will come in by yourself? [background
20 comment] What do you want her to do?

21 COUNCIL MEMBER RICHARDS: Let her go by
22 herself.

23 [background comment]

24 CHAIRPERSON DICKENS: Alright. Identify
25 yourselves, please.

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3 HARDY PIERSON: Hardy Pierson, HPD
4 Director of Land Use and I'm joined by my colleague,
5 Shampa Chanda, Director of Queens Planning.

6 [interpose]

7 CHAIRPERSON DICKENS: Council Member, do
8 you mind if they give testimony or do you wanna speak
9 first?

10 COUNCIL MEMBER RICHARDS: Let them give
11 and then we'll -- well, I guess I'll go first, 'cause
12 they wrote a opening... [crosstalk]

13 CHAIRPERSON DICKENS: Council Member
14 Richards.

15 COUNCIL MEMBER RICHARDS: I will go.
16 Alright, thank you Madame Chair Dickens for certainly
17 allowing me to sit in your hearing today; it's an
18 honor.

19 Today marks a historic day, one that is
20 representative of the revival and the resiliency of
21 the Rockaways. The Beach Green North development is
22 a plot of land that has been left desolate for
23 probably close to 50 years, right; think I'm right.
24 This project will incorporate many innovative
25 features to get it to achieve record-breaking low
energy consumption levels, including the use of

3 insulated concrete forms, energy recovery ventilation
4 well, variable refrigerant flow central air source
5 heat pumps to provide both the heating and cooling
6 and a large photovoltaic array for renewable on-site
7 electricity production in all passive house standards
8 is certainly a great thing. Unique use of bioswales,
9 hydric habitat plantings and pervious asphalt pavings
10 will not only help to achieve full storm water
11 retention on-site, but will also help to serve the
12 surrounding area by not adding to flows in the
13 central sanitary and both storm sewers.

14 Various features and amenities have been
15 designed into the building that will not only provide
16 for greater comfort for all the occupants, but also
17 provides for an enhanced level of survivability in
18 the event of a future catastrophic storm such as
19 Sandy, which hit the peninsula a few years ago.

20 This 100 percent affordable housing
21 project will include 101 units -- I won't go through
22 all of this stuff -- and obviously this particular
23 project stresses the need for more affordable
24 housing, and as we rebuild the community, obviously
25 we want to ensure that even as we rebuild anew that
we keep the affordability in the community, and

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3 obviously we've spoken of jobs and I think this at
4 least a first step in ensuring that the local
5 community is certainly gonna be hired at this
6 project.

7 So with that being said, I wanna thank
8 you, Madame Chair and allow -- I guess HPD or let you
9 take back over the mic. [background comment] Thank
10 you.

11 CHAIRPERSON DICKENS: Thank you. We've
12 been joined by Council Member Darlene Mealy. Please
13 proceed.

14 HARDY PIERSON: Land Use 228 consists of
15 vacant City-owned land located at 4505 Rockaway Beach
16 Boulevard. Now known as Beach Green North, 4505
17 Rockaway Beach Boulevard is a designed urban renewal
18 site within the Edgemere Open Renewal area.

19 [background comment]

20 In 1997, Edgemere Urban Renewal Area was
21 designed for the development of up to 89 scattered
22 sites for affordable residential units with local
23 retail; open space mostly adjacent to the waterfront.
24 Two phases of development have been completed thus
25 far and marketed to households with incomes between
90 percent and 130 percent AMI and there are

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3 currently 190 one- and two-family homes for a total
4 of 307 units. The sponsor for Beach Green North is
5 proposing to construct a seven-story multiple
6 dwelling under a mixed-income program with a total of
7 100 residential rental units plus one for the
8 superintendent. There will be a mix of unit types
9 including studios, one-, two- and three-bedroom
10 apartments, rents will be affordable at the 47
11 percent and 57 percent AMI levels for 50 of the units
12 and the other 50 will be up to 80 percent. The rents
13 will average between \$653 for a studio to \$1,597 for
14 a three-bedroom apartment. The project will also
15 have 489 square feet of commercial space, which will
16 be used as the leasing office.

17 In order to maintain the above-mentioned
18 affordability levels, HPD is before the Council
19 seeking approving to provide tax benefits for a term
20 of 40 years that will coincide with the regulatory
21 agreement, and Council Member Richards has indicated
22 his support for the project and we're here to answer
23 any questions you might have.

24 CHAIRPERSON DICKENS: Do you have
25 anything to add, Miss Chanda?

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3 SHAMPA CHANDA: No, ma'am, but I'll be
4 happy to answer any... [crosstalk]

5 CHAIRPERSON DICKENS: Turn the mic on.

6 SHAMPA CHANDA: Yeah. I'd be happy to
7 answer any questions. Thank you.

8 CHAIRPERSON DICKENS: Alright, thank you.

9 Now Council Member has indicated his support of this
10 and I note that there are a lot of environmentally
11 friendly components written into this; is this
12 correct?

13 SHAMPA CHANDA: That's right.

14 CHAIRPERSON DICKENS: Is there any
15 additional costs attributable to doing that?

16 [background comment] You have... [crosstalk]

17 SHAMPA CHANDA: We have... [crosstalk]

18 HARDY PIERSON: We have someone from the
19 organization that could answer your questions.

20 [background comments]

21 COUNCIL MEMBER RICHARDS: Join the panel.

22 [background comments]

23 IRA LICHTIGER: My name is Ira Lichtiger;
24 I'm a Partner of The Bluestone Organization; we're
25 the developer of Beach Green North. Good afternoon,
good afternoon.

3 CHAIRPERSON DICKENS: Good afternoon.

4 IRA LICHTIGER: The additional cost is
5 about one percent of the overall project cost. This
6 project is seeking to achieve a level of energy
7 sustainability that we have not reached yet; Passive
8 House Certification, and partly because of the
9 building efforts that one of my partners, Steve
10 Bluestone, has practiced on our buildings for the
11 past seven or eight years; we developed largely a way
12 of building with a high degree of energy efficiency
13 without additional costs, because we're seeking to
14 achieve like the next step with this building; there
15 are some additional costs, but not significant.

16 CHAIRPERSON DICKENS: Council Member
17 Mealy has a question I believe.

18 COUNCIL MEMBER MEALY: Yes. Thank you.
19 I just wanted to ask -- you said the management
20 company is gonna be downstairs, so that's gonna be
21 Bluestone Organization gonna have their [background
22 comment] the storefront...? [interpose]

23 IRA LICHTIGER: We... We may have... This is
24 not finally determined; for the lease-up of the
25 building, yes, we'll have a presence at the site so
that we can actually lease up there once the building

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3 is substantially complete and we may have a presence
4 there during -- you know, on a regular basis, but it
5 won't be a regular office that's open 9 to 5 every
6 day.

7 COUNCIL MEMBER MEALY: So does this
8 project have community space?

9 IRA LICHTIGER: The project has...
10 [interpose] Sorry? [background comment] The
11 project has... for the building, it has gym space, a
12 meeting room; there's a kitchen; there is going to be
13 a -- there's a lot of -- a few different roof terrace
14 spaces; we're considering doing like a garden on one
15 of those roofs so that the people can have their own
16 plots; that's not fully been worked out yet, but
17 that's one of the amenities that we're considering.

18 COUNCIL MEMBER MEALY: So you're gonna be
19 on-site for a little while, management company.

20 IRA LICHTIGER: The management company
21 will certainly be on-site during the lease-up
22 process; we haven't made a commitment yet, and it's
23 something that we'll determine in the first year of
24 operation whether it's necessary to have an on-site
25 presence, you know going forward.

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3 COUNCIL MEMBER MEALY: And if not, what
4 do you think you would do with that space?

5 IRA LICHTIGER: Well we have not included
6 that space in any of the underwriting because the
7 area currently may not be able to support us getting
8 a tenant; it's a very small space.

9 COUNCIL MEMBER MEALY: Okay.

10 IRA LICHTIGER: But obviously we'll try
11 to make it productive; the most obvious thing right
12 now is management space, as HPD has stated; if
13 there's a possibility to utilize it for other uses
14 that serve the community, we're open to it. In fact,
15 at a community meeting that the councilman sponsored
16 recently, [background comments] one person came up to
17 me, who was doing the startup from the community, and
18 asked about it and I said we would be very happy to
19 entertain any offers.

20 COUNCIL MEMBER MEALY: That's what I was
21 thinking about... [interpose]

22 IRA LICHTIGER: Sure.

23 COUNCIL MEMBER MEALY: with the new mayor
24 talking about commercial space; just wanted to know
25 whether you were gonna use your own space to the

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3 duration of this project or let someone else use it;
4 that's all... [crosstalk]

5 IRA LICHTIGER: No; I mean, we would love
6 to have somebody else use it.

7 COUNCIL MEMBER MEALY: Okay. Thank you.

8 CHAIRPERSON DICKENS: Bluestone is one of
9 the larger developers in the New York City area; is
10 that correct?

11 IRA LICHTIGER: I wouldn't say so, ma'am,
12 but we're a third-generation family business; we're
13 not one of the larger developers, but in... [crosstalk]

14 CHAIRPERSON DICKENS: Well...

15 IRA LICHTIGER: in the affordable housing
16 industry we've been around for a long time.

17 CHAIRPERSON DICKENS: A long time,
18 exactly. And how many square foot -- what's the
19 square footage of the commercial space where you're
20 gonna occupy?

21 IRA LICHTIGER: It's under 500 feet.

22 [background comments]

23 CHAIRPERSON DICKENS: Well that's, you
24 know, something to consider and I spoke to the
25 Council Member; that if you decide that you're not
going to maintain an office there; maybe one of the

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3 CBOs could occupy it; you' consider them occupying
4 that space, and since it's not part of the
5 underwriting, maybe they could occupy it for rent-
6 free.

7 IRA LICHTIGER: It could be -- there's --
8 that's a real possibility here. [background comment]
9 It is. There wouldn't be any big income, you know
10 and... and... and we're not... and we're not... [crosstalk]

11 CHAIRPERSON DICKENS: So you wouldn't be
12 getting a lot of income from it anyway; it's a small...
13 [crosstalk]

14 IRA LICHTIGER: and we're not projecting
15 any.

16 CHAIRPERSON DICKENS: space and it would
17 make a very good neighbor policy, so that's...
18 [crosstalk]

19 IRA LICHTIGER: That would be...

20 CHAIRPERSON DICKENS: just a suggestion
21 that I'm making.

22 IRA LICHTIGER: And we'll... that's a good
23 suggestion and we'll talk further with the
24 councilman. We'd like to have it occupied actually
25 and it would be to the benefit of the project and
also the community.

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3 CHAIRPERSON DICKENS: Alright. Any other
4 testimony? Alright. Any other questions?

5 COUNCIL MEMBER RICHARDS: There's just
6 one. So can you just speak of... [crosstalk]

7 CHAIRPERSON DICKENS: Council Member.

8 COUNCIL MEMBER RICHARDS: preference for
9 this particular development; I think last we left off
10 was 50 percent possibly for local preference,
11 [background comment]...

12 IRA LICHTIGER: Community preference.

13 COUNCIL MEMBER RICHARDS: Community
14 preference.

15 HARDY PIERSON: The community preference?
16 I believe it is 50 percent for the community board,
17 for local community board.

18 COUNCIL MEMBER RICHARDS: Okay. Ira, are
19 you prepared to speak a little bit about jobs? I
20 know that we have -- I just want to officially get
21 this stuff on the record; I know Eric is working most
22 on it, but can you just speak to the job component to
23 this?

24 IRA LICHTIGER: Well we've made a
25 commitment to the council member and we give them a
lot of credit. It is something that another one of

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3 my partners, Eric Bluestone, is very committed to,
4 which is local workforce and also using MWBE
5 contractors when we can. I know that Eric has
6 scheduled a meeting with you, with Steve Brown from
7 Building Skills New York, which is a job training
8 program that was started by the members of NYSAFAH,
9 the New York State Affordable Housing Association and
10 a local organization that the councilman is gonna
11 choose so that we can, you know, number one, train
12 people from the area for jobs at this project and try
13 to train them for a longer term career path.

14 COUNCIL MEMBER RICHARDS: 'Kay. And
15 let's just go back to that space again, the small
16 space. So you're not gonna do commercial there,
17 'cause that was the understand... [background comment]
18 I know it's very small, but I thought you guys had
19 spoke of doing something there, so... so you would...
20 [crosstalk]

21 IRA LICHTIGER: We would... In the under...
22 we actually talked to HPD about the space and we told
23 them that can't really underwrite to it, 'cause
24 there's really nothing else around there. You know
25 we don't know that we could actually, in the near
term, get a rent-paying tenant to occupy it and we

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3 would like it to be an active space, which would be
4 better for security, for building relations and
5 stuff, so we're very open to that; we open to a
6 commercial, you know local user too.

7 COUNCIL MEMBER RICHARDS: Okay. Good.
8 Alrighty. I think that's it.

9 CHAIRPERSON DICKENS: Thank you Council
10 Member. And since you raised the issue about the
11 MWBE and the educational component, the training
12 component; what is the percentage of MWBEs that
13 you've committed to the council member, if there has
14 been a commitment, and second, the training program;
15 will it lead to sustainability for jobs?

16 IRA LICHTIGER: We hope so; I mean that's
17 really the idea behind NYSAFAH getting [background
18 cough] behind and supporting a local hiring program,
19 and you know I could speak for my own organization;
20 we have people, you know who have risen up in the
21 organization who started out as high school kids you
22 know with a broom who had a head on their shoulders
23 and who were, you know interested in working. So you
24 know we own about a thousand units of housing that
25 we've built mostly in Queens, but wherever we've
built; we built in some areas in Nassau County and

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3 wherever we built we stay there, we've never sold any
4 of the properties that we built for ourselves; we
5 like to be involved in the community and to support
6 it, and this is a very important initiative that
7 we've been involved in and that we are committed to;
8 it's part of our own mission.

9 I don't think we made a commitment to the
10 councilman in terms of MWBE; HPD has -- I think
11 there's Article 3 goals that we have to reach for and
12 we report on that and we have to do outreach on that;
13 we made a commitment to the council member that I
14 believe for -- and the councilman will correct me if
15 I don't have this quite right, but for smaller
16 subcontractors with fewer than 10 employees, a 20
17 percent commitment that they would hire locally and
18 for larger employers I think a 30 percent commitment,
19 and that's a goal and the purpose of having these
20 early meetings with the council member is to figure
21 out how to implement that so that we can have some
22 success at it.

23 CHAIRPERSON DICKENS: Well with all due
24 respect, and I'm glad that you have set goals, I have
25 been someone who has opposed goals rather -- because
I find that frequently developers don't adhere to

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3 goals; not to say that Bluestone has done that, but I
4 frequently find that goals are not met and with the
5 mere statement, we can't find anybody that qualifies.
6 So I wanna ask the council member to please be
7 cognizant of that.

8 COUNCIL MEMBER RICHARDS: Yeah. And we
9 also have -- So they will work with an -- I guess you
10 can go into -- so part of the deal is also they will
11 work with a local CBO.. [interpose]

12 IRA LICHTIGER: Right.

13 COUNCIL MEMBER RICHARDS: and also report
14 metrics monthly; I think that's what we came up with,
15 through that particular CBO in the local community so
16 that we can keep track of what.. [crosstalk]

17 IRA LICHTIGER: Work [sic]

18 CHAIRPERSON DICKENS: Well will vendoring
19 be done with local also?

20 IRA LICHTIGER: Local..

21 CHAIRPERSON DICKENS: Where you purchase
22 [background comment] supplies from local vendors.

23 IRA LICHTIGER: Yes, if we can -- I mean
24 we will work with the councilman and other resources
25 to identify any kind of local trades, local suppliers
that we can work with; that would be our preference.

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3 CHAIRPERSON DICKENS: Okay. Do any of my
4 colleagues have any questions? Seeing none. Thank
5 you so much, but I'm gonna ask; would you please
6 stay, because we have Chef Melissa Rivera that's here
7 to testify.

8 IRA LICHTIGER: Thank you.

9 [background comments]

10 CHEF MALISA RIVERA: Good afternoon.

11 CHAIRPERSON DICKENS: Good afternoon.

12 Identify yourself, please and where you're from.

13 CHEF MALISA RIVERA: Yes, my name is Chef
14 Melissa Rivera; I'm the founder and Executive
15 Director of Culinary Kids Culinary Arts Initiatives
16 in Far Rockaway and I'm also a representative of the
17 UPWARD Coalition, dealing with the 81 acres and the
18 CBA agreement possibly.

19 Hello, my name is Chef Malisa Rivera; I
20 represent Culinary Kids, an organizational member of
21 the Rockaway United Peninsula Working to Attain
22 Responsible Development Coalition; we are called the
23 UPWARD Coalition for short. The UPWARD Coalition is
24 made up of 12 organizations that work in and care
25 deeply for the Rockaway Peninsula. The Coalition
members are Child Center of New York, Community

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3 Voices Heard, The Rockaway Hub, Culinary Kids
4 Culinary Arts Initiatives, Faith in New York, Nations
5 of Gods and Earth, PC Squared, Ready Rockaway,
6 Rockaway Wildfire, Team Do [sic] Sports, Urban
7 Upbound, YANA Services and 596 Acres. We are service
8 providers, nonprofits and civic organizations and
9 public housing residents. We are committed to
10 ensuring that any development in our neighborhoods
11 benefit and serve the existing community.

12 Thank you for making the time today to
13 hear my testimony about the development planned for
14 the public land on Beach Channel Drive and Beach 45th
15 Street by The Bluestone Organization and with the
16 help of public money in the form of a tax abatement.
17 We are thrilled that Rockaway will be getting its
18 first super energy-efficient passive building and
19 excited that some displaced Rockaway residents will
20 be able to enjoy a new modern home to return to. We
21 are also hopeful that this project will be a model
22 for new modern, long-term, sustainable affordability
23 that can be scaled and replicated as development
24 across the peninsula accelerates and we continue to
25 bounce back from Superstorm Sandy. We would like to
see four key elements of the project in place before

3 City Council endorses the use of precious public
4 money in the form of a 40-year tax abatement to help
5 the developer move it forward. The disposition of
6 the land is not at issue at today's hearing, but I
7 think the fact that this project is being built on
8 public land, further reducing development costs,
9 should also be considered by the Committee and the
10 Council. In exchange for these benefits, the UPWARD
11 Coalition would like to see the following four
12 features in any plan that is approved by the City
13 Council.

14 First, the inclusion of units affordable
15 to residents making 40 percent of the Area Median
16 Income, a deep level of affordability that reflects
17 the need in the surrounding area; preference -- this
18 is the second one -- preference given to those who
19 lost their primary residence on the peninsula in
20 Superstorm Sandy for access to housing units at all
21 levels of affordability; third key issue, preference
22 given to those displaced from the Edgemere
23 neighborhood through past and future actions
24 associated with the Edgemere Urban Renewal Area Plan
25 for access to housing units at all levels of
affordability, and fourth, a mechanism for keeping

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3 the units perpetually affordable after the expiration
4 of the tax abatement regulatory agreement at the end
5 of 40 years. I will give you more details on each of
6 these suggested terms below.

7 To be accessible to those who live in the
8 surrounding community, as well as those who live in
9 public housing; the building must include some units
10 affordable to residents making as low as 40 percent
11 of the citywide Area Median Income, which was \$34,520
12 for a family of four in 2014. This income level is
13 quite common in zip code 11691, where the building
14 will be built and where the local AMI was just
15 \$40,355 in 2014. It is crucial to our community and
16 the UPWARD Coalition that preference for access to
17 housing built using public assets [background
18 comments] be given to those who lost their primary
19 residence on the peninsula in Superstorm Sandy. This
20 preference must be available at all levels of
21 affordability so that at least some of those
22 displaced can come home if they want to no matter
23 their income level. All individuals who apply for
24 housing in Beach Green North who lost a primary
25 residence on the peninsula should be accepted; it is
equally crucial that preference be given to those

3 displaced from the Edgemere neighborhood through past
4 and future actions associated with the Edgemere
5 Renewable Area Plan, homeowners whose houses were
6 bought by the City to make way for neighborhood
7 improvements should have the right to enjoy those
8 improvements and come home. Finally, it is crucial
9 that the development and disposition plan include a
10 mechanism for keeping the units perpetually
11 affordable after expiration of the tax abatement
12 regulatory agreement at the end of 40 years. We do
13 not want to see the harassment and displacement that
14 people in other neighborhoods are experiencing as
15 buildings elsewhere become eligible for market rents
16 be the future of the young people who will live in
17 Beach Green North. While the regulatory agreement
18 for the tax abatement will expire after 40 years,
19 that is not a requirement that affordability expire
20 with it. Other mechanisms can be put in place to
21 ensure that units remain affordable to Rockaway
22 residents at the end of the agreement. One such
23 mechanism and one that UPWARD and Culinary Kids
24 supports is a transfer of the public land to a
25 community land trust formed by the mission in keeping
Edgemere an affordable integrated community. The

3 developer can own the building and lease the land
4 from the CLT for up to 99 years. The community land
5 trust agreement would have oversights of its use,
6 particularly leases and continue to have oversight at
7 the end of 40 years when the tax abatement regulation
8 expires. Such community control will give the
9 Rockaway community the flexibility to partner with
10 The Bluestone Organization in a way that is
11 responsive to changing local needs and protects the
12 residents who will live there in 40 years from the
13 pressures of living in a building with the owner's
14 financial interests are pitted against their right to
15 a home. The community land trust agreement is a
16 tried and true model, with over 260 nationwide
17 stabilizing our neighborhoods and two here in New
18 York City, the Cooper Square Community Land Trust and
19 the El Barrio Community Land Trust.

20 We welcome other strategies for making
21 housing built with public assets, land and tax
22 abatements into a perpetually renewable resource as
23 well as look forward to working with Council Member
24 Richards, members of the Committee and the broader
25 affordable housing community in New York City, the

3 United States and around the world to bring
4 innovations to Rockaway.

5 Once again, thank you for taking the time
6 to hear and consider my testimony today.

7 CHAIRPERSON DICKENS: Thank you Chef
8 Rivera.

9 CHEF MALISA RIVERA: Thank you. We have
10 your testimony in writing; I've shared it with
11 Council Member Richards; I wanna note for the...
12 [interpose, background comment] I beg your pardon?

13 [background comments]

14 CHEF MALISA RIVERA: I hear her.

15 CHAIRPERSON DICKENS: I'm on.

16 [background comment] I wanna note for the record
17 that the AMI is 47-50 percent and on those who live
18 within the peninsula, 50 percent will be preferential
19 treatment. So as part of the plan that you've
20 suggested, part of that has been met and the...

21 [crosstalk]

22 CHEF MALISA RIVERA: Okay.

23 CHAIRPERSON DICKENS: other parts,
24 Council Member Richards I think has negotiated
25 admirably to get as much as he can at this time, but
the other suggestions that you've given are something

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3 to be taken into consideration and we appreciate your
4 testimony. Thank you for coming today.

5 CHEF MALISA RIVERA: Thank you.

6 CHAIRPERSON DICKENS: I am closing the
7 public hearing on Land Use Item 228. I note for the
8 record that the applications we are voting on today
9 have the full support of the local council members
10 and I am in support as well. [background comments]

11 I will now call on counsel to call the
12 roll on a vote to approve.

13 COMMITTEE COUNSEL: Chair Dickens.

14 CHAIRPERSON DICKENS: I vote aye and I
15 recommend an aye vote.

16 COMMITTEE COUNSEL: Council Member Mealy.

17 [background comments]

18 COUNCIL MEMBER MEALY: Her testimony was
19 so awesome; I definitely like the 99, the lease, but
20 I'm glad that we are rebuilding Far Rockaway, so I
21 vote aye; I would love to hear her solution again
22 though. Thank you.

23 CHAIRPERSON DICKENS: We'll see that you
24 get a copy of the testimony. [background comments]
25 Can we continue with the vote, please?

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3 COMMITTEE COUNSEL: Council Member
4 Rodriguez.

5 COUNCIL MEMBER RODRIGUEZ: Aye.

6 COMMITTEE COUNSEL: Council Member Cohen.

7 COUNCIL MEMBER COHEN: Aye.

8 COMMITTEE COUNSEL: Council Member
9 Treyger.

10 COUNCIL MEMBER TREYGER: With
11 congratulations to my colleague, Council Member
12 Richards, I vote aye.

13 COMMITTEE COUNSEL: Land Use Nos. 225,
14 226, 227 and 228 are approved and referred to the
15 full Land Use Committee by a vote of 5 in the
16 affirmative, 0 negative and 0 abstentions.

17 CHAIRPERSON DICKENS: I would like to
18 thank the members of the public, my colleagues, my
19 counsel and my Land Use staff who are attending
20 today's hearing. This hearing is hereby adjourned.

21 [gavel]

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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 May 28, 2015