

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

SUBCOMMITTEE ON ZONING AND FRANCHISES

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October 3, 2012  
Start: 10:00 a.m.  
Recess: 1:43 p.m.

HELD AT: Council Chambers  
City Hall

B E F O R E:  
MARK S. WEPRIN  
Chairperson

COUNCIL MEMBERS:  
Council Member Leroy G. Comrie, Jr.  
Council Member Daniel R. Garodnick  
Council Member Vincent M. Ignizio  
Council Member Robert Jackson  
Council Member Jessica S. Lappin  
Council Member Diana Reyna  
Council Member Joel Rivera  
Council Member Albert Vann

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

Paolo Secondo  
Owner  
Revel

Steven Sinacori  
Attorney  
Akerman Senterfitt

Winston Von Engel  
Deputy Director, Brooklyn Office  
Department of City Planning

Anna Slatinsky  
Project Manager and Planner  
Bed-Stuy North Rezoning

Mordechai Schweid  
Resident  
Brooklyn

Mayer Isuma Schweid  
Resident, Rabbi  
Brooklyn

Hani Schweid  
Resident  
Brooklyn

Nadav Hamil  
Small Business Owner/Developer  
Brooklyn

Richard Bearak  
Land Use Director  
Brooklyn Borough President, Marty Markowitz

Henry Butler  
Chairman  
Community Board Three (Brooklyn/Bedford-Stuyvesant)

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

Shlomo Steve Wigoda  
Architect  
Representing Juicerie

Heather Tierney  
Owner  
Juicerie

Adam Wolff  
Deputy Director, Manhattan Office  
Department of City Planning

Melissa Cerezo  
Planner, Project Manager for West Harlem Rezoning  
Department of City Planning

Edwin Marshall  
Planner, Upper Manhattan  
Department of City Planning

Brian Cook  
Director of Land Use Planning Development  
Manhattan Borough President, Scott Stringer

Walter South  
Member  
Community Board 9

Simon Torreson  
Architect, Member  
Community Board 9

Javier Carcamo  
Architect, Co-chair of Land Use and Zoning Committee  
Community Board 9

Charles A. Curtis  
Pastor, Chairman  
Harlem Interfaith Commission for Housing Equality

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

Tarik Shahid  
Member  
Harlem Interfaith Commission for Housing Equality

Dedrick Blue  
Pastor, Ephesus Seventh Day Adventist Church  
Member, Harlem Interfaith Commission for Housing  
Equality

John Scott  
Pastor  
John's Baptist Church

Kevin Griffin  
Pastor, Chance Memorial Temple Church of God and  
Christ  
Co-Chair, Harlem Interfaith Commission for Housing  
Equality

Yvette Campbell  
President and CEO  
Harlem School of the Arts

Laveen Naidu  
Executive Director  
Dance Theater of Harlem

Luis Manuel Tejada  
Executive Director  
Mirabal Sisters Community Center

Patricia Jones  
Member  
Community Board 9

Catherine Abatte  
Member, Land Use and Zoning Committee  
Community Board 9

Mercedes Narcisso  
Urban Planning Consultant, Professor  
Pratt Institute Graduate Planning Programs

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

Phillip Van Buren  
Representative  
Concerned Citizens for the Contextual Rezoning of West  
Harlem

Brad Taylor  
Architect, Member  
Community Board 9

Vicki Gholson  
Member, Community Board 9  
Founder, Designed Environment for Experiential  
Learning

Agis Ecos  
Homeowner  
West Harlem

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2 [pause, sound check, pause,  
3 background noise]

4 CHAIRPERSON WEPRIN: Good morning.  
5 My name is Mark Weprin, I am Chair of the Zoning  
6 and Franchises Subcommittee of the Land Use  
7 Committee. I want to welcome everyone here today.  
8 We have a very busy agenda, so we're going to get  
9 right to it. We want to start off, we have  
10 applications for sidewalk cafés, and we're going  
11 to start with Land Use No. 706, which is Revel, in  
12 Speaker Quinn's district. I'd like to call up  
13 Paolo Second. Yeah, I see right over there,  
14 Paolo. Would you please state your name.  
15 Sergeant-at-Arms, would you just make sure he gets  
16 the mic? The mic's a little confusing. And state  
17 your name for the record and then describe the  
18 application you have for this café.

19 PAOLO SECONDO: My name is Paolo  
20 Secondo, I am the owner of a restaurant in the  
21 meatpacking district of Colorado Garden. We have  
22 had a sidewalk café license for the last five  
23 years, I guess. During the course of this  
24 application, we found out that we were delimiting  
25 the area where the sidewalk is with some planters,

1  
2 which we never filed for. And therefore, have  
3 been requested to remove it, which we did as of  
4 yesterday.

5 CHAIRPERSON WEPRIN: That's good,  
6 and I have a letter, I believe, that you had sent  
7 to the Committee, which I will read and you can  
8 just acknowledge that you sent this, Mr. Secondo.  
9 It's, it was actually to Council Member Quinn, to  
10 Speaker Quinn. "This letter serves as our  
11 agreement with the Chair of the Committee and  
12 encompassing members of the Subcommittee on Zoning  
13 and Franchises, that we will commit to the  
14 following: 1) We will remove all planters from  
15 the within the sidewalk café and from the  
16 sidewalk; and 2) we will arrange the sidewalk café  
17 tables and chairs according to the plans on file  
18 with the New York City Department of Consumer  
19 Affairs." Right, you sent that letter?

20 PAOLO SECONDO: Yes.

21 CHAIRPERSON WEPRIN: Terrific.  
22 Does anyone on the panel have any comments or  
23 questions for this gentleman? I understand from  
24 Speaker Quinn's office that we are good to go.  
25 They are in agreement on this. I see none, so

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thank you very much, sir.

PAOLO SECONDO: Thank you.

CHAIRPERSON WEPRIN: Good luck with your business.

PAOLO SECONDO: Thank you.

CHAIRPERSON WEPRIN: I am going to move to close their hearing, and then I am going to acknowledge that we are joined, the members, the following members of the Committee, which I was, should have done at the beginning of the meeting, to show we have a quorum. We are here with Council Member Vincent Ignizio, Council Member Jessica Lappin, Council Member Al Vann, Council Member Leroy Comrie, Council Member Joel Rivera, Council Member Diana Reyna, Council Member Dan Garodnick. And we will now move--the next item on our agenda, which was Land Use No. 708 we are going to put off at the moment. They are not here at the moment, and we may put that off till the next meeting, but right now we're just going to put it off. That's Land Use No. 708, Juicerie, Council Member Chin's district. We are now going to move to the County of Queens, we'll start with ... Good morning, Council Member Jackson has

1  
2 joined us. Council Member--Land Use No. 709,  
3 which is the 1121 31st Street rezoning, in Council  
4 Member Halloran's district. Sitting at the table  
5 already is Steven Sinacori, who is here to  
6 describe this application in Queens. Mr.  
7 Sinacori, please state your name anyway.

8 STEVEN SINACORI: Good morning,  
9 Chairman Weprin and Members of the Committee. My  
10 name is Steven Sinacori with the firm of Akerman  
11 Senterfitt. I am here [pause] I am here today on  
12 behalf of Frank Miranda Landscaping, Inc. By this  
13 application, the applicant requests approval of a  
14 zoning map amendment to the zoning map section--  
15 zoning sectional map 7B, changing from an R4A  
16 district to an M11 district. The purpose of the  
17 proposed amendment is to provide for the continued  
18 operations of the applicant's existing landscape  
19 business, which has occupied a portion of the area  
20 to be rezoned since 1994. The site in question is  
21 located in an R4A district that was established on  
22 September 28, 2005, when the City Council adopted  
23 the College Point Zoning Proposal. Prior to that  
24 rezoning, the entire eastern half of the block,  
25 bounded by 131st Street, 14th Avenue, 130th Street

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2 and 11th Avenue was M11. The 2005 rezoning  
3 resulted in the inclusion of a 200 foot wide  
4 portion of 131st Street at the intersection with  
5 11th Avenue, within the newly proposed R4A  
6 district to the west, effectively rezoning the  
7 applicant's existing business. So if I just might  
8 point this out. This entire block [background  
9 noise] Sorry, this entire block is already zoned  
10 M11. The applicant owned property here that he,  
11 that he used for his, his business, and he had  
12 purchased the home next door to use, to convert to  
13 office space for his existing business.  
14 Unbeknownst to him, the area was rezoned. So  
15 effectively, he ended up buying a property that he  
16 couldn't use. So this is the purpose of today's  
17 action. The applicant proposes to use the site  
18 for the continued operation of his landscaping  
19 business. Due to the success of the applicant's  
20 business, the space is needed for the storage of  
21 material and equipment. The applicant has been in  
22 business since 1988. The majority of the  
23 applicants' businesses serving the needs of  
24 governmental agencies, particularly the New York  
25 City Department of Parks, for which they carry out

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2 new construction and renovation of parks. They're  
3 an approved landscape contractor and are currently  
4 working for the EDC, the School Construction  
5 Authority, the Port Authority of New York and New  
6 Jersey, the New York City Housing Authority, the  
7 DEP and the MTA. Contentiously, the applicant  
8 site fits within the surrounding neighborhood.  
9 Additionally, the applicant has received the  
10 support of Assemblyman Michael Simanowitz, the  
11 Queens Borough President, Community Board Seven,  
12 Congressman Joseph Crowley, and the College Point  
13 Civic and Taxpayers Association. Based on the  
14 foregoing, would respectfully request that the  
15 Committee also approve the application.

16 CHAIRPERSON WEPRIN: Thank you, Mr.  
17 Sinacori. I apologize, you just gave a list of  
18 people who are in support of this project. Did  
19 you mention the City Council Member.

20 STEVEN SINACORI: Yes, as well as  
21 Council Member Halloran.

22 CHAIRPERSON WEPRIN: Right, and  
23 you've had discussions with Council Member  
24 Halloran on this, or--?

25 STEVEN SINACORI: We've met with

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Council Member Halloran on multiple occasions.

CHAIRPERSON WEPRIN: Okay, and there's no one here from his staff, right? Councilman Halloran's, I don't think so, but he, Councilman Halloran's - - Council Member Simanowitz represents this area in the State Assembly? Is that it?

STEVEN SINACORI: Yes, correct.

CHAIRPERSON WEPRIN: Okay. Great. Mr. Comrie, did you have a question, and--oh.

COUNCIL MEMBER COMRIE: I'm just curious, who's--I think I know who the applicant is, but who's the applicant?

STEVEN SINACORI: The applicant is Frank Berando [phonetic], it's a union, a landscape company that does work for mostly City agencies, and has built a lot of parks in Queens.

COUNCIL MEMBER COMRIE: Right. And the--and the, the--what's that establishment on that 111th and 131st? The physical area.

STEVEN SINACORI: It's--

COUNCIL MEMBER COMRIE: Is that the spa? I don't--

STEVEN SINACORI: That's the Spa

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Castle.

COUNCIL MEMBER COMRIE: Right.

Okay. I got it. I know the location, thank you.

CHAIRPERSON WEPRIN: Very popular, Spa Castle, I understand. Yes. The, I'm just curious, the house that you said is being used as an office now. What is the intent to be used in the future?

STEVEN SINACORI: The intent of the home that's currently being used as an office is continued use as an office.

CHAIRPERSON WEPRIN: As an office.

STEVEN SINACORI: Right.

CHAIRPERSON WEPRIN: Okay.

STEVEN SINACORI: Effectively what happened was, just to give you clarification, he purchased the home and entered into contract while it was still zoned M11. Unbeknownst to him, the zoning changed. When we went to file plans with the Department of Buildings, so that he can convert the house to an office, in conjunction with his business, he was told that the zoning had changed. So, effectively, he was, it sort of rezoned, it's almost rezoned him out of business.

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2 But he already had a location, you know, a  
3 presence at this location. So, when we went to  
4 City Planning, they said, "This is really a follow  
5 up corrective action to correct what had been  
6 done," it was an oversight.

7 CHAIRPERSON WEPRIN: A FUCA.

8 STEVEN SINACORI: A FUCA.

9 CHAIRPERSON WEPRIN: Four letter  
10 word, but a nice one. Anyway, thank you. Anyone  
11 else on the panel have any questions for this  
12 gentleman? Seeing none, Mr. Sinacori, thank you  
13 very much.

14 STEVEN SINACORI: Thank you.

15 CHAIRPERSON WEPRIN: You can take  
16 your chart home.

17 STEVEN SINACORI: I will.

18 [pause, background noise]

19 CHAIRPERSON WEPRIN: We're going to  
20 close this hearing and I want to point out that  
21 the next two items that were on the agenda--Land  
22 Use No. 710 and 711, which were the Chelsea Market  
23 item--is off this agenda, and laid over till our  
24 next meeting, which is approximately two weeks  
25 from now. We are now going to move into the, into

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2 Brooklyn, and do the Bedford Stuyvesant North  
3 Rezoning Text Amendment, this is Land Use No. 712,  
4 713, 714. It encompasses the Districts of Council  
5 Member Reyna, James, Vann and Mealy. So it's a  
6 large item. I'm now going to call up from City  
7 Planning, Anna Slatinsky, Parmina Kapour  
8 [phonetic], and Winston Von Engel. [background  
9 voice] Okay, that's fine. So, whoever does come  
10 up to--you're getting shy? Okay, I--whoever's  
11 coming up to the thing, please state your name for  
12 the record. And then please make the presentation  
13 and I'm sure there'll be some comments and  
14 questions, and I know we have a number of people  
15 here to testify on this plan. [pause, technical]  
16 Right, just for the record, what we're going to do  
17 is once the City Planning agency makes their  
18 presentation in PowerPoint, we're going to have  
19 questions for them, if there are any. And then,  
20 we're going to bring up panels, we're going to  
21 start with a panel in opposition, and then a panel  
22 in favor. Each person's going to be limited to  
23 three minutes, I apologize, but we have a lot of  
24 people. So if you were are planning on  
25 testifying, each individual in their head now or

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2 on their paper, should start writing a thing that  
3 will be about three minutes. You can use the  
4 restroom to practice, but we want to try to do  
5 that in order to move it along. We do want to  
6 hear from everybody, that is the plan. So, but in  
7 your mind try to keep it to three minutes, and  
8 we'll start that, once this presentation and  
9 questions are over. So thank you very much.  
10 Gentleman, lady, whenever you're ready.

11                   WINSTON VON ENGEL: Good morning,  
12 Council Members. My name is Winston Von Engel,  
13 I'm joined by Anna Slatinsky, I'm the Deputy  
14 Director of the Brooklyn Office of the Department  
15 of City Planning. Anna is the Project Manager and  
16 Planner for the Bed-Stuy North Rezoning. We are  
17 extremely happy and proud to be here this morning,  
18 after a multi-year process, to bring to you the  
19 Bed-Stuy North Rezoning, which is a rezoning of  
20 140 blocks that the Department has done at the  
21 request of the local community. We've been  
22 working with the local community board for over  
23 seven years now, and with Council Member Vann,  
24 Council Member James and Council Member Reyna and  
25 Mealy. This follows the Bed-Stuy South Rezoning,

1 which was approved by the City Council in 2007.  
2 To complete the rezoning of Bedford-Stuyvesant,  
3 the residential areas of Bedford-Stuyvesant. The  
4 purpose, the stated purpose of the community  
5 board's request was to protect the brownstone  
6 character and low rise character of Bedford-  
7 Stuyvesant, and to allow for and facilitate  
8 affordable housing on the retail and transit  
9 corridors. We've worked closely with the  
10 community board, as you'll see in the  
11 presentation. We've had numerous meetings with  
12 the community board and in the community. We've  
13 had meetings with property owners, stakeholders,  
14 about this rezoning, and we've had numerous  
15 reports in the press about it. And so I'm going  
16 to hand it over to Ms. Slatinsky, who will walk  
17 you briefly through a presentation of the  
18 rezoning.  
19

20 ANNA SLATINSKY: Thank you,  
21 Winston, and good morning, Council Members. My  
22 name is Anna Slatinsky from the Department of City  
23 Planning. And I'll just go through a PowerPoint  
24 here that goes over the goals and the substance of  
25 the rezoning proposal. As Winston said, we have

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2 been working very closely with the community, we  
3 had numerous meetings with the community board, to  
4 talk about the neighborhood, we went over block by  
5 block. Really developed a very close relationship  
6 with the Land Use Committee in producing these  
7 recommendations. The rezoning itself is bounded  
8 specifically by Flushing Avenue to the north,  
9 Broadway to the east, Quincy Street to the south  
10 and Clausen Avenue to the west. The goals, again,  
11 are to establish height limits in the area, to  
12 allow for modest growth along commercial  
13 corridors, to provide incentives for the  
14 construction of affordable housing, to preserve  
15 the special commercial character of Broadway,  
16 we're going to talk about that Broadway corridor  
17 in some detail. And also to really strengthen the  
18 commercial environment for retail businesses in  
19 the neighborhood, both to help those businesses  
20 succeed and to provide the neighborhood residents  
21 with quality services. The character of the area  
22 varies, but it's primarily a residential  
23 neighborhood. There are lots of mid-blocks in the  
24 area that are developed with row houses, the kind  
25 of quintessential brownstone row house character.

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2 We also have apartment buildings throughout the  
3 neighborhood, many of them on major corridors, but  
4 also some of them kind of sprinkled along the  
5 blocks, both modestly scaled apartment buildings  
6 and larger apartment buildings. We also have, as  
7 I mentioned, the Broadway corridor, which is a  
8 very important retail and transportation corridor,  
9 that is very strongly influenced by the presence  
10 of the elevated train. The land use in the area,  
11 as I mentioned, is primarily residential, that's  
12 shown in this map as the light and dark yellow and  
13 brown colors. We also have major institutions in  
14 the area, shown in blue, including Woodhull  
15 Medical Center, many schools, and other kinds of  
16 community services. The area also has a number of  
17 parks and we have commercial use on many  
18 north/south corridors, but also a few major  
19 commercial corridors: Myrtle Avenue is the most  
20 important east/west corridor; and also Broadway is  
21 a very important location for commercial  
22 businesses. There has been development throughout  
23 this area in recent years. Some of this has been  
24 in context with the surrounding development that  
25 already exists, in terms of the scale of the

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2 development, but there has been development that  
3 is out of scale. We have very dramatic examples  
4 of towers that are built in blocks that are  
5 otherwise characterized by lower density, shorter  
6 buildings. And we also have smaller development  
7 that, while it kind of fits within the height of  
8 the surrounding buildings, it still doesn't fit  
9 the character because of these deep front yards  
10 with parking, and because of the lack of line-up  
11 at the street, while it fails to reproduce the  
12 rhythm of the stoops and entryways that really  
13 creates a coherent landscape on the street. So,  
14 existing zoning is almost entirely R6. There is a  
15 little bit of R5. R6 is a district that does not  
16 have a height limit. Development there can be,  
17 can take the form on larger lots of buildings that  
18 are 13 stories tall. R5 is a district that is a  
19 lower density district and actually restricts  
20 development to lower density than most of the  
21 buildings are actually built to in this R5 area.  
22 We also have commercial overlays, these are these  
23 striped areas. They mostly coincide with existing  
24 businesses, but in some cases there isn't a good  
25 fit between the existing commercial areas and the

1 commercial zoning, so, one of the things we did in  
2 the study was to tweak those commercial overlay  
3 areas to make sure they represented places where  
4 retail use was actually occurring and to make sure  
5 that there wasn't a possibility of encroachment of  
6 commercial uses in areas that were otherwise  
7 residential. So the proposed zoning does  
8 establish height limits for 100 percent of the  
9 rezoning area, where the majority of the area now  
10 does not have a height limit. It allows for  
11 modest growth in selected areas where we think  
12 that a little bit of increase in the density is  
13 appropriate. It provides incentives for  
14 affordable housing, which goes along with that  
15 goal of providing opportunities for modest growth.  
16 It also, it has some special regulations that  
17 address the important commercial character of  
18 Broadway, with that elevated train there, and it  
19 does encourage opportunities for retail businesses  
20 to really be more successful in the neighborhood.  
21 Specifically, the proposed zoning, it will  
22 eliminate the height factor regulations which are  
23 in the current zoning, so under the proposal there  
24 is no height factor available. In the areas where  
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1 we are preserving the character, we are mapping  
2 our R6B which is a typical row house district, it  
3 has a maximum height of 50 feet and after a  
4 setback of 40 feet, R6A is a district which is  
5 more associated with these very modestly scaled  
6 apartment buildings. Buildings there can go up to  
7 70 feet tall or seven stories after setback  
8 between four and six stories. Incidentally, the  
9 R6B and R6A that are proposed actually reflect the  
10 quality housing regulations that are currently in  
11 place. So, many of the buildings that have been  
12 built in recent years under the existing zoning  
13 were done so under the quality housing  
14 regulations. The R6B and the R6A are versions of  
15 that, the main thrust of it is that we're  
16 eliminating the height factor here, and really  
17 shaping the development so that it fits the  
18 character of these blocks. About 15 percent of  
19 the area is the areas that we think are  
20 appropriate for some growth. In these areas,  
21 we're proposing an increase in the permitted  
22 density, with R7A; C44L, which is a new zoning  
23 district I'll describe in some detail for  
24 Broadway; and also R7D which is a district that is

1 particularly well suited to the creation of  
2 affordable housing, and was actually created for  
3 the first time for the Bedford-Stuyvesant South  
4 Rezoning. For the commercial overlays, many of  
5 them are currently mapped at a depth of 150 feet;  
6 whereas, the commercial properties are only 100  
7 feet deep. What we're doing in these cases is  
8 basically trimming down the commercial overlay to  
9 make sure that the commercial zoning actually  
10 better fits the configuration of those lots. And  
11 to make sure that the commercial use doesn't  
12 encroach on these residential buildings where the  
13 development faces the side streets rather than the  
14 big corridor. This is the proposed zoning map,  
15 and the light yellow R6B and the orange R6A here,  
16 represent the majority of the rezoning area. This  
17 is where we're proposing for there to be this row  
18 house character that really reflects the existing  
19 scale of those inner neighborhoods. And then, for  
20 the corridors where we see some moderately scaled  
21 apartment buildings, that's where the R6A is  
22 proposed. That's, again, about 85 percent of the  
23 proposal area. We're proposing to leave R6 over  
24 the NYCHA developments because those properties  
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2 are actually developed with the kind of tower and  
3 the park building form, that the height factor  
4 regulations were developed to shape. So, the  
5 NYCHA developments we are leaving R6 because there  
6 actually is a good fit between the character of  
7 those areas and the current zoning. But back to  
8 the growth areas, R7A is proposed for major  
9 corridors such as Bedford Avenue, for part of  
10 Marcy Avenue, for part of Myrtle Avenue. That is  
11 also going to be joined with inclusionary housing  
12 areas, which provide incentives for the creation  
13 of affordable housing. R7D, as I mentioned, is a  
14 very good district for affordable housing  
15 creating, it allows a little more height and  
16 density. That's proposed for Myrtle Avenue. And  
17 C44L, the new district that I'll be describing in  
18 some detail, is proposed for the Broadway  
19 corridor. To address Broadway very directly,  
20 there is a special commercial character on  
21 Broadway, because so many people get off the train  
22 there, it's their first kind of, the first place  
23 in their neighborhood their feet hit the pavement,  
24 that's where it's a natural place for people to do  
25 shopping on their way home. There's a tradition

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2 of significant commercial uses on Broadway. But  
3 there is an opportunity to really strengthen that.  
4 There's also a real opportunity here because a  
5 number of the, a number of the lots along Broadway  
6 are built with small buildings. There's an  
7 opportunity to build more housing, particularly  
8 affordable housing, in this area. And we really  
9 needed to respond to the presence of the elevated  
10 train. It's noisy, it creates a shadow on the  
11 street, and we wanted the form of the buildings to  
12 be able to respond to that effectively. The  
13 special zoning district that we've created, the  
14 C44L, in terms of density is an equivalent to the  
15 R7A. But we have tweaked the shape of the  
16 building in order to accomplish a number of goals  
17 for this area. So, because we want to maximize--  
18 whoops--the amount of light and air that gets down  
19 the street here, we're requiring that on Broadway,  
20 for buildings that face Broadway, they set back  
21 from the street line, from the edge of the  
22 sidewalk five feet. So right away, the entire  
23 building is moved back from the street, creating a  
24 wide sidewalk that really facilitates good  
25 pedestrian circulation; it also allows for more

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2 light and air to get down to the street. In  
3 addition, oops, in addition, we're providing for  
4 flexible base height. The buildings have a  
5 minimum base height in the proposal of 30 feet;  
6 and they can go up to 65 feet, after which they  
7 must set back a depth of 15 feet. So between the  
8 five feet at the street and the 15 feet after the  
9 base, buildings are required to set back a total  
10 of 20 feet from the edge of the street there.  
11 This is actually twice the distance that would  
12 typically be required. On a wide street, like  
13 Broadway, a typical setback under the zoning would  
14 actually be ten feet total. Here, we're proposing  
15 a setback that totals 20 feet. In addition, the  
16 total height of the building would be allowed to  
17 go up to ten stories; whereas, in an R7A district,  
18 normally you would have a maximum height of eight  
19 stories. I do want to note that for properties  
20 that do not directly face Broadway, or that are  
21 beyond 125 feet of Broadway, these special height  
22 and setback rules would not apply, and the  
23 development would be limited to a total height of  
24 80 feet. In addition, in order to really support  
25 businesses on Broadway and to really activate the

1 public realm on the street, we're proposing a new,  
2 enhanced commercial district for Broadway. Fourth  
3 Avenue was the first enhanced commercial district.  
4 Now we are proposing similar but not identical  
5 regulations for Broadway because it is a different  
6 area. But we're proposing that the ground floor  
7 that faces Broadway not be allowed to be developed  
8 with residential use. Those areas on that ground  
9 floor need to be built with active uses,  
10 commercial uses, retail uses, community facility  
11 uses. In addition, the frontage that faces  
12 Broadway is required to have large windows. 50  
13 percent of the area between two and 12 feet above  
14 street level needs to be glazed with transparent  
15 surfaces. So that really allows for pedestrians  
16 to look into the shops, allows the shop to display  
17 their goods, it generally facilitates a much more  
18 active and friendly pedestrian environment along  
19 the street. In addition, the active use helps  
20 facilitate a continuity of commercial use and that  
21 really is a way that businesses can kind of  
22 support each other as they do their business along  
23 the street. And finally, curb cuts are limited,  
24 so you're not allowed to build a driveway facing  
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1  
2 Broadway unless your property does not have access  
3 to a side street and is a minimum of 60 feet wide.  
4 So, there's a real challenge when it comes to  
5 driveways, it causes conflicts with pedestrians  
6 and we wanted to really minimize curb cuts on  
7 Broadway, while allowing for them to be located  
8 there under certain limited circumstances. There  
9 is another change to R7D districts. This affects  
10 the existing R70 district on Fulton Street; as  
11 well as in The Bronx, there is an area where there  
12 are some R7D mapped. What we're doing to those  
13 R7D districts there is adding a requirement that  
14 there be transparency. So, the existing R7D  
15 already requires active use on the ground floor.  
16 We're adding the transparency requirement because  
17 it's really very complimentary to the goals of  
18 that active use on the ground floor. Simply  
19 adding that glazing requirement on the ground  
20 floor. Finally, I want to talk a little bit about  
21 the inclusionary housing program. This is an  
22 incentive program that provides a bonus to  
23 developers that include affordable housing units,  
24 permanent affordable housing units. These  
25 affordable housing units can be up to 20 percent

1  
2 of the floor area, and they must serve a certain  
3 income level, it's monitored by HPD. The housing  
4 units need to be permanent affordable. They can  
5 be either located in the building that's being  
6 developed or they can be located offsite within  
7 the community district, or within a half mile of  
8 the site in a neighboring community district. And  
9 the areas that we are proposing to create this new  
10 inclusionary housing area coincide with these  
11 areas where we think that growth is appropriate.  
12 So, again, these major corridors: Bedford Avenue,  
13 Myrtle, Marcy, and then Broadway. The public  
14 review process, the application was certified in  
15 early May by the Department of City Planning.  
16 Community Board Three recommended approval without  
17 modification, the Borough President recommended  
18 approval with a number of conditions. Those  
19 conditions in brief are that he wanted there to be  
20 a reduction in the ability to waive parking spaces  
21 for the higher density areas. He wanted to map  
22 some additional density on Myrtle Avenue for a  
23 block that's near Broadway. He wanted to limit  
24 the height of buildings on Myrtle Avenue and  
25 Broadway, to make the ten story height contingent

1  
2 on using the affordable housing program. In other  
3 words, a building without affordable housing units  
4 would be limited to eight stories; with affordable  
5 housing, the building could go to ten stories.

6 The Borough President also recommended that we  
7 provide some limitations on use for Myrtle Avenue  
8 where there are existing grocery stores. These  
9 properties, where there are existing grocery

10 stories, would not be able to use the full  
11 proposed zoning unless that grocery store use  
12 remained on the site. So he wants to limit the  
13 ability of the sites with grocery stores to build  
14 unless they continue that grocery store use. And  
15 finally, the Borough President for Broadway

16 specifically recommended that the base height be  
17 lower, so a lower minimum maximum base height for  
18 Broadway. And the City Planning Commission voted  
19 to approve the proposal, as well. [background

20 comment] The City Planning Commission voted  
21 unanimously to support the proposal. And that  
22 concludes my presentation.

23 CHAIRPERSON WEPRIN: Thank you very  
24 much. I'd like to call on Council Member Vann,  
25 who represents part of this rezoning, to make a

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statement.

COUNCIL MEMBER VANN: Yeah, thank you, Mr. Chairman. And thank you for the presentation. Obviously, it's not the first time I've heard it. In brief, let me say that I'm very, very pleased at the work that community board leadership have provided in this process. I noticed the Chairman is here, Chairman Butler is here. I know he must be proud, too, of the Land Use Committee for Community Board Three. They have developed great expertise, as you know. They are advocates for the goals that the community have established and we are very pleased with their final product. In the same breath, let me also commend you, both of you, and City Planning, for your professionalism, number one, and for your listening skills. And being open and indeed negotiating around issues where we disagree, but we came to an appropriate and proper result, outcome, that is in the best interests of the community that I represent. I'm very pleased that this process is coming to a close. There was a mandate to get this done, and I wanted to do it within my tenure. And it looks as if we're going

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2 to make that across the goal line in time. It's,  
3 there's a toss-up whether we would do the southern  
4 part first or the northern part first, and as we  
5 can only do half, based on availability of  
6 manpower, so on and so forth, so I'm very pleased  
7 that it's taken a while, I wish it could've been  
8 quicker, but I understand the commitments that you  
9 have and your urgent draw upon your energy and  
10 your need. So, pleased that we're coming to a  
11 close, I am pleased with the process. We worked  
12 things out to the best interests of the community.  
13 And I support it fully, when we get to the point  
14 of a vote.

15 CHAIRPERSON WEPRIN: Thank you,  
16 Council Member Vann. Now I'd like to call on  
17 Council Member Reyna, who also represents a part  
18 of this rezoning.

19 COUNCIL MEMBER REYNA: Thank you so  
20 much, Mr. Chair. I just wanted to, before I  
21 commend so many individuals on this process, the  
22 clarity as far as the inclusionary housing is  
23 concerned, the three levels in which the  
24 inclusionary housing is going to be applicable, is  
25 preservation, new construction or--I believe

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there's a third.

ANNA SLATINSKY: Preservation, referring to when you preserve affordable housing units that would otherwise be lost, that does qualify towards satisfying the requirements of the inclusionary housing program. In addition, if you build new permanent affordable housing units, that also qualifies under the program. I'm not sure what the third option would be. [background comment] Oh, excuse me, on or offsite. So, it can be either on, in the building that's being developed currently, or within the community district, or within a half-mile of the site, outside the community district.

COUNCIL MEMBER REYNA: I think it's separate and aside from the on or offsite. There's a third technique that can be used under the inclusionary housing, that's beyond preservation, I believe substantial rehab, perhaps? Under the HPD rules.

ANNA SLATINSKY: I would defer to HPD on that, but I believe that the substantial renovation would fall under the preservation umbrella.

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COUNCIL MEMBER REYNA: Okay.

ANNA SLATINSKY: But again, I would want to confirm that with HPD.

COUNCIL MEMBER REYNA: Okay. And the on/offsite, is going to be discretionary upon each application, as far as a disc--how would the approval for on or offsite, working with whomever the developer is, to be able to work with the community, in order to approve upon HPD's discretion?

ANNA SLATINSKY: Well, the program is designed--Here, I can actually illustrate on this map here. The program is designed so that as we know, the affordable housing units may be located on the development site. I'm pointing to Broadway because it's both proposed for inclusionary housing area and it's on the community district boundary. So, if a developer on Broadway is providing offsite affordable units, they could be located anywhere within Community District 3. They could also be located in Community District 4, within that half mile radius.

COUNCIL MEMBER REYNA: Because it

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borders both--

ANNA SLATINSKY: Right.

COUNCIL MEMBER REYNA: --straddles both community boards.

ANNA SLATINSKY: Right, because the Broadway sites are geographically close to this other community board, they could be located, they could end up located within Community District 4, because of that proximity there.

COUNCIL MEMBER REYNA: And the same is true for Community Board 1, which straddles along Flushing Avenue?

ANNA SLATINSKY: Right. So, for example, Myrtle Avenue is a corridor where we are proposing inclusionary housing area. If a site on Myrtle Avenue is using the inclusionary housing program, they could also develop those affordable units offsite within a half mile. Now, it's a little bit harder to get within a half mile in Community District 1 from Myrtle. You could get it from Broadway here because Flushing Avenue is a boundary between those community districts.

COUNCIL MEMBER REYNA: Correct.

ANNA SLATINSKY: It's a little, so

1  
2 there's less area in Community District 1 that  
3 would be close enough to locate affordable housing  
4 units from the inclusionary housing areas that  
5 we're proposing.

6 COUNCIL MEMBER REYNA: I appreciate  
7 that very much. I wanted that clarity for the  
8 purposes of moving forward. This is a very  
9 complex matter and five years of an undertaking on  
10 behalf of the leadership of Henry Butler as the  
11 Chairman and the community board members and its  
12 ULURP chairperson, I just wanted to pay tribute to  
13 all of their work, the substantial amount of  
14 meetings, the conversations, negotiations. I  
15 represent Community Board 3, once upon a time much  
16 more than just two little blocks. Not sufficient  
17 to have a community board member. That's how  
18 small. But before 2003 redistricting, I had a  
19 very large portion of the Community Board 3 area.  
20 And I'm happy to, within my final tenure, to be  
21 able to support what was then a discussion, just a  
22 mere 197-a plan, and today the protection of this  
23 neighborhood, its character, its families, the  
24 preservation, the downzoning, the commercial--it  
25 was a very thoughtful process, very inclusive, and

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2 just the detail and thoroughness that has been  
3 applied to this process, it's an example as to how  
4 we have to move forward for every community in  
5 Brooklyn. I want to thank Pernema [phonetic], our  
6 Commissioner, you know, of Brooklyn; the staff at  
7 Land Use, for just supporting what was a  
8 commitment that was separated in two parts, to be  
9 able to embrace all what were the concerns of this  
10 community. And today, you know, we have a great  
11 example and we have set the bar, with new tools  
12 that's, you know, City Planning ceases to, never  
13 ceases to amaze me how they can provide one  
14 additional layer of new zoning tools to be able to  
15 bring a community to its fullest potential, vis-à-  
16 vis the commercial corridor. And I hope to knock  
17 on your door for future rezoning aspects  
18 concerning this particular new rezoning code, or  
19 zoning code, rather, on the commercial strip, so  
20 that we can continue to bring back the glory days  
21 of Broadway. So, having said all of that, I thank  
22 my colleagues, and I am in full support of this  
23 rezoning. Thank you.

24 CHAIRPERSON WEPRIN: Thank you,  
25 Council Member Reyna. Can I ask a question? We

1  
2 have a number of people who are going to be  
3 testifying later, mostly developers who claim that  
4 they were unaware of this rezoning and that they,  
5 some building things that they claim are in  
6 character with the current rezoning, and that they  
7 weren't aware of it. Are you familiar with any of  
8 these complaints? And if so, how do you respond  
9 to them?

10 WINSTON VON ENGEL: Right. We've  
11 obviously heard from the community, we made those  
12 people who are now testifying here or plan to  
13 testify here, aware of this hearing, because  
14 they've called our offices. As I mentioned in the  
15 beginning of my statement, we've been working with  
16 the community board on this rezoning for over  
17 seven years now. It started as Council Member  
18 Reyna now reminds us as a 197-a plan, originally  
19 even before that time. We've had numerous  
20 meetings, we even had a very large community board  
21 meeting in the northern section of the community,  
22 right near the area that is of concern to many of  
23 these property owners, where we presented the  
24 proposal and it was published online and it was  
25 reported on. We've received phone calls prior to

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2 this rezoning from property owners in other areas  
3 nearby, who wanted to know about the rezoning, who  
4 wanted to be included in the rezoning. But we  
5 have to tell them that we had our boundaries, and  
6 we have to stay by them, stick by them, in order  
7 to meet the schedule that we wanted to do. So  
8 we've had a--we're aware of those concerns, we've  
9 heard those concerns, we've had, as I mentioned,  
10 numerous meetings to go out in the community, to  
11 talk about this rezoning and to hear back. We've  
12 made changes to the zoning, as Council Member Vann  
13 indicated, in response to community concerns.

14 CHAIRPERSON WEPRIN: Okay, thank  
15 you. Anyone else have any questions on the panel  
16 for City Planning? Yes, Diana, please.

17 COUNCIL MEMBER REYNA: I just  
18 wanted to mention for the record that I have not  
19 received in opposition any phone calls or letters,  
20 to my office as it pertains to the area that I  
21 represent within the boundaries of this particular  
22 rezoning. And I failed to mention the Borough  
23 President's Office, who had, you know, in its  
24 final moments, made sure that there were certain  
25 changes added. So, I'm happy to see and support

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2 those changes. That City Planning has  
3 acknowledged. And the preservation of the old  
4 Pfizer site, as manufacturing, I wanted to  
5 specifically thank and mention that. Thank you.

6 CHAIRPERSON WEPRIN: Anybody else?  
7 Any comments or questions? All right, thank you  
8 very much. I assume someone from City Planning  
9 will be sticking around for the rest of the  
10 hearing, in case we do have to call you back for  
11 any particular reason. Okay. Thank you very  
12 much. Give me one second. Okay. You can step  
13 down, I just--[pause, background noise] Okay, so  
14 what we're going to do now, as I mentioned, we're  
15 going to bring up a panel of a number of people  
16 who are in opposition to this project, and then  
17 we're going to alternate, we have some people in  
18 favor, as well, and go back to them. Hold on one  
19 s--[pause, background noise] So, we have five  
20 people testifying in opposition. They're not all  
21 together, I don't believe, but if we can bring 'em  
22 all up together, we can do it all at once here and  
23 get that, get to hear from them right away. So,  
24 I'd like to call up--my eyes are not so great--but  
25 Mordechai Schweid [phonetic]? Okay. Yoel Schweid

1 [phonetic]. Mayer Schweid [phonetic]. I'm sorry,  
2 and is it Hani [phonetic] who is--? Those four,  
3 and then Nidav [phonetic], are you going by  
4 yourself? [background comment] Okay, so and  
5 we're going to bring up Nidav Hamo [phonetic], who  
6 is not a Schweid, but he's here, also. So,  
7 [laughs] come on up to--Sergeant-at-Arms, if we  
8 can get a extra chair up front here for the panel.  
9 So, Mr. Hamo doesn't have to wait for a couple of  
10 more panels, he'll go after this other  
11 distinguished panel. So, we'll find you a chair,  
12 Nidav, somewhere. So just hang tight, and we'll  
13 figure this out. And so what I'd like to ask  
14 again, gentlemen and lady, if we could try to  
15 limit your testimony to three minutes, there may  
16 indeed be questions for you afterwards, where you  
17 can add to your statements. But because we have a  
18 lot of people testifying, we wanted to limit the  
19 speakers to three minutes. Okay? Sergeant-at-  
20 Arms, three minutes is good? Okay. So, I don't  
21 know who wants to start, Hanif [phonetic], is it  
22 ladies first? No, okay. All right, so, okay.  
23 [background comment]

24  
25 MORDECHAI SCHWEID: Good morning,

1  
2 my name is Mordechai Schweid. I'm very concerned  
3 about this, because I feel a large part of the  
4 community was not represented in this rezoning.  
5 And particularly, it's troubling to me that the  
6 Department of City Planning didn't mention in  
7 their presentation that many large synagogues and  
8 schuls and yeshivas was built in that area as of  
9 right, and that right they want to take away, not  
10 even mentioning it. And this is a public hearing.  
11 Now, this will affect thousands of people,  
12 hundreds of families. I'm talking for myself, but  
13 the facts are these people live in the area, in  
14 North Bedford-Stuyvesant, they recently moved in,  
15 and to me it seems to put a lock on the expansion  
16 of that community. And I want to go to the  
17 Broadway, because I have very few minutes to talk.  
18 Broadway, I, first of all, if the City, Department  
19 of City Planning is proposing CL--C4-4L. My great  
20 concern is why no other community board would  
21 request for it, or they should vote at least on  
22 two requests on the elevated train line. This  
23 cannot come from one community board, because it  
24 seems too large of a project for New York City.  
25 It's not the only place that has a elevated train

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2 line, this is a place that a lot of places in New  
3 York City look very similar, and then I want to go  
4 to the inclusionary housing, I want to call it  
5 exclusionary housing, because this will exclude  
6 people, they'll put--the developers will put  
7 people on Broadway and they won't put the people  
8 on the residential part of the area. Meaning  
9 they'll use lower priced property to put the  
10 people of low income families and the big families  
11 and seniors, they'll put them on Broadway, to hear  
12 the vibration and the knocking on the train. And  
13 if, okay, I want to go away from this, I'm sorry,  
14 if this is such a good system, why wouldn't they  
15 require it to be onsite? Because they know it  
16 won't work. And then, I want to--and a different  
17 point, the City and the State, whoever, will lose  
18 millions of dollars in tax revenue from these new  
19 buildings. And if the City wants to promote new  
20 zoning, they could've moved five feet in the  
21 residential area, back, it would make it a wide  
22 street. I saw the geographical map. This will  
23 make it immediately a wide street, you could build  
24 and promote and you could have inclusion, you  
25 could have inclusionary housing, you could have

1  
2 community facilities, and you could serve all  
3 communities of the City of New York. We should  
4 live always together, with our neighbors, and with  
5 our people. That's, I think I have said it all.  
6 [time bell]

7 CHAIRPERSON WEPRIN: And right on  
8 time, too, I'm impressed, Mr. Schweid. [pause]  
9 We'll let everyone testify and then if there's any  
10 questions, we'll ask.

11 Honorable Council Member--

12 CHAIRPERSON WEPRIN: Just state  
13 your name, state your name for the record.

14 MAYER SCHWEID: My name is Mayer  
15 Isuma [phonetic] Schweid. Honorable Council  
16 Member Weprin and - - Members of the City Council.  
17 I'm speaking in my name and I will also said I  
18 should speak in the name of CJC, that's the  
19 Central Jewish Council of Williamsburg, who  
20 represents the social needs. I am a rabbi. I  
21 have a private study in a synagogue which I can  
22 testify about the benefits of a community that  
23 needs to have community facilities. It's the ear,  
24 it's the health, it brings the beauty between  
25 neighbors, and it's the human services that these

1  
2 places bring. I am blessed that I have helped  
3 directly and indirectly hundreds of families that  
4 I, benefit from my services. I found out of this  
5 whole thing just very recently. It is very  
6 disturbing to me to learn about one particular  
7 detail in the proposed downzoning of the Bedford-  
8 Stuyvesant should it become law: it's about the  
9 provision to end the benefit of the FAR that was  
10 granted to anyone building a community facility.  
11 Hundreds of Jewish families and other families  
12 have moved into this neighborhood and made capital  
13 investments based on the previous knowledge that  
14 they will have these facilities to provide  
15 services to them and their children, to be able to  
16 educate them, to make them have a prosperity and  
17 it does not sound right that the City would  
18 deprive these families, children, seniors, from  
19 these amenities, that the City has granted them  
20 and is embedded in all of these blocks. I  
21 therefore ask the Committee to review this part of  
22 the law and grant the right of communities to  
23 flourish by reinstating the law and not changing  
24 it. Peer--it's obvious that the community is not  
25 aware of what is happening because very little

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2 people are attending it. They don't know the  
3 magnitude of this change in zoning. This is a  
4 zoning that is going to change the life of  
5 hundreds of families and thousands of children.  
6 They, the community board said that they gave  
7 notice for the local, for people that have  
8 property. I purchased property in this  
9 neighborhood from the City of New York, they knew  
10 the address of mine, never ever was I notified of  
11 anything that's being done. And it's the  
12 obligation of this Committee to address again the  
13 needs of the community facility for all the  
14 families that are living in this neighborhood,  
15 that we should be able to live in harmony with all  
16 our neighbors. Thank you very much for your  
17 hearing me. [time bell]

18 CHAIRPERSON WEPRIN: Thank you,  
19 Rabbi Schweid. We appreciate all your service for  
20 the community and we also appreciate how good you  
21 guys are getting it under the three minutes. You  
22 deserve bonus points for that. Ms. Schweid.

23 Good morning, Mr. Chairman, Members  
24 of the City Council, and Department of City  
25 Planning. I have a couple of points to bring up

1  
2 today. Our community, as you may be well aware,  
3 have large families and they don't use the public,  
4 City's public education.

5 CHAIRPERSON WEPRIN: I'm sorry,  
6 Hani, if you could just state your name, also, as  
7 you go on.

8 HANI SCHWEID: It's Hani Schweid.

9 CHAIRPERSON WEPRIN: We'll start  
10 her again, we'll give her 20 extra seconds.

11 HANI SCHWEID: Okay. I have a  
12 couple of points to bring up today. Our  
13 community, as you may well be aware, has large  
14 families and we don't use the City's public  
15 education. We build our own schools, we pay  
16 tuition, we have pre-schools, we have elementary  
17 schools, we have high schools, we have yeshivas,  
18 we have synagogues. We build them. And our  
19 community needs them. Therefore, I ask, "Why did  
20 the Department of City Planning not consider the  
21 needs of our children and families when trying to  
22 change the zoning laws concerning our community  
23 facilities in the north Bedford-Stuyvesant area?"  
24 How is it that we are here today, amidst our  
25 holiday, discussing an issue so imperative to our

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2 community? I'd like Ms. Diana Reyna also to hear  
3 what I'm talking about, 'cause I have an answer to  
4 her when she said that she had no--

5 COUNCIL MEMBER REYNA: [off mic]

6 It's Council Member Reyna.

7 HANI SCHWEID: Council Member  
8 Reyna, I'm sorry. How is it that the public  
9 hearing about this issue was held in a place that  
10 the Council knows Jewish people don't attend? I  
11 heard it was a church. How is it that this was  
12 all done in a matter of secrecy? My husband owns  
13 lots there, we were just told that lot, land  
14 owners were notified. We were never notified. I  
15 humbly ask all of assembled here today to  
16 reconsider the facts and make revisions to the  
17 law, and allow community facilities to be built as  
18 on the old zoning laws, in the north Bedford-  
19 Stuyvesant neighborhood. And as property owners  
20 in the neighborhood, I just want to say that  
21 again, the new zoning laws affect our property.  
22 After many years of struggling with vacant land,  
23 we finally filed plans with the Building  
24 Department a few months ago, for permits which we  
25 did get. Everyone knows that a lot of planning

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2 and money goes into developing a site. How come  
3 we were not notified that our money's at stake?  
4 The City charges us property taxes, they have our  
5 address for the bills, so why were we not  
6 notified? Is it fear to make such imminent  
7 changes to people who have Building Department  
8 permits? Nobody here would want to be dealt with  
9 in this manner. I can attest to the fact that the  
10 Building Department is still taking money and  
11 reviewing plans. They're asking for amendments,  
12 they're issuing permits. Not getting a hint at  
13 all to anybody that all money, big money, is  
14 possibly being lost. It is our holiday today, as  
15 I said. I couldn't even contact a lawyer. Mr.  
16 Chairman [time bell]--

17 CHAIRPERSON WEPRIN: You can finish  
18 up.

19 HANI SCHWEID: Okay. You're trying  
20 to tie people's hands in the back and telling  
21 them, "Yes, you can scratch your nose." The  
22 Building Department says "Yes, you can build, here  
23 are your approved plans," but the City Council is  
24 voting on this tying our hands, and no, you won't  
25 be able to build. Is this called honesty or

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2 consideration? I therefore ask the Subcommittee  
3 assembled here today to show consideration to  
4 people with Building Department permits, and to  
5 allow them to go on with their projects  
6 undisturbed and to allow the community to continue  
7 building synagogues and community facilities as in  
8 the old zoning laws. Thank you.

9 CHAIRPERSON WEPRIN: Thank you,  
10 Mrs. Schweid. I just, I do want to just  
11 acknowledge, we do know it's the holiday of  
12 Sukkot. We normally would meet on a Tuesday, this  
13 Subcommittee, we did delay it till today, till  
14 Yanthev [phonetic] was over, so we could have this  
15 meeting. But unfortunately, we're working with a  
16 ULURP time clock. And in order to get it to the  
17 City Council hearing--

18 HANI SCHWEID: I think you have  
19 till the end of October, as I heard.

20 CHAIRPERSON WEPRIN: Well, we have  
21 only till--

22 HANI SCHWEID: You know, it doesn't  
23 sound right when you're talking about our  
24 community needs, and you're coming in smack in the  
25 holiday. What should I tell you? It just doesn't

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sound--

CHAIRPERSON WEPRIN: Well, I can only say that's a coincidence, since this has been going on for seven years, and--

HANI SCHWEID: I'm sorry, okay--

CHAIRPERSON WEPRIN: --it happened to fall this fall, but--

HANI SCHWEID: So where is the answer to the seven years? You know, how come we were never notified? And in just answer to Ms. Council--Council Member--

CHAIRPERSON WEPRIN: Well, let--

HANI SCHWEID: --Ms. Diana Reyna's question about her office not being contacted, I think she knows the answer.

CHAIRPERSON WEPRIN: All right, well, I'm going to hold off on that--

HANI SCHWEID: I mean, I have a leaflet here that she sent around.

CHAIRPERSON WEPRIN: --we have--

HANI SCHWEID: I think she knows the answer.

CHAIRPERSON WEPRIN: We have one more person I want to hear testify, and then we'll

1  
2 ask if any of the panel has any questions for  
3 that. Nadav Hamil. Rabbi, I mean, I don't know  
4 if you, we--there may be a question, I don't know  
5 if you want to just wait. You can stay there, but  
6 just in case. Okay? I don't know there will be,  
7 but just in case. Sir, it's all yours.

8 NADAV HAMIL: Thank you, my name is  
9 Nadav Hamil, and I have a small business  
10 developing property in, in this community. And I  
11 come on behalf of me and my colleagues who  
12 recently started developing property over there.  
13 And basically we're in the middle of excavating.  
14 And we feel that it's a bit of a safety hazard if  
15 now we're going to have a zoning change. It  
16 doesn't affect us drastically, it's basically a  
17 very minor change, when it comes to the zoning.  
18 But we'd like to proceed with our projects and  
19 make the timelines. So I have some information  
20 over here, I have also photos, renderings, you can  
21 see it won't really affect anything when it comes  
22 to the front of the streets, and it's pretty much  
23 consistent to what City Planning proposed, which  
24 we have no objection to.

25 CHAIRPERSON WEPRIN: Do you, you

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have one copy of those photos, is that it over there?

NADAV HAMIL: I have a couple of copies of the fax--

CHAIRPERSON WEPRIN: Well, Sergeant-at-Arms, could we just see if we can just, can we distribute this to the panel? Okay.

NADAV HAMIL: Here's some photos and here's some renderings.

CHAIRPERSON WEPRIN: We can see-- and could you just say what's, what's the street that the project is on?

NADAV HAMIL: There are two streets, one of them is Lafayette between Tompkins and Throop, and the other one is Quincy, which is the exact bottom part of the zoning change, between Nostrand and Bedford.

[pause, background noise]

CHAIRPERSON WEPRIN: So, one is in one, I think, one is in Council Member Reyn--I mean, Vann, and one is in Council Member Tish James, I think.

NADAV HAMIL: Right.

CHAIRPERSON WEPRIN: Okay.

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2 NADAV HAMIL: So basically we, our  
3 request is just that we can proceed with our job  
4 sites that are in the middle of excavation, and if  
5 we don't then it'll probably be postponed to next  
6 year where, you know, we're going to go through ha  
7 long winter now and we feel that it's a safety  
8 hazard, and we just want to continue doing what we  
9 have to do. And we have also support from our  
10 neighbors, which we also have signed over here, as  
11 well. And I--

12 CHAIRPERSON WEPRIN: One second,  
13 Sergeant-at-Arms, could you--

14 NADAV HAMIL: Sorry.

15 CHAIRPERSON WEPRIN: --they want to  
16 give this out, too. He has some papers he wanted  
17 to give to the, to panel to pass out. Just so he  
18 could just--I didn't want him to--

19 NADAV HAMIL: There you go.

20 CHAIRPERSON WEPRIN: Okay. You  
21 done? - -

22 NADAV HAMIL: Yeah.

23 CHAIRPERSON WEPRIN: All right.  
24 Just--Have you spoken to the members of the  
25 community board at all? Have you--were you aware

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of the - - ?

NADAV HAMIL: Well, we tried, we weren't very much aware of the process, basically we were under the understanding that by the end of the October you'd be approving it. And we could remain within those guidelines and within the timeframes. We don't want to ruin anything over here that's been going on for the past seven years. But we do want to go on with our jobs.

[pause, background noise]

CHAIRPERSON WEPRIN: Currently, the site that you're talking about, at least the one in this picture here, so this is what's there currently? You have a hole in the--

NADAV HAMIL: Right, we're in the middle of excavation.

CHAIRPERSON WEPRIN: --space.

NADAV HAMIL: It's actually more in progress from when we took the pictures. And the procedure is, if we, if the zoning will get approved next week, then we'll automatically be get hit with the stop recorder, and we're going to have to just leave the jobsite the way it is.

CHAIRPERSON WEPRIN: Because you

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have to get new permits?

NADAV HAMIL: Yeah, they're going, we're going to have to go through the whole procedure of reapproving plans, and this is going to be timely. We don't care about the money aspect of it, but it's a safety hazard, and we just want to get through it before the winter. And all we need is a couple of more weeks, or if you could vest the zoning for those specific projects.

CHAIRPERSON WEPRIN: So, you, what you're planning on building, you don't think would be, you could just modify what you want to build, you're just saying that you don't want to have to go back to the drawing board on getting permits from the Building Department.

NADAV HAMIL: Yeah, the jobsites would be automatically stalled. And--

CHAIRPERSON WEPRIN: So if we could figure out a way to speed up that permit process--

NADAV HAMIL: We already have permits and we have, we're digging, we're in the middle of excavation.

CHAIRPERSON WEPRIN: Right.

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2 NADAV HAMIL: So we're not going to  
3 get in the foundation on time, and that would,  
4 that is what would make it vested at the old  
5 zoning. And the zoning changes are minor, they're  
6 not a drastic change.

7 [pause, background noise]

8 CHAIRPERSON WEPRIN: Right, I mean,  
9 but you--[pause, background noise] Right, do you  
10 have a lawyer that's working on this for you?

11 NADAV HAMIL: No.

12 CHAIRPERSON WEPRIN: At all?  
13 Because I don't know the exact detail, like I know  
14 we have picture here, but whether you could go to  
15 BSA and try to get a substantial completion?

16 NADAV HAMIL: But if I--

17 CHAIRPERSON WEPRIN: Or if we could  
18 work with Buildings to try to get it expedited.  
19 I'm looking at all my experts out there.

20 NADAV HAMIL: Right.

21 CHAIRPERSON WEPRIN: But--

22 NADAV HAMIL: So, basically, from  
23 our experience with this field, I mean, anything  
24 that will happen now will leave the site  
25 unexcavated, in an unsafe way. We have neighbors

1  
2 that have been talking to us about this, and they  
3 want us to finish up with it. They don't want to  
4 have a hole there for the next half year to a  
5 year.

6 CHAIRPERSON WEPRIN: I want to get-  
7 -so what you plan on building now or you can  
8 build, would be consistent, possibly, with the new  
9 rezoning.

10 NADAV HAMIL: It's not going to be  
11 consistent, it would have minor variations. But  
12 we feel that provided the information that we're  
13 showing to you, it's not something that's going to  
14 affect the guidelines of City Planning, which  
15 they've been working on. It's not brownstone  
16 blocks, and we're not building skyscrapers over  
17 there. We're building something that's reasonably  
18 in the guidelines of the height and  
19 characteristics of the zoning. So we don't feel  
20 that it affects anything, and we know that the  
21 bureaucracy that will be involved will hit us very  
22 hard in the way that it's going to leave an unsafe  
23 jobsite, two unsafe jobsites, that will be  
24 remaining there for the next year.

25 CHAIRPERSON WEPRIN: Okay. All

1  
2 right. We got the picture, basically. What I  
3 would recommend you doing, depending on if we move  
4 ahead with this, if you want to speak to me  
5 separately, our office, talk to the local Council  
6 Members, make sure what you're doing is not  
7 inconsistent with what the community wants--

8 NADAV HAMIL: Sure.

9 CHAIRPERSON WEPRIN: --and we could  
10 try to reach out to Buildings, you know, they  
11 don't always listen to us, but we could try to  
12 work with them to try to get this expedited on new  
13 permits, so you can proceed quicker than the  
14 normal process would be.

15 NADAV HAMIL: Thank you, because  
16 they definitely don't listen to us.

17 CHAIRPERSON WEPRIN: But, and I  
18 can't promise that, but--

19 NADAV HAMIL: I can tell you that.

20 CHAIRPERSON WEPRIN: Right, but we  
21 definitely, with someone as important as Al Vann,  
22 can get something done, hopefully a little faster.  
23 You know?

24 NADAV HAMIL: Thank you very much.

25 CHAIRPERSON WEPRIN: But it would,

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and again, that's assuming that what you're proposing is not something that--

NADAV HAMIL: Right.

CHAIRPERSON WEPRIN: --the community has an issue with.

COUNCIL MEMBER COMRIE: Do you have a rendering of the height and depth and width of the building?

NADAV HAMIL: I have the plans here, if you--

COUNCIL MEMBER COMRIE: You talked to them about something that's a little out of context, can you make, be a little bit more descriptive of what you're saying that would be different?

NADAV HAMIL: Well, we're building a four story building, which is pretty much consistent with the height regulations. We're talking about a differential between a R6 and R6B. Although, our zoning regulations are R6, we're not building out of characteristic in the neighborhood. We're even lower than the neighboring building that we have in one of the projects. And the other project we're consistent

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with the height of the street.

COUNCIL MEMBER COMRIE: So what is it that you're worried about, the inconsistency?

NADAV HAMIL: We're not worried about anything, we're just worried about safety--

COUNCIL MEMBER COMRIE: No, no, but you said three times that there were some inconsistencies in your plan from what City Planning would--

NADAV HAMIL: Because it still would change the, I would still have to refile plans and go through the whole procedure of approving them, from the beginning--

COUNCIL MEMBER COMRIE: Is it your setback? Is it your--

CHAIRPERSON WEPRIN: He means, what is it different about what you're building, what would be, under the new rezoning, like you said it's slightly different. Do you know, can you describe what--?

NADAV HAMIL: There's, the square footage value is a bit. So, it would mean probably taking off a couple of rooms, maybe one or two rooms, from the, from each project. It

1  
2 would be a modification of plans, and it would be  
3 a stop recording, meaning I wouldn't be able to  
4 proceed working. So it's more technical, less  
5 zoning.

6 COUNCIL MEMBER COMRIE: I  
7 understand your concern. I was just trying to  
8 understand what your building was going to look  
9 like so that the building was out of context--

10 NADAV HAMIL: We have all the  
11 specifics.

12 COUNCIL MEMBER COMRIE: --with the  
13 rest of the--

14 CHAIRPERSON WEPRIN: And you'll  
15 have to go over those specificities in order for  
16 anyone to help. Okay? So--

17 NADAV HAMIL: No problem.

18 CHAIRPERSON WEPRIN: I mean, with  
19 that in mind, I'm happy to try to help as much as  
20 I can.

21 NADAV HAMIL: Okay, thank you for  
22 your time.

23 CHAIRPERSON WEPRIN: Thank you.  
24 Thank you very much. I want to ask, the panel  
25 have any questions for anyone who has just

1 testified? Wanted to give you the opportunity.

2 All right, seeing none, we thank you all for  
3 testifying in the matter. I'd like to now call up  
4 Richard Bearak, from Borough President Marty  
5 Markowitz's office; and Henry Butler, from the  
6 Community Board, the Zoning Chair. Is that right?  
7

8 HENRY BUTLER: Board Chair.

9 CHAIRPERSON WEPRIN: Board Chair,  
10 oh, I'm sorry, all right. [pause, background  
11 noise] Gentlemen, you could, you could do once,  
12 twice, three, shoot, and decide who wants to go  
13 first, and if you can keep it to three minutes,  
14 Mr. Bearak, I know your brother never could, but  
15 you probably can, right?

16 RICHARD BEARAK: So, I'm Richard  
17 Bearak, Land Use Director for Marty Markowitz, and  
18 'll be readying his remarks. "I want to thank  
19 Chairperson Weprin and Members of the City Council  
20 Land Use Subcommittee for Zoning and Franchises,  
21 for allowing me to testify today on the Bedford-  
22 Stuyvesant North Rezoning. I support the core  
23 objectives of this proposal as it will ensure that  
24 future developments reflects the character of the  
25 Bedford-Stuyvesant community while still providing

1  
2 areas in which growth can occur and providing  
3 means to encourage the inclusion of affordable  
4 housing. There are three aspects of this proposal  
5 that fall short of being best for the community.  
6 I have concerns pertaining to the potential loss  
7 of supermarkets, quality of life consequences  
8 through promoting residences along elevated trains  
9 structures, and not doing enough to encourage  
10 affordable housing production. To address these  
11 concerns, I encourage the City Council to deal  
12 what is within its purvey now, and then obtain a  
13 commitment from the Administration for City  
14 Planning to undertake a text change proposal for  
15 the balance of my proposals over the next 15  
16 months. If the Administration makes reasonable  
17 points in why the timing is not feasible, then I  
18 would urge the Council to adopt the resolution  
19 seeking such changes at the outset of the next  
20 Administration. Now to elaborate my concerns.  
21 So, when the Council adopted the fresh fruit  
22 initiative, it deemed zoning and financial  
23 incentives for what were deemed food deserts. And  
24 included this neighborhood. However, these  
25 incentives do not provide insurances that we can

1  
2 safely assume a developer would take advantage of  
3 the initiative. Along a section of Myrtle Avenue  
4 is several public housing developments; is a Key  
5 Food, which is in the packet, if you get them; and  
6 a Juniors Supermarket. That have fortunately not  
7 been removed to accommodate development according  
8 to the present zoning, although it could've  
9 happened. While generally supportive of City  
10 Planning's proposal to provide more housing along  
11 Myrtle Avenue, the question is whether residential  
12 development potential by more than 30 percent will  
13 yield replacement of supermarkets should these  
14 properties be acquired by developers. This is a  
15 gamble that I am not willing to risk and would  
16 hope that the Council feels the same about  
17 supermarkets and food deserts. That is why I urge  
18 the Council to support limiting additional  
19 potential to just a few percent unless developers  
20 replace supermarkets as part of the redevelopment.  
21 Let's link the additional 25 percent of valuable,  
22 residential floor area to developments that  
23 replicate supermarkets, should Key Food or Juniors  
24 become development sites. Moving on to Broadway  
25 with its elevated train structure. City Planning,

1  
2 you saw the presentation of the optional building  
3 street wall. This approach places some quality of  
4 life considerations to the discretion of each  
5 site's developer. As public service, we should  
6 demand the best outcomes for the public, whether  
7 they be walking along Broadway or living along the  
8 elevated structure, rather than leave development  
9 to chance. We have photos again in remarks, where  
10 the train has occasionally popping out over the  
11 street, where platforms and stair structures come  
12 pretty close to building sites. And we have  
13 photos where residential development was built  
14 already, mostly in Williamsburg, actually, where  
15 it's pretty close to the tracks. So City  
16 Planning's proposal would actually be five feet  
17 further from this, but we'd prefer more. And  
18 we've also had a building in Bushwick, as well.  
19 So, this is more , again, this was one developer  
20 chose to set the building back. We like this.  
21 We'd like to see it mandatory. So, anyhow, so  
22 what we're, again, I mentioned about a five foot  
23 setback. So, we feel the building that I last  
24 showed you provides better light and air quality  
25 to the pedestrians, shopping along Broadway, as

1 well as provides that little bit of extra, 15 feet  
2 extra distance, for noise mitigation so residents  
3 don't have to depend on closing their windows or  
4 turning on their air conditioners, to occasionally  
5 it's okay to get fresh air. So we'd like the  
6 Council to follow my lead. In terms of  
7 inclusionary housing, discussing the heights along  
8 Broadway and Myrtle, both were permitted to have  
9 33 percent more floor area when a developer  
10 pursues the affordable housing bonus. So City  
11 Planning's essentially proposing ten stories which  
12 is necessary to accommodate the 33 percent more  
13 floor area. But these extra two floors are far  
14 from essential when developers opt to merely build  
15 as-of-right housing. So, even with the flooring  
16 bonus and access to government financing, too  
17 often developers have been rejecting the  
18 opportunity that yields affordable housing.  
19 Therefore, we really should leverage these two  
20 extra floors from the Broadway district and the  
21 Myrtle Avenue 7D district, as an added incentive  
22 to try to achieve much needed affordable housing.  
23 By not leveraging the height, we are merely  
24 rewarding developers with height to shift the  
25

1  
2 floor area upwards, so such units become more  
3 financially lucrative, with nominal public  
4 benefit, which becomes out of scale construction.  
5 So in closing, I ask the Council to embrace these  
6 improvements to an otherwise excellent proposal,  
7 as a means for fresh food access, quality of life  
8 and affordable housing.

9 CHAIRPERSON WEPRIN: Thank you.

10 Thank you, Mr. Bearak. I'd like to call on Henry  
11 Butler now. Mr. Butler, just state your name  
12 again for the record.

13 HENRY BUTLER: Name is Henry L.  
14 Butler, Chairman of Community Board Three,  
15 Brooklyn, Bedford-Stuyvesant area. Good morning,  
16 Chairman Weprin, good morning to distinguished  
17 Council Members, and a special good morning to my  
18 Council Members, Al Vann and Diana Reyna. When I  
19 became Chairman four years ago, I was mandated by  
20 my board members and by my community in northern  
21 section to get the northern rezoning moving again.  
22 When I first got on the board, we were just voting  
23 on the rezoning of the south, and we were promised  
24 the northern rezoning would take place right  
25 after. For various reasons, that did not happen.

1  
2 So as I stated when I became the Chair, that was  
3 my goal to get the northern rezoning started and  
4 completed. We worked for the past almost three  
5 years to get this done. I myself, along with the  
6 various members of the Housing and Land Use  
7 Committee, went out to the streets, drove around,  
8 walked around, I myself rode my bicycle around the  
9 neighborhood to every point within the community  
10 that we were looking to rezone. We worked along  
11 with City Planning, it was a relationship that  
12 went smooth most of the time, we had our  
13 disagreements. But we did, we did something  
14 that's not happening in today's times. We  
15 compromised. You know, everyone cannot get  
16 everything that they want. But compromise was  
17 done and I felt that we've compromised to the  
18 point where we have a great rezoning plan. For  
19 those members who spoke earlier, who said, claimed  
20 that they were not contacted about this, as has  
21 been stated this has been going on since 2003, the  
22 rezoning has been going on for the past seven  
23 years. We have reached out to ever aspect, every  
24 point of that community about this rezoning  
25 process. As we all know, City--as we all know,

1 community board meetings are open to the public.  
2 They're public meetings. Committee meetings are  
3 open to the public. So everyone has been  
4 informed. Our meetings are televised via the  
5 internet. So you can see our meetings on the  
6 internet. So we've reached out to everyone within  
7 the community. I find it very disingenuous on  
8 their part to say that they were not reached out  
9 to, when they've come before board meetings, come  
10 before committee meetings on various BSA  
11 applications for variance. So to say that they  
12 were unaware of what was going on, with this whole  
13 process, as I stated earlier, I find that very  
14 disingenuous on their part. So let me just state  
15 fully, we fully support this rezoning application,  
16 we've come too far, we've worked too long and too  
17 hard on this process, we've reached out to  
18 everyone. We've taken into consideration the  
19 Borough President's recommendation, they are good  
20 recommendations. But I will say once again that  
21 we do fully support this rezoning process, and on  
22 that note, I just want to say thank you so much  
23 for allowing me to speak, and I hope that this  
24 Committee takes into account the hard work that  
25

1  
2 has been done by Community Board Three on this  
3 process.

4 CHAIRPERSON WEPRIN: Thank you, Mr.  
5 Butler. Chair Comrie has a [time bell] there you  
6 go. Chair Comrie has a question for someone.

7 COUNCIL MEMBER COMRIE: Mr. Bearak,  
8 you were saying that the, are you inferring that  
9 the supermarket properties, if they're repurchased  
10 by someone else, that they retain the fresh  
11 incentives? So even if the property's not going  
12 to be used as a supermarket--?

13 RICHARD BEARAK: No, we actually  
14 want--if they build without a supermarket in the  
15 future, we'd like them to do more the equivalent  
16 of an R7A zoning, which would be a slight bump up  
17 in residential floor area, but it would also be  
18 height limited, so it would be much more  
19 contextual than the zoning we have today.  
20 However, if they want to fully utilize the  
21 proposed R7D with the ten stories, we want the  
22 supermarket, of course, developed, and we want the  
23 affordable housing. If they want to do the  
24 supermarket without the affordable housing, they  
25 could get eight stories. The floor area they

1  
2 would get for as-of-right, not counting the zoning  
3 bonus or supermarket, if they don't do an  
4 inclusionary housing, it's 4.2, compared to what  
5 we have today, which is 3.0 for residential. So,  
6 they would be getting a 30 some odd percent  
7 residential upzoning whether they do a supermarket  
8 on the current proposal.

9 COUNCIL MEMBER COMRIE: Mm-hmm.

10 RICHARD BEARAK: We want that 4.2  
11 to be only achievable if the supermarket gets  
12 replicated into a development. If they don't  
13 replicate it, the FAR for market rates should be  
14 restricted to 3.45.

15 COUNCIL MEMBER COMRIE: Right now,  
16 the regs would be eliminated if a developer  
17 purchased the property and did not do it, so--

18 RICHARD BEARAK: Correct. So,  
19 we're seeking either a follow up corrective  
20 action--

21 COUNCIL MEMBER COMRIE: Right.

22 RICHARD BEARAK: --you can use the  
23 four initial you like--

24 CHAIRPERSON WEPRIN: FUCA.

25 RICHARD BEARAK: --or, at minimum,

1  
2 a resolution from the Council, so that we could  
3 set the stage from the next Administration, which  
4 many of you will be part of, and perhaps the next  
5 Mayor may come out of your, you know--But, so,  
6 'cause City Planning's got a lot on their plate,  
7 it may not be a reality, even if they want to do  
8 it, they may not be able to do something in the  
9 next 15 months, but to send the message, this is  
10 going to be our government policy that we don't  
11 want to upzone supermarket sites in fresh  
12 districts, and then take our chance that it  
13 closes, it's gone.

14 COUNCIL MEMBER COMRIE: Got it,  
15 okay, thank you, I appreciate that. I think we'll  
16 try to work to make that happen.

17 CHAIRPERSON WEPRIN: You running  
18 for Mayor? - -

19 COUNCIL MEMBER COMRIE: No, no, I'm  
20 - - Queens wide, just [crosstalk]

21 RICHARD BEARAK: We have food  
22 deserts there, too.

23 CHAIRPERSON WEPRIN: Who could he  
24 be talking about then? No, let me ask a question,  
25 Mr. Butler, I'm just curious, you mentioned that

1  
2 people had come before the community board, we  
3 heard before from the Schweids, talked about the  
4 community facilities, and the fact that this  
5 limits the community facilities. Is that an issue  
6 that was discussed at the community board, or an  
7 issue that was raised at the community board at  
8 all?

9 HENRY BUTLER: In the part of the  
10 district I'm assuming they're talking about,  
11 that's a manufacturing area, zone, right now,  
12 manufacturing, and some residential. But some of  
13 the residential that's done in that area was done  
14 based upon variance that was granted by BSA. But  
15 it was mostly zoned in a manufacturing area, and  
16 we discussed with City Planning about this, and we  
17 both agree City Planning and the Board to keep it  
18 a manufacturing zone area.

19 CHAIRPERSON WEPRIN: Mr. Bearak, do  
20 you want to comment as well?

21 RICHARD BEARAK: I'm just going to  
22 add. It's not that the zoning in the future would  
23 not allow community facilities, it's that the  
24 property owner now has to make a choice, "Do you  
25 want to maximize the zoning for residential?"

1  
2 which usually is more valuable, or "Do you want to  
3 do less residential to accommodate community  
4 facilities?" that's the way the zoning would work  
5 in the future.

6 CHAIRPERSON WEPRIN: I understand.  
7 Does anyone else on the panel have a comment or  
8 question for these two gentlemen? Yeah, Diana  
9 Reyna.

10 COUNCIL MEMBER REYNA: Richard, the  
11 supermarket issue, as far as the fresh zone is  
12 concerned, the fresh zone designation, what does  
13 it give as an incentive to a developer?

14 RICHARD BEARAK: So, it eases  
15 parking tremendously. So, that in the district  
16 you have there, you pretty much don't have to  
17 worry about providing a parking lot, which becomes  
18 a clear cost issue. The second thing is, without  
19 being calculated as zoning square footage, you get  
20 up to 20,000 square feet, that you could build  
21 into your building site, and have not calculated  
22 deduct from your zoning. The other aspect is if  
23 you have a height consideration that you're trying  
24 to fit your building in with this extra 20,000  
25 square feet, if you can't fit it within the zoning

1  
2 envelope, there's a process, and City Planning  
3 should be available, anything, I don't say  
4 perfect. So you could go for a chair  
5 certification to justify basically doing an extra  
6 floor of height. The other part is the EDC part,  
7 the financial part, where you have access to  
8 dollars and it's dollars not simply to develop, it  
9 could be the store operator. So, it's not just a  
10 physical building, but for example buying the  
11 refrigerators and the state-of-the-art cash  
12 registers and all the furnishings within, you  
13 know, the shelves, that there is dollars for that.  
14 So--

15 COUNCIL MEMBER REYNA: So, and I'm  
16 asking you to state all those incentives. Are you  
17 saying that that's not sufficient to maintain  
18 what's there?

19 RICHARD BEARAK: Correct. Correct,  
20 because if I buy property and I'm not in the  
21 supermarket business, even with that, I just may  
22 not want to bother, and I'm just going to take  
23 advantage of the zoning and build and not worry  
24 about what was there before.

25 COUNCIL MEMBER REYNA: But under

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the program right now, how many have been built?  
In community board three?

RICHARD BEARAK: I am not aware of  
any. I am aware of nearby, actually just beyond  
Board One, actually, District One, where a  
developer has gotten funding to, I believe,  
enlarge the store, or minimally, if not--I think  
it's the Food Dynasty, where they got funds, they  
may have been larger, but they certainly up, were  
able to upgrade the store, don't know if it's gone  
into play yet, but they certainly went through the  
process.

COUNCIL MEMBER REYNA: And as far  
as the rezoning and the proposed zoning changes,  
you feel that what we're getting is not going to  
protect future?

RICHARD BEARAK: Well, they're  
technically not protected today, to be fair.

COUNCIL MEMBER REYNA: Right.

RICHARD BEARAK: But when you got  
from three FAR market rate, to 4.2 market rate, I  
could pay more to purchase your property. It's  
worth at least 30 percent more to me. So that may  
be the difference between buying sooner rather

1  
2 than later. If we do nothing, maybe in 15 years,  
3 three FAR is enough, the property goes away and it  
4 is what it is. But by giving 30 percent more  
5 rights today, that day of potential reckoning  
6 could come that much sooner.

7 COUNCIL MEMBER REYNA: And--

8 RICHARD BEARAK: And by the way,  
9 we've had the three FAR since 1987, the stores  
10 have survived 25 years, 'cause the market hadn't  
11 been there.

12 COUNCIL MEMBER REYNA: Right, and  
13 at the, with the same breath, we can also say that  
14 no one's coming in to build more supermarkets.

15 RICHARD BEARAK: You know, it's a  
16 little harder because supermarkets, unless they're  
17 large chains, are not typically their own  
18 developers. So, you know, it's connected--

19 COUNCIL MEMBER REYNA: They're not  
20 returning into our neighborhoods, is more--

21 RICHARD BEARAK: Yeah, yeah--

22 COUNCIL MEMBER REYNA: --the issue  
23 than anything else.

24 RICHARD BEARAK: And you have a lot  
25 of public housing population right across the

1 street, so it's not as car oriented. And you may  
2 or may not have heard, NYCHA's got plans so they  
3 want to take advantage of opportunities to provide  
4 appropriately more density. So we're going to  
5 bring in people, and you want to have these kind  
6 of services. So, like the mandatory retail along  
7 Myrtle, which is going to be wonderful, it  
8 requires basically a depth of 30 feet. So you're  
9 not going to necessarily get the large stores.  
10 You're still going to get stores that will service  
11 the community, given the small scale, and they may  
12 be wonderful, but supermarkets, you know, larger  
13 footprints to take advantage of everything.

14 COUNCIL MEMBER REYNA: Okay.

15 HENRY BUTLER: I have the answer to  
16 one of your questions, Council Member, about the  
17 fresh food market. There actually is one planning  
18 to be built along Fulton Street, on the corner of  
19 Fulton and Albany, and those are the exact plans,  
20 there's going to be housing with the fresh food  
21 market underneath.

22 COUNCIL MEMBER REYNA: With the new  
23 zoning changes.

24 HENRY BUTLER: That's, well, the  
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current, that's actually in the--

COUNCIL MEMBER REYNA: In the south.

HENRY BUTLER: --south part. But that is--

COUNCIL MEMBER REYNA: But those were the same--

HENRY BUTLER: --that is going to be a location where we're going to have another fresh food market areas--

COUNCIL MEMBER REYNA: Right.

HENRY BUTLER: --on the corner of Fulton and Albany. And as Mr. Bearak stated earlier, with the current rezoning plan, on NYCHA property, on Sumner and Tompkins, which is right next to the, one of the locations he's talking about, if the zoning goes through, it will allow NYCHA on their property, through housing, with retail underneath, so there with the potential also to have a fresh food market and those locations within the NYCHA property.

COUNCIL MEMBER REYNA: Mm-hmm. So, do you agree, Mr. Butler, with wanting to make the changes that are recommended to preserve the

1  
2 supermarket opportunity?

3 HENRY BUTLER: My position of that  
4 is it will be great if someone knocks down a  
5 supermarket and a new developer comes back, but I  
6 don't, I personally doesn't feel it's fair to put  
7 a hindrance on the developer, saying that you have  
8 to do this type of retail. That's just my  
9 personal opinion on it.

10 COUNCIL MEMBER REYNA: Mm-hmm.

11 RICHARD BEARAK: And again, we're  
12 not saying they don't have to do that, but we're  
13 not, we don't want to reward them as much with the  
14 floor area. They want to do without the  
15 supermarket, build 3.45. You want a supermarket,  
16 we're keeping that extra .85 FAR as an added  
17 incentive on top of 20,000--

18 COUNCIL MEMBER REYNA: As a  
19 leverage, right.

20 RICHARD BEARAK: --and on top of  
21 the financials and whatever else.

22 COUNCIL MEMBER REYNA: Okay, thank  
23 you very much.

24 CHAIRPERSON WEPRIN: I'd like to  
25 call on Council Member Vann.

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COUNCIL MEMBER VANN: Yeah, point of clarification. The Borough President's recommendations, however meritorious or without merit, is it clear to the Borough President that they cannot be accommodated in this application due to the ULURP process=?

RICHARD BEARAK: We've stated in the testimony--

COUNCIL MEMBER VANN: Okay.

RICHARD BEARAK: --that either you can call for a follow up corrective action, although again the resources may be hampered 'cause there's a lot in their plate over the next 15 months, or minimally get a resolution out of this Council so that we're setting a goal for the next Administration that the Department would be following up because that's what the next Administration wants to do.

COUNCIL MEMBER VANN: To, do they support the application as it's being proposed?

RICHARD BEARAK: Absolutely.

COUNCIL MEMBER VANN: Okay.

RICHARD BEARAK: I mean, the only area I'm not quite sure if something is out of

1  
2 scope is the Broadway issue, in terms of making  
3 the setback mandatory. If that is not out of  
4 scope, we'd love to see the Council make the  
5 Broadway setback mandatory.

6 COUNCIL MEMBER VANN: All right, so  
7 the Borough President's hope is that the next  
8 Administration will undertake--

9 RICHARD BEARAK: If you're  
10 satisfied that the workload, and it probably is  
11 hard for City Planning to take on more projects in  
12 15 months, then a resolution at least on all these  
13 aspects would be wonderful.

14 COUNCIL MEMBER VANN: Okay, but he  
15 does support this current proposal.

16 RICHARD BEARAK: Absolutely.

17 COUNCIL MEMBER VANN: All right,  
18 thank you.

19 CHAIRPERSON WEPRIN: And just  
20 quickly, at the end, Mr. Bearak, you were making  
21 nodding gestures when the other gentleman who came  
22 up talked about the project they were building  
23 that the hole in the ground, that they said they  
24 were going to have to get new permits. What were  
25 you trying to communicate?

1  
2 RICHARD BEARAK: So, I mean, unless  
3 you maximize your clock, and the Department of  
4 Buildings provides late hour work and weekend  
5 work, Saturday/Sunday, which would need local  
6 community approval, community board input, to try  
7 to help, the question is can they complete their  
8 foundation if you maximize your clock and they get  
9 extra hours along with weekend hours, can they  
10 figure out if they can get to a completer  
11 foundation.

12 CHAIRPERSON WEPRIN: Okay, so, if  
13 we were to call on you to get your assistance if  
14 they are consistent with what the community wants-  
15 -

16 RICHARD BEARAK: We, that's a  
17 service we provide, we have a pretty good  
18 relationship with the new Commissioner.

19 CHAIRPERSON WEPRIN: Okay. Thank  
20 you. One last question, the young man sitting  
21 next to you, is that any relation?

22 RICHARD BEARAK: The young man  
23 sitting next to me?

24 CHAIRPERSON WEPRIN: He's not  
25 there, no, not related to you, sitting next to

1  
2 you? Okay. All right, thought it might be a  
3 relative over there. Okay, not Mr. Butler, I  
4 didn't mean to [laughter]

5 RICHARD BEARAK: He'd be a fine  
6 relative.

7 CHAIRPERSON WEPRIN: He's a  
8 handsome young man, but you know.

9 RICHARD BEARAK: Be a fine  
10 relative.

11 CHAIRPERSON WEPRIN: All right,  
12 thank you. I thought you meant, I meant in the  
13 crowd there, this young man here, not related,  
14 just happened to sitting next to you.

15 RICHARD BEARAK: No. [laughs]

16 CHAIRPERSON WEPRIN: The guy  
17 could've been a relative. Okay. Anyway, thank  
18 you very much. We're going to close this hearing  
19 now, and move on to the next item of business.  
20 We're going to go back to, quickly to the café,  
21 which we didn't do before, which is Juicerie, so  
22 I'd like to call on Heather Tierney, this is Land  
23 Use No. 708, I believe, and Steve Schlomo-Wigoda  
24 [phonetic]. Is he here? Okay. Can we get some  
25 help in finding the two people in question. So

1  
2 long, Mr. Butler. [pause, background noise] If  
3 we can't find 'em quickly, he is going to regret  
4 that, 'cause we're going to move on to Manhattan.  
5 All right, they're coming. [pause, background  
6 noise] Okay, all right. All right, Mr. Wigoda,  
7 you can come up, please. You have your client  
8 here, too, or no? Okay. He's in the ladies room?  
9 Oh, she's in the ladies room, okay. All right.  
10 All right, well, step up there, we'll--does she  
11 know to come out and come here? Do you want to go  
12 get her? [pause, background noise] Pete, her  
13 applicant, is indisposed at the moment. Could you  
14 just make sure that when she comes out, she knows  
15 where to go? Thank you. All right. You owe us  
16 one, 'cause I was going to put you in the back of  
17 the thing, we have a huge hearing still to do.  
18 So, I apologize for those of you who are waiting.  
19 [pause, background noise] All right, just bear  
20 with us another two minutes. [pause, background  
21 noise] Yeah. No. No, no, no. [laughs] We got  
22 Pete on the case. [pause, background noise]  
23 Okay. Steve, whoever you want to have go first, I  
24 don't know if you're both going to testify, or  
25 just you're going to testify. Whatever. You

1  
2 speak, anyone who speaks, state your name for the  
3 record, and discuss the application. Thank you.

4 SHLOMO STEVE WIGODA: My name is  
5 Shlomo Steve Wigoda, I'm an architect,  
6 representing Juicerie for a sidewalk café. We  
7 appreciate the time you're taking to hear us out.  
8 We've been in discussion with Council Member Chin,  
9 and Matt from her office, about this project.  
10 Initially, we started out with an application for  
11 a 30, for 20 tables and 40 seats. This  
12 application is on Kenmare, it's located on  
13 Kenmare, on the intersection of Elizabeth Street.  
14 We opted--Heather Tierney who sits next to me, is  
15 the owner, she'll speak next--Heather asked me not  
16 to put any seats on Elizabeth Street, which we had  
17 zoning permitted us to do so. We opted to keep a  
18 reduced number of 20 seats, 20 tables and 40  
19 seats. We went to Community Board Two, a  
20 committee hearing, we were approved unanimously at  
21 committee, for a reduction that Heather was  
22 willing to accept, of 15 tables and 30 seats. We  
23 then assumed that we were fine, we were then told  
24 that an executive committee at CB2 had met and  
25 decided to reduce the count to ten and 20, rather

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2 than, and what we had started with 20 and 40. It  
3 went to full board, we had not attended the full  
4 board. And it was apparently passed at full  
5 board, as a split vote, for ten and 20, and it  
6 should be noted that the members of the Sidewalk  
7 Café Committee on CB2 opposed the reduction that  
8 they had approved initially. They had approved  
9 initially 15 and 30, Executive Committee reduced  
10 it to ten and 20, and all, I think one of the  
11 members of the Sidewalk Café Committee voted  
12 against the reduction. This sidewalk on Kenmare  
13 is 19'8" wide. It's an extraordinarily wide  
14 sidewalk. We are, our proposal is to take 50  
15 percent and leave 9'6"-9'8" for pedestrians, which  
16 exceeds the eight foot minimum requirements. We  
17 had, had several conversations, we, at this point  
18 in time, don't understand the logic for the  
19 further reduction from, you know, from 15 and 20,  
20 15 and 30, to ten and 20; we just, we've been  
21 asking for somebody to explain to us why, and  
22 nobody's been able to give us a reason. We still  
23 don't see a reason. Our offer to Council Member  
24 Chin is that we be allowed to operate at the 15  
25 and 30 seat count and table count, and operate

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2 voluntarily for the first year, and if Heather  
3 proves to be a bad operator, Heather would  
4 voluntarily remove the five tables on the outside  
5 row. And so, that's what's being considered now.

6 CHAIRPERSON WEPRIN: Okay. Why  
7 don't we hear [time bell] why don't we hear from  
8 Ms. Tierney, and I know discussions are going on,  
9 so we may hold off on this vote today, I wanted to  
10 get the hearing done so you didn't have to take  
11 another day off. Him I didn't care about, but  
12 you, you know, I don't to have to come down.

13 HEATHER TIERNEY: [laughs] Great.  
14 My name's Heather Tierney, I am the managing  
15 member and sole operator of Juicerie, LLC, which  
16 is going to be a juice bar and vegetarian café.  
17 It's also all non-dairy, so it will naturally be a  
18 lot of vegan food, as well. But it is, I'm  
19 actually a resident of the neighborhood, I live  
20 around the corner on Bowery, between Spring and  
21 Kenmare, and I've been in love with this space for  
22 many years. But I've been living at that location  
23 for the last two years, pass the location every  
24 day, it's never been anything permanent, it's been  
25 a lot of popup boutiques, and it's just been a

1  
2 great space to actually make something like a  
3 neighborhood fixture and something that's healthy  
4 and good. And I got into juice and juice bars and  
5 visiting juice bars frequently over the past  
6 couple years, and there's just nothing in the  
7 neighborhood that services this need. So I  
8 decided to build one. And I'm going to be a  
9 frequent customer of the location, but I think a  
10 lot of people are really excited for this to come  
11 into the neighborhood, and one of the great things  
12 about this corner is the position in the sunlight,  
13 all day long, and all seasons long. And I want to  
14 take advantage of that with a beautiful sidewalk  
15 café where people can, you know, sit actually on  
16 Kenmare Street, which is in need of something  
17 cheery like this. So I think it's going to be  
18 something very beneficial to the neighborhood.  
19 And I've gone ahead and reduced the sidewalk café  
20 three times voluntarily, and so now that I'm asked  
21 to reduce it again, it's just like at some point,  
22 I have to hear some compromise from the other  
23 side, after I've compromised so much. And you  
24 know, just, in closing, it's hard enough to do  
25 business in New York City as it is. The rents are

1  
2 extremely high, all the labor loopholes you have  
3 to go through his just a lot of red tape, and it's  
4 extremely high to keep employees happy. And you  
5 need every revenue source that you can get in  
6 order--especially in the first year, to pay back  
7 your investors and make a profitable business, and  
8 make a business that lasts. So, anything else?  
9 [background comment]

10 CHAIRPERSON WEPRIN: Great, thank  
11 you very much. As I mentioned, I know that  
12 Council Member Chin is currently discussing this  
13 and you guys are going to discuss it more. We  
14 probably will not vote, we will not be voting on  
15 this right away, we may, we'll probably have to  
16 wait till the next meeting to vote on it. But we  
17 wanted to get the hearing done now, to get that  
18 done. Anyone on the panel have any questions?  
19 Okay, thank you very much. We're going to close  
20 this hearing. Oh, you have a question?

21 COUNCIL MEMBER COMRIE: I just  
22 wanted to know if--

23 CHAIRPERSON WEPRIN: Oh, sorry  
24 about that, Council Member Comrie.

25 COUNCIL MEMBER COMRIE: --Tierney

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is an unusual name. Are you related to the Landmarks Commissioner Tierney?

HEATHER TIERNEY: You know, I was asked that the other day, and I hope so, but [laughter] I don't--not that I know of.

COUNCIL MEMBER COMRIE: Oh, all right, thank you.

HEATHER TIERNEY: [laughs]

CHAIRPERSON WEPRIN: Okay. Thank you. Thank you very much, we're going to close this hearing. This is what we're going to do now, ladies and gentlemen. I know we have a, the Harlem Rezoning coming up next, but before we get to that, we are going to vote on the items we're going to consider today, the Harlem Rezoning. We are going to hear the hearing today, we're going to hear all the information. We will not be voting today, in order to--I know some people have to go other places. So what I'm going to do now is call for a vote on the following items, which are going to be coupled. Land Use No. 706, that was the Café Revel, in Speaker Quinn's district. Juicerie we are not voting on today, 708, which we just heard, at least not at the moment. We are

1  
2 then going to vote on the Queens item, which was  
3 Land Use No. 709, 1121 31st Street Rezoning. A  
4 reminder, Chelsea Market is not on this calendar,  
5 we did not do it today. And then we are going to  
6 do the Bed-Stuy Rezoning, which we heard about,  
7 which is Land Use No. 712, 13 and 14. So, we are  
8 coupling the Queens item, Bedford-Stuy and the  
9 Café Revel. I'm going to call on the clerk and  
10 Counsel Christian Hilton to please call the roll.  
11 Sorry about that.

12 COUNSEL: Are you going--[pause]

13 CHAIRPERSON WEPRIN: Okay, so we're  
14 going to couple these items and the recommendation  
15 is an aye vote.

16 COUNSEL: Chair Weprin.

17 CHAIRPERSON WEPRIN: Aye.

18 COUNSEL: Council Member Rivera.

19 COUNCIL MEMBER RIVERA: I vote aye.

20 COUNSEL: Council Member Reyna.

21 COUNCIL MEMBER REYNA: Aye.

22 COUNSEL: Council Member Comrie.

23 COUNCIL MEMBER COMRIE: Aye.

24 COUNSEL: Council Member Jackson.

25 COUNCIL MEMBER JACKSON: Aye on

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all.

COUNSEL: Council Member Vann.

COUNCIL MEMBER VANN: Aye.

COUNSEL: Council Member Garodnick.

COUNCIL MEMBER GARODNICK: Aye.

[pause]

COUNSEL: By a vote of seven in the affirmative, none in the negative, no abstentions, LU 706, 709, 712, 713 and 714 are approved and referred to the full Land Use Committee.

CHAIRPERSON WEPRIN: Thank you.

And we are going to leave the rolls open until the conclusion of our business today, here at this Subcommittee, in case anyone else comes who's not here now. We're now going to move on. We're moved onto the West Harlem Rezoning and Text Amendment, that's Land Use No. 716, in Council Member Jackson's district. I'd like to call--all these people? [background comment] Oh. Will the City Planning people head on up while we sort out the who's testifying. So for City Planning, to make this proposal, is Edward Marsh, Edwin Marshall, Adam Wolff and Melissa Cerezo. Right? Anybody else? And you may start when you are

1  
2 ready. Please state your name for the record.  
3 And begin the PowerPoint when you can, and I will  
4 be back in two minutes, but please start, and  
5 Councilman Comrie's going to Chair for a few  
6 minutes.

7 ADAM WOLFF: Okay. Well, thank  
8 you, Mr. Chairman, Members of the Committee, for  
9 this opportunity to present to you the West Harlem  
10 Rezoning Proposal. This is a rezoning proposal, a  
11 comprehensive rezoning proposal, by the Department  
12 of City Planning for a 90 block area of West  
13 Harlem. My name is Adam Wolff, I am the Deputy  
14 Director of the Manhattan Office at the Department  
15 of City Planning. I am joined here today by  
16 Melissa Cerezo, who is the Project Manager and  
17 Planner for this proposal. And also Edwin  
18 Marshall, as well, the Planner for Upper  
19 Manhattan. We, actually somewhat similar to the  
20 Bed-Stuy North Rezoning, this has been a long  
21 process, about five years, in partnership, I  
22 think, with the Community Board and the Borough  
23 President and Council Member Jackson, as well,  
24 that--and we are actually very, you know, proud to  
25 be here today, kind of at the culmination of this

1  
2 process, and what we think has been a very  
3 successful process for the rezoning of the West  
4 Harlem community. As you'll see in the  
5 presentation, this is a proposal primarily to  
6 achieve the goals of preserving the special  
7 character of the West Harlem community, about 95  
8 percent of the entire area is proposed for either  
9 downzoning or to keep existing densities as they  
10 are today. There are very small areas for modes t  
11 opportunities for growth, including affordable  
12 housing, production and job creating uses. And  
13 again, I just wanted to now turn it over to  
14 Melissa, who will run through the presentation.  
15 Obviously we'll be available to answer any  
16 questions after she finishes.

17 MELISSA CERESO: Good afternoon,  
18 Chair Weprin and City Council Members. My name is  
19 Melissa Cerezo. I'm a Planner in the Manhattan  
20 Office of the Department of City Planning. I'm  
21 also the Project Manager of the West Harlem  
22 Rezoning. It is really my pleasure to present  
23 this proposal to you today. The Department of  
24 City Planning is proposing zoning map and text  
25 amendments to a 90 block area within the West

1  
2 Harlem neighborhoods of Manhattan Community  
3 District Nine. The rezoning was initiated by the  
4 Department in response to future development  
5 concerns, raised by the Columbia University and  
6 Manhattanville ULURP process in 2007. The  
7 comprehensive rezoning proposal is the result of a  
8 nearly five year community planning effort, led by  
9 the Department of City Planning, Community Board  
10 Nine, Manhattan Borough President, and Council  
11 Member Jackson; collectively, the Rezoning  
12 Partners. Additionally, this rezoning proposal  
13 implements key goals that were stated in the  
14 Community Boards 197-a plan, and the Manhattan  
15 Borough President's plan, which was a special  
16 district plan for West Harlem. The rezoning is  
17 intended to fulfill the following goals that were  
18 collectively expressed by the Rezoning Partners,  
19 and that is to preserve the existing character of  
20 the strongly built out residential neighborhoods  
21 of West Harlem; to secondly, to consider  
22 opportunities for a wide range of uses and  
23 activities in the existing manufacturing district;  
24 and third, to explore the wide street east/west  
25 corridors and consider opportunities for

1  
2 affordable housing. The West Harlem Rezoning area  
3 is located within the upper two thirds of  
4 Manhattan Community District Nine, it is bounded  
5 by 126th Street to the south; 155th Street to the  
6 north, which is also coincident with Community  
7 District Nine's boundary; on the east, Edgecombe  
8 Avenue, Bradhurst Avenue, City College, St.  
9 Nicholas Avenue; to the west, Riverside Drive.  
10 And here you have Riverbank State Park, right  
11 below 135th Street, which is also the western  
12 boundary, southwestern boundary of the rezoning  
13 area, is the recently rezoned special Manhattan  
14 mixed use district, and the 125th Street Rezoning.  
15 Collectively, this area is 1,900 lots, and the  
16 Department did perform a block-by-block, lot-by-  
17 lot survey. The West Harlem Rezoning area is  
18 accessed by several trains, the 1 train running up  
19 Broadway; the A, B, C, D trains running along St.  
20 Nicholas Avenue; there are several north/south  
21 buses and east/west buses, which include 145th  
22 Street, which is flanked by transit on both ends  
23 with the 1 train at Broadway, the A, B, C, D lines  
24 at St. Nicholas Avenue, and also the BX19 train  
25 which connects West Harlem with The Bronx. This

1 is an existing Land Use map, which you could see  
2 the predominant color here is residential. West  
3 Harlem is by and large a neighborhood that  
4 contains three to four story row houses,  
5 brownstones, limestones and five and six story  
6 apartment buildings. The rest of the residential  
7 presence again is seen all throughout with 87  
8 percent of lots being covered with residential.  
9 And it's worth noting that 20 percent of the land  
10 in the rezoning area is covered within historic  
11 districts, New York City historic districts,  
12 really speaking to the remarkable architectural  
13 character of the West Harlem neighborhood. The  
14 north/south corridors, including Broadway,  
15 contained six to eight story apartment buildings  
16 with ground floor retail, really providing  
17 neighborhood services at the ground floor. 145th  
18 Street is particularly unique as it provides a  
19 variety of uses, you can see the multi-colors  
20 here, ground floor shopping, the library, which is  
21 also located along 145th Street, hotels; again,  
22 Riverbank State Park accessible off of 145th  
23 Street. Interestingly, on the corners of 145th  
24 Street and Broadway are three particular  
25

1 commercial uses that are one to two stories.  
2 They're also one to two story commercial uses  
3 within the portion between Broadway and Amsterdam.  
4 And lastly, in the manufacturing district, again  
5 you see some transportation and industrial uses.  
6 Here there's some vacant lots and vacant  
7 buildings, as well. There's this tasty bakery  
8 site, which is along 126th Street, it's a large  
9 vacant property, which was the site of City  
10 sponsored requests for expressions of interest,  
11 based upon the proposed West Harlem Rezoning Plan,  
12 and the site was awarded to a local developer to  
13 build approximately 330,000 square foot commercial  
14 and community facility sites, which would include  
15 tenants such as the Harlem Brewing Company, Green  
16 Point Manufacturing and Design Center, Herfsland  
17 and the Carver National--or Federal Bank. But  
18 overall, you can see here 87 percent of the land  
19 uses in this area are residential. And only three  
20 percent of the land is actually vacant. And that  
21 really speaks to how built out and occupied these  
22 residential neighborhoods are here, and that, you  
23 know, in fact, it's interesting to note that the  
24 building stock is so occupied. This part of  
25

1  
2 Harlem did not undergo the same level of distress  
3 as other parts of Harlem, really speaking to that  
4 low vacancy. Overall, the rezoning area, and this  
5 is existing zoning, is characterized by  
6 noncontextual zoning districts R8 and R72,  
7 largely, as you can see. And these are zoning  
8 districts that do not have height limits or street  
9 wall controls. So, you could essentially build on  
10 large lots, tall towers surrounded by open space,  
11 which is a real contrast, sharp contrast, to the  
12 existing build character of three to four story  
13 row houses, and five to six story apartment  
14 buildings. These zoning districts are 8R72, are  
15 medium density residential districts, again that  
16 could produce out of scale developments. There is  
17 a manufacturing district to the south, an M11,  
18 which is between 126th Street and 129th Street,  
19 flanked by Amsterdam Avenue and Convent Avenue.  
20 This zoning district allows for one FAR, and  
21 really restricts existing uses, does not support  
22 expansion. There are also existing commercial  
23 overlays along the corridors of Broadway,  
24 Amsterdam Avenue, 145th Street and portions of  
25 other streets, you know, again to allow for

1 neighborhood uses along ground floors of  
2 buildings. But overall, we can say that the  
3 existing zoning, which has been unchanged since  
4 1961, does not, and has not been reviewed  
5 comprehensively since, is not reinforcing this  
6 special character here. So the Department's study  
7 of the area found that the residential  
8 neighborhoods of West Harlem are characterized by  
9 a very built out and occupied residential  
10 character, with very few vacant properties.  
11 Secondly, 145th Street is a very unique corridor,  
12 given that it's a wide street, it is immediately  
13 accessible to transit at Broadway, and contains  
14 active community destination uses, such as retail,  
15 the library, access to Riverbank State Park, and  
16 so forth. Also, interestingly, are the presence  
17 of underbuilt commercial and vacant sites, which  
18 really again sharply contrasts the fully built out  
19 character of the rest of the rezoning area. The  
20 manufacturing district does not allow for current  
21 uses to expand and actually prohibits new  
22 development from occurring. And finally, the  
23 outdated 1961 zoning does not reinforce the  
24 special built character of this remarkable  
25

1 architectural neighborhood, and does not protect  
2 against out of scale development. So the West  
3 Harlem Rezoning framework is intended to respond  
4 to, again, the goals that we stated earlier, to  
5 establish contextual zoning districts, to preserve  
6 95 percent of the total rezoning area, through the  
7 use of varied contextual zoning tools intended to  
8 preserve again that consistent scale and height  
9 throughout the neighborhood. And it will really  
10 ensure that new development and enlargements  
11 definitely relate to the special character, and  
12 are sensitive to the existing built fabric of this  
13 neighborhood. Next, the rezoning is intended to  
14 strengthen the east/west corridor of 145th Street,  
15 which is a wide street corridor supported by  
16 strong access to transit, it contains housing,  
17 neighborhood and commercial community destination  
18 uses, and again, it provides, proposal provides  
19 for targeted, modest increases in density to  
20 encourage transit oriented development, the  
21 production of affordable housing, through the  
22 inclusionary housing program. And lastly, the  
23 framework does expand opportunities in the  
24 existing manufacturing district, and allows for  
25

1  
2 reinvestment, economic development, enliven  
3 streets in a broad range of uses to occur here.  
4 And so these zoning objectives would be  
5 implemented through several zoning actions which  
6 do include mapping changes, and to require the  
7 contextual zoning. And also the establishment of  
8 a special mix use district, which we'll cover in a  
9 little while, and also the provisions for  
10 inclusionary housing. So, in order to again  
11 preserve the varied character of West Harlem,  
12 paying very close attention to those portions of  
13 the neighborhood that are located along mid-blocks  
14 and sometimes on avenues where there's low scaled  
15 row houses which really again makes West Harlem so  
16 distinctive, we have identified all the row house  
17 and brownstone areas, and you can see that in the  
18 yellow. The proposal will downzone many blocks  
19 from R8 and R72, which is today's zoning, to an  
20 R6A. This is to preserve again the special scale  
21 and character of these very unique mid-blocks.  
22 Residential density would be lowered from maximum  
23 7.2 to 3 FAR. And community facility FARs would  
24 also be reduced, the density allowable today 6.5,  
25 a reduction to 3 FAR. Again, the zoning is

1  
2 intended to preserve the special scale and would  
3 impose height limits where today there are none.  
4 And that would allow for a street wall of 40 to 60  
5 feet, after which a required setback would be  
6 placed of ten to 15 feet, buildings would rise to  
7 a maximum of 70 feet. Again, this is in order to  
8 provide greater parity between the existing  
9 zoning, between the zoning and the existing row  
10 houses and brownstones. The proposed action also  
11 identified portions of the West Harlem  
12 neighborhoods that contain five to six story  
13 townhouses and tenements, and proposes an R7A to  
14 provide a better match, again between the existing  
15 zoning and that existing scale. Residential and  
16 community facility FARs would be equalized to  
17 four, and a requirement now for a street wall and  
18 a maximum height would be set in place with a 40  
19 to 65 foot base of a building, after which there  
20 is a required setback and a maximum height of 80  
21 feet. And again, in order to match the existing  
22 scale and character, the R7A is really what brings  
23 a greater parity between the existing zoning and  
24 the build character. Larger buildings that we  
25 actually found were located along Edgecombe Avenue

1  
2 and portions of 155th Street we propose an R8A,  
3 which is a larger zoning district but it is  
4 actually more appropriate in regards to the  
5 existing scale and density of buildings here. So,  
6 in order to reflect the existing character, an R6A  
7 is being proposed which would allow for a 6.02  
8 FAR, which is closer in density to the relat--to  
9 the existing buildings, 6.5 community facility  
10 FAR, and a 60 to 85 foot base after which again a  
11 required setback of ten to 15 feet, rising to a  
12 maximum of height of 120 feet. And then further  
13 to again reflect the existing conditions of six to  
14 eight story apartment buildings, which are  
15 typically located within the western portion of  
16 the rezoning area between Riverside Drive and  
17 Broadway, we would prescribe through a text  
18 amendment a contextual zoning envelope, which  
19 would basically tweak the existing R8 zoning  
20 district to require contextual zoning, or  
21 contextual building form. So, the densities would  
22 remain the same, and however a street wall, which  
23 is only optional today, would be made a  
24 requirement of 60 to 85 feet at the base, a  
25 required setback of ten to 15 feet, and then a

1  
2 tailored building height on wide streets of 120  
3 feet; on narrow streets, 105 feet. So in doing  
4 so, we would require these additional contextual  
5 protections and again, remove the opportunity for  
6 out-of-scale development, especially in this R8  
7 district. So, moving on to 145th Street, which  
8 this proposal really provides for a comprehensive  
9 framework for the east/west corridor, where you  
10 can see we've already discussed portions which are  
11 the lower density pieces, there's some existing  
12 row houses that are being downzoned; portions of  
13 the street that are being downzoned to R6A;  
14 portions within the historic district also that  
15 are of character of three to four story row houses  
16 downzoned to R6A; the western portion, which is of  
17 a larger character, an R8A. And so that now  
18 leaves us with the portion between Broadway and  
19 Amsterdam Avenue. And so here, I just want to  
20 again point out, this is the intersection of two  
21 very wide streets: Broadway and 145th Street,  
22 there's immediate access here to the 1 Train. And  
23 it provides, again, the community destination uses  
24 of shopping and retail, access to parks, and so  
25 forth. And it's no--worth nothing here, again at

1  
2 the three corners, of Broadway you have one to two  
3 story commercial sites, which are underdeveloped,  
4 and a few other of these sort of sites, one to two  
5 story commercial sites, as well as a large vacant  
6 property, PS186. Which really present an  
7 opportunity for new development. And this kind of  
8 character of one to two story commercial sites and  
9 vacant sites does not really exist in the rest of  
10 the neighborhood, which is very strongly built  
11 out. And so given these characteristics, we do  
12 believe that this area could be supported with  
13 modest increases in density, again to strengthen  
14 this corridor and to encourage the production of  
15 affordable housing. That being said, at the  
16 Broadway of--at the intersection of Broadway and  
17 145th Street, just limited to the four corners of  
18 this intersection, the proposal would map a C63X  
19 district with inclusionary housing. And the  
20 commercial district, this is actually an  
21 equivalent to R9X, however a commercial district  
22 was chosen in response to community desires for  
23 additional commercial that goes above just the  
24 ground floor of buildings, either allowing for  
25 retail or office, and again, a modest increase in

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2 density from a 7.2 to 7.3 FAR to support  
3 inclusionary housing. Residential FAR again would  
4 be slightly increased to a 7.3; however, through  
5 the provision of permanently affordable housing  
6 units, could you achieve a maximum of 9.7 FAR, and  
7 community facilities would be allowed a modest  
8 increase to 9 FAR from 6.5. Today only a two FAR  
9 of commercial, which really limits commercial to  
10 the ground floor, would be expanded to a 6 FAR,  
11 again to produce greater than just the ground  
12 floor commercial presence. And consistent with  
13 the rest of the West Harlem Rezoning, where street  
14 wall height limits are going to be implemented,  
15 this building form of the C63X would allow for a  
16 ten to 12 story base, after which a ten foot  
17 setback would be required, rising to a maximum  
18 height of 170 feet, or 17 stories. The 145th  
19 Street proposal between Broadway and Amsterdam  
20 Avenue further builds upon these goals for  
21 encouraging affordable housing and transit  
22 oriented development. By mapping an R8A with  
23 inclusionary housing, residential FARs would be  
24 slightly, modestly increased from a 4 to a 5.4,  
25 and through again the provision of permanently

1  
2 affordable units, could you achieve a maximum  
3 residential FAR of 7.2. And community facility  
4 FARs would remain the same; so would commercial  
5 FARs. And again consistent with the goal to  
6 predictable heights and street wall, a 60 to 85  
7 foot street wall would be required, and then a  
8 setback going up to a maximum height of 120 feet.  
9 This is just an aerial view now of the 145th  
10 Street proposal. It's just illustratively showing  
11 the massings of an R6A, R8A inclusionary, and a  
12 C63X inclusionary. Moving on to the M district,  
13 the proposal would allow for existing uses to  
14 expand and allow for a broad range of job  
15 generating new development to occur. And in doing  
16 so, it would propose a MX district, which is a  
17 mixed use district, between again 126th Street,  
18 129th Street, Amsterdam Avenue, and Convent  
19 Avenue. And this is a special zoning district  
20 that puts together an M15 and an R72 district, and  
21 in bringing those two zoning districts together,  
22 we get a wide range of uses and mixed use  
23 development, economic development could occur. So  
24 the proposal does allow for increased densities.  
25 Again, the existing FAR is a 1 FAR. And it would

1  
2 allow for up to a 5 FAR for commercial, 6.5 for  
3 community facility, and 3.44 for residential. And  
4 you could see the spread of these allowable  
5 densities really does favor nonresidential uses,  
6 commercial and community facility, you know, again  
7 responding to a request to really limit  
8 residential use in this area. There would be a  
9 required street wall of 60-85 feet, and also a  
10 maximum height limit of 135, up to 175 feet with a  
11 penthouse room. This is a building form that  
12 would be allowed. There would also be, as part of  
13 this rezoning, commercial overlays intended to  
14 activate dormant ground floors where commercial  
15 use can now come back. And moving onto the public  
16 review process, Manhattan Community Board 9 did  
17 recommend approval with a modification of 145th  
18 Street proposal, modification from an R8A with  
19 inclusionary housing to an R7A. Manhattan Borough  
20 President did propose, or recommend approval  
21 without modification. The City Planning  
22 Commission recommended approval, and modified and  
23 made a small administrative correction to a zoning  
24 district boundary. And so, I just want to note  
25 that during the course of the review process, we

1  
2 did hear concerns about potential demolition of  
3 existing rent stabilized and HUD subsidized units,  
4 along 145th Street, where the R8A is currently  
5 proposed, and like with all rezonings, an  
6 environmental review was conducted to identify  
7 likely and reasonable projected sites for  
8 development. We do believe that new development  
9 would occur on commercial or vacant sites, and not  
10 on rent stabilized or HUD assisted sites, because  
11 the residential sites are actually significantly  
12 built out with substantial buildings, which really  
13 limits incentives to develop. Secondly, any plans  
14 for demolition or redevelopment of rent stabilized  
15 or HUD assisted buildings would trigger a  
16 burdensome regulatory process and there is really  
17 no evidence to suggest that such demolition is  
18 likely or reasonable. So, to conclude, the  
19 rezoning would really transform the existing  
20 zoning into a varied map of contextual districts,  
21 really again to support the scale, existing scale  
22 and character of West Harlem, and to allow for new  
23 opportune--very limited and targeted opportunities  
24 for new development.

25 CHAIRPERSON WEPRIN: Thank you very

1  
2 much. I'm just going to interrupt for a second.  
3 Council Member Lappin returned from the meeting  
4 she was at, and she didn't get a chance to cast  
5 her vote on the other items, so I'm going to ask  
6 Christian Hilton to call her name, please.

7 COUNSEL: Council Member Lappin.

8 COUNCIL MEMBER LAPPIN: Aye.

9 COUNSEL: Vote now stands at eight  
10 in the affirmative and none in the negative, with  
11 no abstentions.

12 CHAIRPERSON WEPRIN: Okay, thank  
13 you. Sorry about that. Is anyone else going to  
14 speak now, or you're just, you're here for  
15 support? You want to speak? Okay. All right,  
16 and then I'm going to call on Council Member  
17 Jackson to make a statement on this, is that all  
18 right? We're--Okay. Never knew you at a loss for  
19 words, so I figured that was a yes.

20 EDWIN MARSHALL: Yeah, good  
21 afternoon, Chair Weprin, it's very dangerous to  
22 ask a planner to speak [background comments,  
23 laughter] so I'll try to--

24 CHAIRPERSON WEPRIN: Oh, don't feel  
25 obligated, okay?

1  
2 EDWIN MARSHALL: No, not at all,  
3 not at all. I just want to join my colleagues and  
4 just thank you all for giving us the opportunity  
5 to talk about this rezoning proposal. You know,  
6 Melissa talked a lot about the urban design and  
7 brick-and-mortar aspects of this. But we would be  
8 remiss if we didn't talk a little bit about the  
9 public outreach that went into this process.  
10 We've been at this for five years, we started this  
11 in 2007. The outreach for this rezoning is  
12 unprecedented in terms of the types of things that  
13 we've done to advance rezonings in other parts of  
14 the City, as well as here in the borough. We've  
15 had at least four town hall meetings. I'll say  
16 that I'm a cheap date, we'll go anywhere at any  
17 time [laughter] to talk about the rezoning  
18 proposal. This proposal was a result of an  
19 iterative process, and a lot of what you've seen  
20 and what we're presenting, what we're seeking  
21 support for, is a result of the conversation that  
22 we had with the community, both in terms of  
23 density, building height, as well as the zoning  
24 districts that we selected, as well. So, I just  
25 want to go on record saying that this has been a

1  
2 very long five year collaborative process, and I  
3 look forward to hearing your comments and  
4 questions on the proposal.

5 CHAIRPERSON WEPRIN: Thank you.  
6 Council Member Jackson, do you want to speak on  
7 this item? Give us some background.

8 COUNCIL MEMBER JACKSON: So, what  
9 if I didn't want to speak at all? Would that be  
10 okay with you?

11 CHAIRPERSON WEPRIN: It would be  
12 perfectly fine--

13 COUNCIL MEMBER JACKSON: Okay.

14 CHAIRPERSON WEPRIN: --but I would  
15 never deprive you of such an opportunity.

16 COUNCIL MEMBER JACKSON: [laughs]  
17 Well, first, Mr. Chair and Members, let me thank  
18 you for putting this on the agenda and moving it  
19 forward. Understanding that there are timeframes  
20 within the law that we are governed by and clearly  
21 I want to thank all of the individuals and  
22 community based organizations that I have been  
23 involved in this long process to get to where we  
24 are today. To the members of the City Planning  
25 Commission and all of the staff, I thank you for

1  
2 being there every step of the way. And obviously,  
3 knowing how this started, going back after the  
4 197-a plan of Community Board 9 was approved, by  
5 the City Planning Commission and the City Council,  
6 and the Columbia Expansion by the City Planning  
7 Commission, and by the City Council, Scott  
8 Stringer said to me that he wanted to move forward  
9 with a proposed rezoning in order to protect the  
10 communities that we serve. And he asked me what  
11 my opinion was, and I said, "Absolutely, yes,"  
12 that I would go along with that. And obviously,  
13 through the years, as, as Edwin indicated, there's  
14 been many, many meetings on this and so, that's  
15 where we are today. And when you look at  
16 Community Board 9, and obviously, you know, Pat  
17 Jones, who had, was the former Chair of Community  
18 Board 9, that was involved in the Columbia  
19 Expansion, who was the former Chair of the West  
20 Harlem Local Development Corp. involved in that.  
21 And as a current co-chair of the Land Use  
22 Committee on Community Board 9, she has, I  
23 believe, in my opinion, spent more time on this  
24 almost than anyone else. And as you know, as  
25 members of a community board, it's a nonpaid

1  
2 position, so they have to have love and service to  
3 the community. So, I appreciate the thousands of  
4 hours that she has given on this, along with other  
5 members that have given so much time. And  
6 obviously, I take this particular process very  
7 seriously. And in fact, I have met with anyone  
8 that have requested a meeting with me on this  
9 particular matter, from City Planning to  
10 individuals, to community based organizations,  
11 even up as of yesterday afternoon. So, I don't  
12 think there's anyone that could say to me that  
13 they've requested a meeting with me to discuss  
14 this particular rezoning, that I have denied a  
15 request to meet. And from my perspective, knowing  
16 that this rezoning has been on the table from the  
17 beginning for five years, immediately after the  
18 Columbia expansion, I would think that everyone  
19 that wanted to know should've known about the  
20 expansion and the goals and objectives of it. I  
21 say all of that to say that while I want this to  
22 go forward, I do believe that there are some  
23 issues that I want to bring to the attention,  
24 which knowing that Community Board 9, they have  
25 said "Yes," they would agree with the rezoning,

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2 which 95 percent of it is preservation, and the  
3 only areas as indicated by Melissa, the upzoning  
4 would be in the most southern part of the  
5 district, as she explained, and the 145th Street  
6 Corridor, more specifically the highest point of  
7 possible, upzoning would be the four--the three  
8 corners on 145th Street and Broadway. But I do  
9 have concerns that have been expressed to me that  
10 you will hear today during this hearing process,  
11 from residents of the community, along with  
12 community board members and community based  
13 organizations, about the fear of our residents  
14 that live along the 145th Street corridor, of  
15 possibly being negatively impacted. And one of  
16 the things that I do not want and, as a leader of  
17 this community, and as elected officials, and I'm  
18 sure I can speak for other electeds, even though I  
19 have not communicated with them directly on it,  
20 but I'm sure I do, we do not want anything that's  
21 going to impact the people that currently live  
22 there from a negative point of view. Knowing that  
23 the communities that we represent, knowing what  
24 the average family medium income is for the area,  
25 and knowing how difficult it is in order to keep

1  
2 the current housing situations that exist, and  
3 understanding all of the details as to rent  
4 stabilization laws, as far as our local laws that  
5 we pass concerning anti-harassment against  
6 residents and tenants, and all of the things that  
7 have been done both at the City level and state  
8 level with respects to housing and affordability.  
9 So, that's a serious concern of mine and which I  
10 have several questions that I would like to  
11 entertain, if you don't mind, Mr. Chair, of the  
12 City Planning Commission.

13 CHAIRPERSON WEPRIN: Sure, be my  
14 guest.

15 COUNCIL MEMBER JACKSON: Sure. So,  
16 I know that we have had discussions on this  
17 particular matter. And as far as, I know we had a  
18 discussion about HUD restrictions on possible, if  
19 there is the possibility of any displacement of  
20 residents that currently live on the 145th Street  
21 corridor, because quite a number, a couple of  
22 hundred of those individuals, live in I think  
23 Section 8 project based housing. And we had a  
24 discussion as far as HUD restrictions and on  
25 possible displacement. Do you have any details on

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that, that you can elaborate on?

MELISSA CERESO: Yeah. It's our understanding that it is an order to demolish and existing HUD-assisted building, it would be extremely arduous in that it would go through a regulatory process with HUD. Which one, landlords, yes, they can evict tenants for the purposes of demolition, but only after having HUD approve an anti-displacement and relocation assistance plan, and you could either provide one comparable units, at comparable rents, within a comparable neighborhood, comparable building type, and this process often takes years; secondly, the other opportunity is to buy out. And you can provide a stipend, which is the difference between the current rent and the next apartment's rent, for a total of five years. And it's so uncommon that in fact, you know, in our discussions with the HUD office, they had named only one occurrence of that happening, and that, you know, the multilayered process and the fact that HUD needs to approve such a plan, a relocation plan, they really see it as quite arduous.

COUNCIL MEMBER JACKSON: And I know

1  
2 that the City Planning Commission is proposing an  
3 RA--R8A-IH, and under the Environmental Impact  
4 Statement, the proposed locations for possible  
5 upzoning are several locations on that 145th  
6 Street corridor between Broadway on the west and  
7 Amsterdam on the east, one on the north side of  
8 145th Street being the low density buildings that  
9 maybe have a clothing store now, and there may be  
10 some little office space on the second floor, as a  
11 potential spot where upzoning could take place  
12 where someone could possibly, whoever owned that,  
13 could build housing at that location with the  
14 commercial overlay. And also another location on  
15 the, on the south side of 145th Street where  
16 currently I believe, I believe it's a City owned,  
17 where there's daycares right now. Daycare. And  
18 that's a relatively low, where no residents live  
19 in both of those locations. What is the maximum  
20 height of anyone if, under the R8A-IH could build?  
21 And then talk about, if you don't mind, the  
22 inclusionary housing provision there.

23 MELISSA CERESO: Sure. So--

24 COUNCIL MEMBER JACKSON: And can  
25 you, if you can make reference to a point in the

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slide.

MELISSA CERESO: Sure. [pause]

So, the R8A maximum building height is 120 feet, or 12 stories. And that maximum height could only be achieved after a required street well [phonetic] of six to eight stories, required setback of ten feet, and then the upper portion goes up to twelve feet. Now, in order to utilize really what is the full height of the building, you would provide the inclusionary housing units. And again, this is a zoning bonus provision which allows one to avail of additional floor area in exchange for again permanently affordable units, that could be placed onsite in the building, or offsite within the community district, or half mile radius; or it could be provided as a preservation of units that would, that were slated to be removed, preservation of those units. So, again, a building that could, that would avail itself of the full bonusable FAR of 7.2, would be including affordable housing units, a building that was just market rate units would provide a 5.4 FAR, which you could say would provide for a lower building height of under that 12 stories.

1  
2 So, in other words, you know, this yellow portion  
3 is representative of the density bonus when one  
4 avails herself of that inclusionary housing bonus.

5 COUNCIL MEMBER JACKSON: Okay, so,  
6 under the inclusionary housing bonus, a developer  
7 could possibly go up to 12 stories, basically.  
8 And if they did not want to include that, the  
9 maximum will go up to what, eight?

10 EDWIN MARSHALL: I would say  
11 there's not, it's about ten, we believe, under the  
12 density allowed would be about ten. There's no  
13 max required under, if you don't avail yourself of  
14 the inclusionary bonus, to be at ten stories. But  
15 a building would likely go to eight or ten without  
16 using the inclusionary housing.

17 COUNCIL MEMBER JACKSON: Okay, so  
18 without the inclusionary housing, they cannot go  
19 up to twelve, is that correct?

20 EDWIN MARSHALL: Yes. I mean, we  
21 think--

22 COUNCIL MEMBER JACKSON: No, I'm  
23 just asking a very--

24 EDWIN MARSHALL: Unlikely, I think  
25 we think it's very unlikely that that would

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happen. If there's no--

COUNCIL MEMBER JACKSON: Okay. So, could they go up to 14?

EDWIN MARSHALL: No.

COUNCIL MEMBER JACKSON: Why?

EDWIN MARSHALL: Because there are height limits that would restrict any building under this zoning district to maximum of 12 stories of 120--

COUNCIL MEMBER JACKSON: 120 feet. Okay. Now, when you say more than likely they would not, if they didn't have the inclusionary housing aspect, why do you say that? Give your reasoning and logic, not only to me, but you have community residents and leaders of our community want to understand that. And I don't know if, if-- I don't understand it right now, because that's the first time I'm hearing the explanation of this, and I don't even know if they understand this. So not only you're talking to me, but you're talking to community residents, also.

EDWIN MARSHALL: Okay. So, I think what I'm, the way I'd explain this is that the building that would be required to be built under

1  
2 this zoning district, would be required to have a  
3 base height between 60 and 85 feet. So, a  
4 building of that nature would fill up in terms of  
5 amount of floor space in the building, up to  
6 approximately most of the 5.4 density that would  
7 be allowed. So that's, you could say, depends on  
8 the specific architectural design, but one could  
9 say, you know, between four and five FAR in that  
10 base itself. Now, when you max out at 5.4 FAR,  
11 that would mean that, it allows you to add a  
12 little bit more additional floor space above that  
13 six to eight story base.

14 COUNCIL MEMBER JACKSON: But then  
15 you have to add--

16 EDWIN MARSHALL: Set back--

17 COUNCIL MEMBER JACKSON: --ten  
18 feet.

19 EDWIN MARSHALL: Right, exactly.

20 COUNCIL MEMBER JACKSON: In order  
21 to go up. Which then limits the amount, is that  
22 correct?

23 EDWIN MARSHALL: That's correct.

24 COUNCIL MEMBER JACKSON: So, you  
25 mean, it may not be profitable? Is that what--

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EDWIN MARSHALL: Correct.

COUNCIL MEMBER JACKSON: From a bottom line?

EDWIN MARSHALL: Correct, from a bottom line, from a design standpoint, and from the regulations that require you to fill the base of the building with a significant amount of the total allowable floor space.

COUNCIL MEMBER JACKSON: Okay.

EDWIN MARSHALL: The building.

COUNCIL MEMBER JACKSON: Okay, that's, that's a good explanation. So now with respects to if in fact they wanted to take advantage of the IH, inclusionary housing, and permanent affordable, what, when you say, when you, when I say the Commission says a permanent, affordable, can you put that in layman's terms, as to what does that mean as far as talking to a community resident that doesn't know the technicalities and permanent affordable. What does that mean for the residents of that district, if you don't mind. What does that mean?

EDWIN MARSHALL: So, there are certain requirements under the inclusionary

1  
2 housing program which restrict the income of the  
3 units to residents making less than 80 percent of  
4 the area median income. And that gets adjusted  
5 based on how many people--

6 COUNCIL MEMBER JACKSON: Live in  
7 the family.

8 EDWIN MARSHALL: --are in the  
9 household.

10 COUNCIL MEMBER JACKSON: Yeah,  
11 household, household income and all of that stuff,  
12 right?

13 EDWIN MARSHALL: That's right. And  
14 when we say permanent, many of the programs that  
15 exist that are affordable housing programs but are  
16 not inclusionary housing program units, oftentimes  
17 have basically clauses that say that for 30 years  
18 or so forth, those units are affordable and then  
19 the owner of those units can opt out of the  
20 program or what have you. In this case, the units  
21 themselves would remain affordable for the life of  
22 the building, which received the actual bonus in  
23 the first place. So, off--obviously, you know,  
24 buildings are around much longer than a 30 year  
25 period, many buildings in this neighborhood were

1  
2 built in the, you know, it's 100 years, and so  
3 forth. So, that's what I think we mean by  
4 permanent affordable.

5 COUNCIL MEMBER JACKSON: Okay, so,  
6 if I was to build at that site and I built a  
7 beautiful building and it lasts for 60 years, for  
8 example, the permanent affordability would be  
9 either at that location or at a location within  
10 the proximity of a half a mile of the community  
11 board, is that correct?

12 EDWIN MARSHALL: Yes, so--

13 COUNCIL MEMBER JACKSON: And so,  
14 for example, when you talk about inclusionary IH,  
15 so if I were to build, let's say 60 units of  
16 housing there, how many units of permanent  
17 affordable would I have to include if I'm the  
18 owner?

19 EDWIN MARSHALL: So, it'd be--

20 COUNCIL MEMBER JACKSON: In that  
21 example that I gave, either at that site or  
22 somewhere in the community.

23 EDWIN MARSHALL: Right. So the 60  
24 units, if that was the total in the building, 20  
25 percent of that roughly about, so it would be, if

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I can do my math here. 12--

COUNCIL MEMBER JACKSON: 12--

EDWIN MARSHALL: 12--

COUNCIL MEMBER JACKSON: 12 unit.

EDWIN MARSHALL: 12 units.

COUNCIL MEMBER JACKSON: Okay,  
okay.

EDWIN MARSHALL: Of that.

COUNCIL MEMBER JACKSON: At that  
site or somewhere else.

EDWIN MARSHALL: That's right.

COUNCIL MEMBER JACKSON: Okay. And  
if there is for--let me just throw this out--if  
there is no other land to build anything, then you  
know, within that area, how were they going to--  
what's the scenario? What's the secondary backup?  
Since let's assume there's no vacant land to build  
a small unit of affordable housing, for this  
developer.

EDWIN MARSHALL: Well, I mean,  
onsite, we do see onsite affordable hou--the  
program, you're allowed to do it onsite, and that  
has been something that people have been taking  
advantage of.

1  
2 COUNCIL MEMBER JACKSON: Sure, but  
3 I mean, if I didn't want to do it onsite.

4 EDWIN MARSHALL: Oh, I see.

5 COUNCIL MEMBER JACKSON: And then  
6 there's no other vacant land within the area.

7 EDWIN MARSHALL: Well--there, I  
8 mean, one option, as I think Melissa said, is the  
9 preservation of existing affordable housing.

10 COUNCIL MEMBER JACKSON: Okay, can  
11 you explain that, please?

12 EDWIN MARSHALL: All right, well, I  
13 don't know if you have--it's--the preservation, I  
14 believe, kicks in, in the case where, as I  
15 mentioned, other programs, there are affordable  
16 units that may be at the end of their cycle of  
17 essentially requirements for affordability in the  
18 building.

19 COUNCIL MEMBER JACKSON: Okay, uh-  
20 huh.

21 EDWIN MARSHALL: And through the  
22 inclusionary housing program, if you preserve  
23 those, if you basically take those units, and put  
24 'em into the inclusionary housing program, which,  
25 which we just talked about as a permanent

1  
2 component, that would qualify for the preservation  
3 option under the inclusionary housing program.

4 COUNCIL MEMBER JACKSON: Okay, I  
5 understand. So, for example, on the project's  
6 Section 8 and some of that block, if they were  
7 going to opt out, and this owner may say, "Okay,  
8 we'll keep these 12 units or 15 units in there and  
9 we will pay for that to be included to stay in  
10 this affordability, permanent affordability," is  
11 that correct?

12 EDWIN MARSHALL: Yeah, that's my  
13 understanding of how it works.

14 COUNCIL MEMBER JACKSON: Okay, but  
15 that's all governed by HUD? Or by whom?

16 EDWIN MARSHALL: HPD for the  
17 inclusionary housing program, HPD is the  
18 administrating--

19 COUNCIL MEMBER JACKSON: Okay.

20 EDWIN MARSHALL: --administrating  
21 agency.

22 COUNCIL MEMBER JACKSON: Okay, now,  
23 did you explore the possibility of the  
24 recommendation of the Community Board 9 with  
25 respect to their wishes? And what would be the

1  
2 difference, for example, if for example this 145th  
3 Street corridor went to an R7A-IH, what is the  
4 difference between that and the proposed R8A-IH?

5 MELISSA CERESO: Okay, given that  
6 we did study this as an alternative, in the  
7 environmental review. And so, an R8A is, could  
8 potentially produce approximately 255 units,  
9 within this corridor here, of which 41 would be  
10 affordable housing units. And an R7A would  
11 produce approximately 161 units, of which none are  
12 required to be a part of the inclusionary housing  
13 program, because inclusionary housing would not be  
14 available under an R7A.

15 COUNCIL MEMBER JACKSON: Well, what  
16 if there was an R7A-IH?

17 MELISSA CERESO: Okay. So, the  
18 R7A-IH, which is an actual district that is mapped  
19 in other parts of the City where prior to the  
20 rezoning, there was a lower zoning district, such  
21 as an R6A.

22 COUNCIL MEMBER JACKSON: Okay.

23 MELISSA CERESO: The R7A-IH would  
24 actually provide an incentive that you could bite  
25 into. In this case, the R72, because it has a 4

1  
2 FAR today, an R7A-IH would actually depress that  
3 to a 3.45. So you would be downzoning. And so  
4 the effect of a downzoning means you're not  
5 providing an incentive.

6 COUNCIL MEMBER JACKSON: Well, what  
7 about if there was, including with the IH,  
8 wouldn't that be the incentive for an inclusionary  
9 housing part of that 7A-IH? And I understand as  
10 far as normally it would be from an upzoning  
11 situation, and this particular situation it would  
12 be changing the designation from R--I think it's  
13 R72?

14 MELISSA CEREZO: 72.

15 COUNCIL MEMBER JACKSON: 72, to an  
16 R7A-IH. But wouldn't the inclusionary housing  
17 aspect be an incentive there? Can you talk to  
18 that, please?

19 EDWIN MARSHALL: I think we don't  
20 feel it would be an incentive. In fact, and it's  
21 actually something we didn't study initially in  
22 terms of an alternative zoning for this corridor,  
23 primarily for policy, for the policy reasons we  
24 talked about, in terms of not providing an  
25 upzoning in the base FAR. It's for today, you'd

1  
2 actually be decreasing the likelihood that anybody  
3 would develop it under--in the future. We don't  
4 think it's an incentive to go from 4 to 3.45 FAR,  
5 and then only get above the 4 through a bump in  
6 the inclusionary housing program. I think  
7 additionally we felt that downzoning the base FAR  
8 on what we think is a very appropriate location  
9 for density here, or at least maintaining the  
10 existing density that's allowed there today, was  
11 not something that we wanted to consider or  
12 propose. And so it was not analyzed in the  
13 environmental assessment study.

14 COUNCIL MEMBER JACKSON: You mean  
15 the I7--

16 EDWIN MARSHALL: IH.

17 COUNCIL MEMBER JACKSON: The IH  
18 from a 7A.

19 EDWIN MARSHALL: Right.

20 COUNCIL MEMBER JACKSON: Is that  
21 correct?

22 EDWIN MARSHALL: That's right.

23 COUNCIL MEMBER JACKSON: Okay, so  
24 but I think that clearly in talking to community  
25 board chair and co-chairs of the land use and

1  
2 other members of the community board, there's no  
3 objection as far as the three corners whatsoever?  
4 There's no objections as far as the mixed use part  
5 in the southern end? And the objection is based  
6 on what they've communicated loud and clear, as  
7 far as the concern for the residents that we  
8 represent, and going to a R7A-IA, under that, even  
9 though it was not examined in the environmental  
10 impact statement, if I was an owner, and that site  
11 that we just talked about, where there's  
12 commercial and there's--So, under R7A-IA, how far  
13 up could I go? Because that site, there's no  
14 residents right there right now. And if I own  
15 that property, I'm just tearing down a store or  
16 what have you, and I'm going to build housing .  
17 And under R7A-IH, how far up could I go? How many  
18 floors?

19 EDWIN MARSHALL: It's the same as  
20 the R7A.

21 COUNCIL MEMBER JACKSON: Which is  
22 what?

23 MELISSA CEREZO: 80 feet.

24 COUNCIL MEMBER JACKSON: 80 feet.

25 MELISSA CEREZO: Yeah, eight

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stories.

COUNCIL MEMBER JACKSON: Which is basically eight stories.

MELISSA CEREZO: Yes.

COUNCIL MEMBER JACKSON: With an IH?

EDWIN MARSHALL: Same.

COUNCIL MEMBER JACKSON: Same thing, it doesn't matter, just up to 80 feet.

EDWIN MARSHALL: Right.

COUNCIL MEMBER JACKSON: Okay. Because I would think that from a upzoning from profitability point of view, that would be a very profitable investment. But you're saying currently under the current zoning under R7, they can do that right now. Is that correct?

EDWIN MARSHALL: Yes.

COUNCIL MEMBER JACKSON: Okay. So, where did you get the number of 255 units under R8A-IH, with 41 permanent affordable? There's, that was part of the environmental impact statement?

MELISSA CEREZO: That's right, that's right. So, in our environmental review, we

1  
2 identified projected, likely and reasonable  
3 projected sites for development, which did  
4 include, as you stated, the commercial sites on  
5 the north and south side, as well as the PS 186  
6 site, which is a large site. And so, all of those  
7 were analyzed for under the proposed zoning, and  
8 with a maximum density again of 7.2, taking  
9 advantage of inclusionary. And so those sites  
10 produced a total of 41 affordable units, within  
11 that universe of 255.

12 COUNCIL MEMBER JACKSON: Okay, so,  
13 but I believe in looking all of the maps and  
14 drawings that you supplied to me as the Council  
15 Member for the area, I believe there was one site,  
16 as far as environmental impact, that was looked  
17 at, that is currently occupied by residents that  
18 City Planning viewed as a potential development  
19 site. Am I not mistaken?

20 EDWIN MARSHALL: Yeah, no, I don't--  
21 --we--

22 MELISSA CERESO: No.

23 EDWIN MARSHALL: We didn't analyze  
24 any development on sites that had currently  
25 occupied--

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2 COUNCIL MEMBER JACKSON: Okay, so  
3 then if that's the case, then you're talking about  
4 there were three sites that were looked at: one,  
5 the one we talked about where they're on the north  
6 side, closer to towards Broadway--

7 EDWIN MARSHALL: Right.

8 COUNCIL MEMBER JACKSON: --the  
9 second site, more towards Amsterdam where there's  
10 daycare centers, currently, right now; and the  
11 186th Street--186--the PS 186 site, is that  
12 correct?

13 EDWIN MARSHALL: Yes, sir.

14 COUNCIL MEMBER JACKSON: Good.  
15 Now, as far as, I'm sure that you may be aware  
16 that a recent declaration was renegotiated which  
17 calls for at least 85 units of housing at that  
18 site, at least 85 units. And I believe the  
19 Borough President's Office was involved in that.  
20 And there are restrictions as to , you know, how  
21 many of affordable and arranges so forth and so  
22 on. What number of housing units was considered  
23 by City Planning in coming up with your 255?

24 EDWIN MARSHALL: For that site, you  
25 mean.

1  
2 COUNCIL MEMBER JACKSON: Yeah, for  
3 that site. 'Cause I know that this was just  
4 renegotiated on September, I think 28th.

5 MELISSA CERREZO: That's right. The  
6 majority of sites, sorry, of units, of that 255  
7 unit universe for the PS 186 site, we studied  
8 approximately 150 units, because it's such an  
9 enormous site. And of which 21 would be  
10 affordable housing.

11 COUNCIL MEMBER JACKSON: Okay, so  
12 of your projected 255, 155 was taken as part of  
13 that formula at the PS 186 site? You said 155?

14 MELISSA CERREZO: Right, of which 21  
15 of those units would be affordable.

16 COUNCIL MEMBER JACKSON: Okay.  
17 Now--sorry--can I just move to one or two other  
18 sites, if--just five more minutes, Mr. Chair,  
19 please.

20 CHAIRPERSON WEPRIN: Fine, if you  
21 could just--yeah, as soon as you can, Robert,  
22 'cause we have a lot of people left to testify,  
23 who've been waiting all day.

24 COUNCIL MEMBER JACKSON: Sure, I  
25 know, and I appreciate their patience. I just

1  
2 needed, as a Council Member, I need to flesh this  
3 out totally so that I don't leave anything  
4 unturned--

5 CHAIRPERSON WEPRIN: Understood.

6 COUNCIL MEMBER JACKSON: --in  
7 addressing the issues and concerns that have been  
8 brought to my attention. So, with respect to the  
9 Dance Theater of Harlem, we had a discussion about  
10 that. And they are going to testify also, they  
11 are looking to do an R72 and which an R72 in the  
12 area that you're proposing R6A. And why would you  
13 not agree to an R72 at that location? For the  
14 Dance Theater of Harlem site?

15 EDWIN MARSHALL: Sorry, - - to the  
16 R7 to R7--?

17 COUNCIL MEMBER JACKSON: Well,  
18 right now the proposal is R6A.

19 EDWIN MARSHALL: Yes.

20 COUNCIL MEMBER JACKSON: And they  
21 were looking at--they, Dance Theater of Harlem--

22 EDWIN MARSHALL: Right.

23 COUNCIL MEMBER JACKSON: --of R72.  
24 And why would you disagree with that?

25 EDWIN MARSHALL: R--I believe R7--

1  
2 oh, that's R72, okay, so, the existing zoning,  
3 right, is R72, so in terms of one of the real, I  
4 think the goals, of the rezoning was that the  
5 existing, R72, doesn't have any height limits or  
6 any of the kind of protections in terms of the  
7 base of the building and setbacks and total  
8 height, as the proposed zoning would. R6A would  
9 have a maximum height I believe of 70 feet, and  
10 that we felt was more in context with the existing  
11 character around that area. So--

12 COUNCIL MEMBER JACKSON: So if in  
13 fact that, that location remained R72, they could  
14 possibly develop a skinny tower that can go up 20  
15 stories?

16 MELISSA CEREZO: Probably 14 to 17.

17 COUNCIL MEMBER JACKSON: 14, 15, 17  
18 stories?

19 MELISSA CEREZO: Yes.

20 COUNCIL MEMBER JACKSON: If they  
21 wanted to?

22 MELISSA CEREZO: Yes.

23 COUNCIL MEMBER JACKSON: Okay,  
24 versus an R6A or an R7A would limit them to do  
25 what? Go up to what?

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MELISSA CERESO: Eight stories.

EDWIN MARSHALL: Eight stories or  
80 feet.

COUNCIL MEMBER JACKSON: 80 feet  
maximum.

EDWIN MARSHALL: Yes.

COUNCIL MEMBER JACKSON: Okay.  
Okay, because I have met with them and I would  
consider that particular location, because they  
own the land at that particular location, an R7A,  
which goes along with the existing other areas  
within the overall zoning of that particular  
location. That's what I would strongly consider  
for discussion purposes.

ADAM WOLFF: Also, if I beg your  
indulgence--

COUNCIL MEMBER JACKSON: Sure.

ADAM WOLFF: --as a point of  
information, that particular site is located  
within an LPC designated historic--

COUNCIL MEMBER JACKSON: A landmark  
preservation?

ADAM WOLFF: Yes, that's right, so,  
any build program for that site would have to be

1  
2 teased [phonetic] and vetted with Landmarks, in  
3 terms of materials and height and scale, as well.

4 COUNCIL MEMBER JACKSON: Okay.

5 That's very good to know. But also, what was  
6 brought to my attention was the Harlem School of  
7 the Art location--Harlem's School of the Arts.  
8 And I read the recommendation has been, that's  
9 been put forward by City Planning in your  
10 decision, dated September 5th. And I met with, I  
11 know the position of Harlem School of the Arts,  
12 and they're going to give testimony. Could you  
13 just explain why did you not consider keeping,  
14 going forward, whatever they wanted, if you don't  
15 mind? On the record.

16 EDWIN MARSHALL: Sure. I think  
17 somewhat similar to the question about the dance  
18 theater of Harlem, I think originally we had been  
19 requested to potentially lave the existing zoning  
20 in place for the Harlem School for the Arts, which  
21 is an R72 zoning district. Again, doesn't have  
22 height limits for any new development that could  
23 occur. And I think our position essentially was  
24 it wasn't that the Harlem School of the Arts  
25 themselves were going to build on their property,

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2 but potentially use some of their available air  
3 rights to transfer to an adjacent property owner,  
4 who could then utilize that additional floor area  
5 and build a new building on their property. If  
6 that floor area was fully used on the adjacent  
7 property, under the existing zoning, we don't  
8 know, but the potential would be there for a  
9 building that would be of considerable height and  
10 not have the maximum height limits and so forth  
11 that we believe were the goals of the rezoning  
12 were trying to achieve and fit in with the  
13 neighborhood. However, you know, there's no,  
14 there were no plans at this point in time. I  
15 think we understand that this is also a very  
16 significant issue for the Harlem School of the  
17 Arts, as well, in terms of these are important  
18 assets, in other words, that exist today, would  
19 like to be utilized in the future, I think.  
20 However, at the end of the day, without knowing  
21 exactly what was, the plan was, for potential  
22 development on adjacent property, it was very  
23 difficult for us to actually have any other  
24 opinion than to just keep these, the proposed  
25 rezoning that we had in place, which was, seemed

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2 to be aligned with the goals of the, what the  
3 community board and everybody had basically been  
4 working on for the last five years. And have a  
5 building that would fit in with the existing  
6 character. So, that's kind of where things where,  
7 and it's a point in time, and you know, as things  
8 move ahead, potentially in the future, obviously,  
9 discussions can continue about what is appropriate  
10 for adjacent site.

11 COUNCIL MEMBER JACKSON: Okay. And  
12 the last point I wanted to make is a resident came  
13 to my attention, and I met with him on Sunday  
14 concerning a midblock on 138th Street between  
15 Broadway and Riverside Drive. Yeah, which your,  
16 it's currently an R8, you're proposing that  
17 particular location R6A because as you indicated,  
18 Melissa, in order to protect the character of the  
19 brownstones and buildings that are in that  
20 particular block. And in fact, I went to that  
21 block on Monday morning, and actually walked the  
22 entire block and took pictures myself, to actually  
23 see it. And is there any reason that you did not  
24 consider, I guess, leaving that block the way it  
25 is? And did any residents bring to your attention

1  
2 any desire for any development plans that they may  
3 have?

4 MELISSA CERREZO: No, we had not  
5 heard--we haven't heard from any owners on 138th  
6 Street about potential development there. The  
7 goals for 138th Street, because again as you had  
8 noticed, the character, the unique character of  
9 this midblock is that of three to four story  
10 brownstones. And it's heavily on the north and  
11 south side of the street. That a potential site  
12 that would not, that would be produced pursuant to  
13 the existing zoning, which could allow for a 14 to  
14 17 story building, would not be in the same  
15 character as the existing, as the existing row  
16 houses. And so, that is why the R6A, which allows  
17 for a maximum building height of seven feet, and--

18 COUNCIL MEMBER JACKSON: 70 feet or  
19 seven?

20 MELISSA CERREZO: Seven stories, 70  
21 feet.

22 COUNCIL MEMBER JACKSON: Okay,  
23 okay.

24 MELISSA CERREZO: Yeah. Is what is  
25 being proposed along that block.

1  
2 COUNCIL MEMBER JACKSON: Okay. Mr.  
3 Chair, I think that those are all the questions  
4 and concerns that I have at the moment.

5 CHAIRPERSON WEPRIN: Great, thank  
6 you, Council Member Jackson. We will excuse this  
7 panel for now. We're going to more on to some of  
8 the people that are here to testify. What I'd  
9 like to do, and sorry to do this, but I'd like to  
10 try to limit it to two minutes a person. We'll  
11 give you a little leeway if you need it, on some  
12 of you. We have a lot of people left to testify.  
13 So, we'll work with you, I guess, if it seems like  
14 if we give 'em three minutes, everyone uses at  
15 least the three minutes, so I'm going to try to  
16 keep you as short as possible. Just so we can  
17 hear from everybody in good time. I know it's  
18 been a long day. So, I'd like to call on the  
19 first panel, is going to be in favor of the  
20 proposal, and then we will call up people in  
21 opposition, by panel. Again, we'll try to limit  
22 it to two minutes, if we can. Brian Cook from  
23 Manhattan Borough President's Office; Walter  
24 South, Community Board ; Simon Thorenson  
25 [phonetic], Community Board 9; and Javier Caracamo

1 [phonetic], could you all please come up. I want,  
2 when you, please, whoever goes first, please state  
3 your name, each one of you, as you speak please  
4 state your name. We do that so if there's a  
5 written record, it's clear who was speaking. So,  
6 again, if you can keep it within two minutes, that  
7 would be very helpful. Whenever you're ready,  
8 state your name and give your testimony on this  
9 item.  
10

11 BRIAN COOK: Good afternoon, my  
12 name is Brian Cook, I'm the Director of Land Use  
13 Planning Development for the Manhattan Borough--  
14 for Manhattan Borough President, Scott Stringer.  
15 I will read a portion of his testimony into the  
16 record, which I've also submitted in written copy,  
17 as well as I'm here to answer any questions you  
18 might have had on our recommendation that we  
19 issued. I'd like, from the Borough President,  
20 "I'd like to thank the Chairperson, Council Member  
21 Mark Weprin, as well as the Members of the New  
22 York City Subcommittee on Zoning and Franchises  
23 for the opportunity to speak today. West Harlem  
24 is one of Manhattan's most unique and diverse  
25 neighborhoods. The neighborhood has a well-built

1 building stock with active uses and few vacant  
2 properties, but the West Harlem community is much  
3 more than its built form. It has a diverse  
4 population who has actively ensured the community  
5 thrived and prospered through both positive and  
6 economic, negative economic cycles. The community  
7 engagement has had the positive benefits by  
8 developing new parks, fostering active community  
9 based nonprofits, creating affordable housing and  
10 making safer, lively streets. These benefits,  
11 however, have also placed increased economic  
12 pressures, which if left unchecked, will result in  
13 the demolition of existing buildings, the  
14 displacement of existing residents, and the loss  
15 of rent stabilized units. It was for this reason,  
16 that I originally proposed the West Harlem Special  
17 District in 2007, which has not been rezoned since  
18 1961. My proposal sought to preserve the well-  
19 built residential character while meeting, finding  
20 new development opportunities that can achieve  
21 communities' affordable housing economic goals.  
22 These concerns were echoed by the community and  
23 led to a broad based endorsement. I was very  
24 pleased to hear that Amanda Burden saw the  
25

1  
2 benefits of the proposal and agreed to undergo a  
3 comprehensive study of the neighborhood in 2007.

4 We, I believe the plan achieves a balance of  
5 preserving the existing built character while  
6 promoting future development. The rezoning  
7 provides opportunities for affordable housing,  
8 economic development, which were key points of  
9 both the community board's 197 plan as well as my  
10 special district; further, the fine grain approach  
11 will discourage demolition which most importantly  
12 will disincentivize the displacement of longtime  
13 residents and the rent stabilized units. I  
14 believe it is notable that the plan was crafted in  
15 a truly collaborative manner, over many years,  
16 through working with the community board, through  
17 working with the local community, Community Board  
18 9, Council Member Jackson and my office. The  
19 proposal was subject to extensive vetting, and  
20 City Planning demonstrated a high level of  
21 responsiveness. As testament to the extensive  
22 outreach, the plan has significant consensus for  
23 over 90 blocks, which is no small achievement for  
24 any Manhattan neighborhood. I'll finish with  
25 thanking the Chairman, Burden, and the Department

1 of City Planning for their work and vision.  
2  
3 Additionally, thank Community Board 9's Chair  
4 Reverend Georgiette Morgan-Thomas, and Patricia  
5 Jones for their work over the years. And finally,  
6 I'd like to thank Council Member Robert Jackson  
7 for his continued partnership and leadership in  
8 the rezoning.

9 CHAIRPERSON WEPRIN: Thank you. Is  
10 that an endorsement? No, I'm kidding.

11 BRIAN COOK: [laughs]

12 CHAIRPERSON WEPRIN: Next, please.

13 [laughter]

14 WALTER SOUTH: Hi, my name's Walter  
15 South. I'm [technical] There you go. My name's  
16 Walter South, actually I'm a member of CB9,  
17 speaking for myself, though, not as a board  
18 member. I have a master's degree in urban  
19 planning from Hunter; I have a master's degree in  
20 historic preservation from Pratt; and currently in  
21 the master's degree program in urban policy at the  
22 New School. This, part of this proposal,  
23 particularly on 145th Street, is just not good  
24 planning, it's as simple as that. Why is 145th  
25 Street the only cross street that's being upzoned?

1  
2 135th Street is not being upzoned, 125th Street's  
3 not being upzoned, 155th Street is not being  
4 upzoned, but this is being upzoned. Furthermore,  
5 we know that one of the reasons that it's probably  
6 being upzoned is because the architect for one of  
7 the sites on this block came to the community  
8 board and said he needed an R8 to make it  
9 profitable. And lo and behold, just by  
10 coincidence, this whole block is upzoned R8. Now  
11 the reason the whole block is upzoned is because  
12 they can't do the site, they have to do a block to  
13 claim it's not spot zoning. That's why it's not  
14 good planning. And the question that I think has  
15 to be addressed is why does a small group of  
16 politically connected people in this community  
17 have more rights than the community board, who has  
18 voted twice against this upzoning, and wants an R7  
19 and not an R8. Under two minutes? [laughs]

20 CHAIRPERSON WEPRIN: Okay, thank  
21 you, that's good, good job. All right.

22 [laughter] I didn't favor, but you know, we'll  
23 hear it anyway.

24 WALTER SOUTH: We're in favor, as  
25 long as they don't upzone the--and this is what

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the community board has said all along.

CHAIRPERSON WEPRIN: And, all right, all right. All right. Next, please, and please state your name for the record. We're getting to that punchy part - -

SIMON TORRESON: Good afternoon. My name's Simon Torreson [phonetic], I'm an architect, and I'm also on Community Board 9. For the last three years, I've followed closely the progress of the West Harlem Rezoning Proposal you're discussing today. The City Planning Commission has developed a plan of contextual zoning that largely takes into account the desires of the community, as expressed in the introduction to the proposal, and the 197-a plan. The glaring exception is West 145th Street, between Broadway and Amsterdam. CPC proposes to upzone [time bell] from R7 to R8A-IH for one block. This would permit the construction of buildings up to 12 stories high, even though one of the stated goals of the proposal is to preserve the existing urban fabric by keeping the density on the side streets low. High rise buildings on the street that's almost mostly six stories would have a number of

1  
2 negative impacts including increased traffic,  
3 congested parking, added noise, air pollution,  
4 wind, shadows, a toll [phonetic] pressure on the  
5 public transportation infrastructure. A major  
6 desire of the community is to create new  
7 affordable housing, and to retain existing  
8 affordable housing for current residents. Yet the  
9 only inclusionary housing proposed in the whole  
10 area is on this one block, where there's, which is  
11 very little and likely to be too expensive for  
12 most current residents. There's reason to believe  
13 the R8A could actually result in less affordable  
14 apartments by encouraging the demolition of 250  
15 Section 8 units located on that block. I have  
16 attended many public meetings on the proposed  
17 rezoning, where people have expressed their  
18 concerns. I do not recall hearing any support for  
19 R8A-IH on West 145th Street. The potential of 41  
20 new affordable units simply is not worth the  
21 tradeoff. The CPC and the politicians all claim  
22 to respect the desires of the community, and the  
23 community board has clearly stated in a resolution  
24 passed overwhelmingly on June the 21st, that it  
25 wants West 145th Street to be rezoned R7A. What's

1  
2 unique about West Harlem is the open skies and the  
3 high church spires, which just in Manhattan is a  
4 unique vision I think that should be kept.

5 [background voice]

6 JAVIER CARCAMO: Hi, my name is  
7 Javier Carcamo [phonetic] and I'm an architect,  
8 and also the co-chair of Land Use and Zoning  
9 Committee at Community Board 9. I want to thank  
10 the DCP team for having worked with us for so long  
11 and I think in the most part they've been very  
12 receptive for what the community board has, you  
13 know, asked for. Probably about 90 percent of  
14 what we've wanted we've gotten. Again, the only  
15 contentious part is 145th Street, and under the  
16 existing zoning, we have about, you know, three  
17 sites that are considered soft sites under the  
18 definition of the City Planning Commission, which  
19 is 50 percent of FAR. Under the, under R7A, which  
20 has been what the community board has voted in  
21 favor of, that would make about ten to 15 percent  
22 of the sites on the block soft, according to the  
23 same definition, which I think is a very good  
24 compromise. Under the R8A-IH, almost, you know,  
25 pretty much the whole bloc, over 90 percent of the

1  
2 block, would be considered a soft site, which  
3 would make it very, very likely, not under the  
4 projected, you know, sites that they, that they  
5 had suggested, but most of the block would be a  
6 soft site, so I think it would be very feasible  
7 for almost any site on the block to be developed  
8 to its full potential. That's--thank you.

9 CHAIRPERSON WEPRIN: Thank you very  
10 much. Mr. Jackson, do you have a question for any  
11 of these gentlemen? None. Thank you very much.  
12 We are now going to move to the next group. How  
13 many do you want to bring up at a time. Let's  
14 see. Four, four, four. Okay. I'd like to call  
15 up the following people. Is it Tari Shaheed  
16 [phonetic], I might've mispronounced that;  
17 Reverend Dr. John Scott; Dr. Charles A. Curtis;  
18 and Yvette Campbell. Are they all here? Again,  
19 if you can keep it as brief as possible, we would  
20 really appreciate it. And we would, but  
21 obviously, we appreciate your patience, I know  
22 it's been a long day. Since you got there first,  
23 you can start first, if you want to--

24 MALE VOICE: Well, no, Curtis is  
25 going to--

1  
2 CHAIRPERSON WEPRIN: Okay, all,  
3 well, I'll let you guys decide. Is there one  
4 missing that you want to add? [background  
5 comments] Well, who's--you have one more person  
6 that's missing? We can bring them up, also,  
7 you're welcome to just stay and then go after  
8 them. Stay in the panel, I don't want to make you  
9 wait, 'cause we're going to switch back to--so  
10 who's the last member of your group?

11 MALE VOICE: Dr. Dedrick Blue  
12 [phonetic]

13 CHAIRPERSON WEPRIN: Is it Mr.  
14 Blue?

15 MALE VOICE: Yes, it is.

16 CHAIRPERSON WEPRIN: All right,  
17 Dedrick Blue, also, come on up, we just got to  
18 find a chair. If we could get some help with the  
19 seating arrangements up here. But--well, now  
20 you're going to test it. Ms. Campbell, just hang  
21 out, and we'll have you go when these gentlemen  
22 are finished. So we don't confuse who's with--All  
23 right, I apologize. Please state your name when  
24 you speak, for the record, and start when you're  
25 ready. And try to keep it as short as possible.

1  
2 CHARLES A. CURTIS: And I'm going  
3 to ask if you allow us the same courtesy that  
4 Councilman Jackson and the other committee had,  
5 we're going to try to be as brief as possible, but  
6 we would like to state our case. Okay.

7 CHAIRPERSON WEPRIN: Please, well,  
8 keep it as short as possible, Councilman Jackson's  
9 a member of the Committee and represents the area,  
10 so he was just asking questions on the community's  
11 behalf. So, thank you.

12 CHARLES A. CURTIS: All right. I'm  
13 Dr. Charles A. Curtis, I'm a pastor of a 135 year  
14 old institution here in Harlem, and I've served as  
15 pastor there now for the past 23 years. I'm here  
16 today as Chairman of the Harlem Interfaith  
17 Commission for Housing Equality, an institution  
18 that represents more than 100 churches and mosques  
19 in Harlem and Washington Heights. I'm here today  
20 because we oppose the current bill, simply, not  
21 based on what is in the bill, but because of what  
22 it lacks. It doesn't, it is a brick-and-mortar  
23 bill, it does not deal with flesh and blood,  
24 hearts and minds, of the people. And so we, while  
25 it will protect the architectural character of the

1  
2 neighborhood, it does not protect the cultural  
3 character of the neighborhood. We are dealing  
4 with people who have come to us who are being  
5 urged to leave or being forced to leave or  
6 harassed to leave, by landowners and by our peop--  
7 our landowners and owners, who are being told that  
8 "I can get three times the amount of rent for your  
9 apartment, if I can get you out." They're being  
10 harassed by using the court, being thrown into  
11 court for month to month. They're also being told  
12 that they're rent--that they're paying their rent  
13 late, while landlords hold the rent. And that  
14 also they're being told that "We have to get rid  
15 of you because we can't get into your apartment to  
16 make changes," and all these things are tactics to  
17 displace people. We realize that Harlem has  
18 changed, rents are not going down, rents are going  
19 up. And that there's a wealthier wave of people  
20 coming to Harlem. And so, this is about greed,  
21 and we're here to protect those who have been  
22 living in Harlem, who have made Harlem what it is,  
23 and now who are being forced out. This is the  
24 real issue. While the community may remain the  
25 same, as far as architecture goes, the cultural

1  
2 change, the very people who want to maintain the  
3 [time bell] architectural character are certainly  
4 not the same people who want to be displaced. And  
5 they are, will be displaced. Let me just say  
6 this, because I don't believe that two minutes is  
7 up that quick. But we have been told, we met with  
8 the Councilman on two occasions, we met with the  
9 Borough President, we met with Edwin Marshall, we  
10 met with Community Board 9. Everybody tells us  
11 this one word: it's impossible. Well, I believe  
12 that political people have the right, the role and  
13 responsibility of making the impossible possible.  
14 With brilliant minds here around the table and New  
15 York City, we can and do--like the President says,  
16 it's not, we're, we should be able to say, yes we  
17 can, rather than we can't. And I believe that can  
18 happen, and if this means that the poor and the  
19 needy, people who lived here have to be displaced,  
20 it is an awful commentary on the City of New York.

21 CHAIRPERSON WEPRIN: No problem.

22 You decide who you want to have to go next, as you  
23 continue to make your case. That's fine, I've  
24 heard Councilman Jackson use a lot of different  
25 words, impossible's never been one of 'em, so, I'm

1 surprised. [background comment]

2  
3 TARIK SHAHID: My name is Tarik  
4 Shahid [phonetic], I'm also a member of the Harlem  
5 Interfaith Commission for Housing Equality,  
6 representing - - on that board. First of all, I'm  
7 here to appeal to a few things. One, I'd like to  
8 first of all appeal to the moral conscience of  
9 this body, and the sense of fairness with this  
10 body, as well as the inherent desire to be on the  
11 right side of human issues, and especially when  
12 those issues affect people who historically have  
13 not had a voice for themselves. And you know, I  
14 wrote down, I didn't put in opposition, I didn't  
15 put in favor, 'cause I put in favor in the corner,  
16 in favor with provisions. And really, that's  
17 what--I'm not in opposed, I'm not opposed to  
18 what's being done. I'm saying that how can it be  
19 done without provisions that protect people?  
20 Whatever it is, we can do that, structures,  
21 buildings, character of buildings is one thing;  
22 but displacing people who've been there all--for  
23 100 years, we've been in Harlem. Over 100 years.  
24 Now, if you remember we used to be in Lincoln  
25 Center area, before the subways. We're no longer

1  
2 there and neither is our culture. No one ever  
3 know we lived there because it's been wiped out.  
4 So here's the people that've been living, I'm  
5 talking about my mother, my grandparents, my aunts  
6 and uncles, who lived there, here their only,  
7 their only reason why they're victims is because  
8 they're poor. Because maybe they're on social  
9 security and they can't afford the new, the  
10 horrendous rents that are coming in. So, we're  
11 not saying, "Let's not build, let's not rezone,"  
12 we're saying, "Hey, can't we have some provisions  
13 in that at least protect people who are there, so  
14 they're not displaced?" Listen, Katrina's one  
15 thing, this is going to be devastating on the same  
16 level, the difference is, those people who survive  
17 are able to go back. This will be, you'll never  
18 go back to Harlem. So it's going to be more  
19 devastating than that. The other point I'd like  
20 to make is this fair? The facts say this isn't  
21 fair. You can't move people. And who've been  
22 there all their life. Have you ever heard of  
23 being uprooted? How people, what happens when  
24 root - - to families and generations, when people  
25 are just displaced without the idea--and we can

1 negotiate, we're not--and last point, we're not  
2 talking about negotiating provisions and something  
3 where people are privately owned and they own it  
4 themselves. That's not our issue. It's where  
5 people are getting City money, City property, City  
6 monetary, yeah, subsidies, to build. Then we have  
7 a right and a obligation as political people and  
8 religious leaders, as community people, to say,  
9 "Hey, we should all be outraged at the thought  
10 that wholesale people will be displaced because of  
11 the fact that we wouldn't sit down and honestly  
12 negotiate provisions, economic provisions, that  
13 help stabilize a community, that's worked to make  
14 sure that the land base has been increased. The  
15 people there stayed through the drugs, through the  
16 crime, through the fighting, to stay there, to  
17 make sure that now there's a land base increase,  
18 so much so that a developer wants to come and  
19 build. 22 years ago, nobody wanted to build  
20 there. Nobody wanted to be there when we were  
21 cleaning up and trying to get it to a point where  
22 people would want to live. And we're not saying  
23 we don't want--like folks, I'd rather [time bell]  
24 Two seconds. I'd rather be in a neighborhood and  
25

1  
2 a building where I have a decent Caucasian next to  
3 me than a rowdy African-American. This is not a  
4 racial issue here. This is about human dignity  
5 and respect for people who've been someplace their  
6 whole lives. Thank you very much.

7 CHAIRPERSON WEPRIN: Thank you, Mr.  
8 Shahid. Next, please.

9 DEDRICK BLUE: My name is Dedrick  
10 Blue, I'm the pastor of the Ephesus Seventh Day  
11 Adventist Church, and also a member of the Harlem  
12 Interfaith Commission for Housing Equality. First  
13 of all I want to thank Chairperson, and thank our  
14 Councilperson, Mr. Jackson, for allowing us to be  
15 here to speak. I'd like to say that New York City  
16 is, I see it as one of the greatest cities in the  
17 world, it's a geopolitical center, a financial  
18 center. And what makes it great is the diversity  
19 of its people. So, today, I rise to speak on  
20 behalf of those residents who live in Harlem, who  
21 rise early, who go to bed late, the single  
22 parents, the senior citizens, the local merchants,  
23 church members, and those who are struggling to  
24 hold on to their piece and their slice of what  
25 they call home. The proposed rezoning of District

1  
2 9, while it provides for the restrictions of  
3 building heights, it fails in several areas.  
4 First, it does not provide sufficient protections  
5 from displacement. As a pastor, there are laws  
6 that are against, that protect people against  
7 displacement, but that's only after the fact. I  
8 believe those things need to be put into the front  
9 end and developers need to be held accountable for  
10 that. There must be also targeted, low income  
11 provisions. Now, in listening very carefully  
12 today, at the 145th Street rezoning proposal here,  
13 there is nothing in that proposal that requires  
14 the developers to put in affordable housing. They  
15 simply have the option to go to 12 stories if they  
16 want to, or they can cap off at ten. Secondly, if  
17 they decide not to put in affordable or targeted  
18 housing, they have to make provisions somewhere  
19 else. But we've already heard that there's only  
20 three percent available vacant land in Harlem.  
21 And that's going to go to the developer. Thirdly,  
22 when we talk about displacement, let's be clear  
23 about this, as well. That the moment that market  
24 rate housing enters into a neighborhood, it raises  
25 the tax base, it raises the taxes. It forces the

1  
2 local owners who have been there historically to  
3 now be in a position where they must sell their  
4 property, at market rate, it only speeds up the  
5 process of displacement. [time bell] Finally,  
6 let me just say this. If there is going to be  
7 development in Harlem, the local residents must  
8 participate in that economic development. There  
9 must be set-asides for jobs, so that the very  
10 people who have been participating in that  
11 community can stay in the community. The purpose  
12 of land use, the purpose of land use, is to  
13 benefit the community, not to dissect it or to  
14 disintegrate it. We need economic provisions of  
15 housing and jobs and business opportunities, and  
16 by the way, developers from our community, so the  
17 dollars recycle and stay there.

18 CHAIRPERSON WEPRIN: Thank you,  
19 Pastor Blue.

20 JOHN SCOTT: I'm the Reverend John  
21 Scott, a Pastor of St. John's Baptist Church, on,  
22 right in the mix of what we're talking about,  
23 152nd and Convent. To our honorable Councilman,  
24 as well I worked across the years with Al Vann.  
25 As we know, the Daily News has done several

1  
2 articles on the rents going through the roof in  
3 the City. Harlem, most particularly. We also  
4 know five years ago the New York Times ran an  
5 article that Harlem is now the number one real  
6 estate market in New York City. It's further  
7 stated that Corcoran [phonetic], one of the  
8 largest real estate managers of property had over  
9 500 developers, 500 agents, in Harlem. Our people  
10 are under siege, they're being displaced, we've  
11 lost over 20 percent of the population because  
12 they've been priced out. Our churches are being  
13 flooded by people who have no interest, really, in  
14 joining our churches. They are looking for help  
15 to--they're looking for help, to assist them in  
16 paying their rent. The rent I fought with the  
17 living wage, because it is a asinine, it is  
18 outright ridiculous and outrageous, that a person  
19 got to pay 12 and 15 and \$1,800 a month rent, and  
20 you can't even get hardly \$10 an hour. It is a  
21 insult to human intelligence and human dignity.  
22 And that is why I'm, we as pastors, we're fighting  
23 for these provisions. We will not cease, we will  
24 not cease. I fought in the civil rights struggle,  
25 I go on, I'm a jailbird for justice, and I will be

1  
2 again. Because we must protect the people who  
3 have preserved Harlem: the renters. I had owners  
4 of our, who owned their homes, you can't, but we  
5 can't buy that anymore. Unless you are well off,  
6 and well to do, and so we, all we're asking, that  
7 provisions be put in there to protect the renters  
8 who've been there long term [time bell] as well as  
9 the fact for the small businesses--Amen, all  
10 right.

11 CHAIRPERSON WEPRIN: Thank you,  
12 Reverend Scott. - -

13 KEVIN GRIFFIN: My name is Reverend  
14 Kevin Griffin, I am the Pastor of Chance Memorial  
15 Temple Church of God and Christ, located on 147th  
16 Street and Amsterdam Avenue, the historical site  
17 of Malcolm X's funeral. I am also co-chair of the  
18 Harlem Interfaith Commission for Housing Equality.  
19 Yesterday, as our Chairman has articulated, we did  
20 meet with Council Member Robert Jackson, Jeff  
21 Eason [phonetic] of Congressman Charles Rangel's  
22 office, and staff members of the New York City  
23 Planning Commission, to discuss the inclusion of  
24 the community economic provisions in the rezoning  
25 of West Harlem Community Board 9. The meeting did

1  
2 clear up some misunderstandings. For example, the  
3 request to include the community economic  
4 provisions in the rezoning of West Harlem, would  
5 apply only to properties in West Harlem, that are  
6 government owned. In terms of privately owned  
7 properties, community economic provisions would go  
8 into effect when the value of the property is  
9 enhanced by government amenities. Regarding  
10 privately owned properties, community economic  
11 provisions would apply when the private owned  
12 received loans from the government tax abatement  
13 approval to increase the height or bulk of their  
14 property authorization to expand the use of the  
15 property and related enhancements as a result of  
16 public or government actions. All of which must  
17 be supported by the force of law that includes an  
18 agreement by the developer before government  
19 amenities are approved. Moreover, it is important  
20 that it be made very clear that community economic  
21 provisions would not apply to private properties  
22 when the property is enhanced exclusively by  
23 private actions. Therefore, based on those  
24 misunderstandings, the Commission is now prepared  
25 to revisit these issues [time bell] and complete

1 negotiations with the appropriate City agencies.

2 Thank you for this time and space.

3 CHARLES CURTIS: Mr. Chairman, let  
4 me say thank you on--

5 CHAIRPERSON WEPRIN: Thank you,  
6 sir, but got ahead.

7 CHARLES CURTIS: I just want to say  
8 thank you on behalf of our group. And I want to  
9 thank you and the Committee. And let me just say  
10 this in summing it all up. This bill as presently  
11 constituted is not in the best interests of the  
12 community. Thank you.

13 CHAIRPERSON WEPRIN: Well, thank  
14 you. Gentlemen, just one second, I don't know if  
15 there's a--no, you're okay with them? All right,  
16 so you can go, I'm sorry, I didn't know if the  
17 Councilman Jackson had a question. Don't leave  
18 me, Ms. Campbell, I didn't forget about you.  
19 Gentlemen, thank you very much. We are sorry  
20 about the delay, again. Ms. Campbell, you're  
21 going to get your own show here for a second,  
22 since I called you up in the thing. And then  
23 we're going to switch to a different panel  
24 afterwards. But Ms. Campbell, whenever you're  
25

1  
2 ready, just state your name for the record again,  
3 and please make your case.

4 YVETTE CAMPBELL: Okay. I'm Yvette  
5 Campbell, on behalf of the trustees, family,  
6 staff, faculty and the tens of thousands of  
7 students that have come to the doors of Harlem  
8 School of the Arts, as the President and CEO of  
9 this City's pioneering and beloved arts  
10 institution, I would like to offer a public  
11 statement regarding the rezoning of West Harlem.  
12 We have a vision for HSA sustainability, which  
13 includes preserving the value of all of its  
14 valuable assets, resources, including its unused  
15 development rights. We are neither in favor nor  
16 in opposition of the proposed rezoning. But we  
17 respectfully request special consideration to  
18 leave the door open for any future development  
19 that will enable us to continue to thrive as a  
20 vibrant, sustainable arts organization that makes  
21 a difference in the lives of young people. For  
22 nearly 50 years, we've empowered young people to  
23 find and develop themselves as artists and  
24 citizens in an environment that teaches discipline  
25 and creates, stimulates creativity. We stand

1  
2 unique among the major cultural institutions in  
3 New York City as a sole provider of high caliber,  
4 affordable arts education in five disciplines:  
5 music, dance, theater, visual arts, and most  
6 recently added, musical theater. We serve 1,000  
7 students, ages two to 18, onsite, and 3,000  
8 students and school students, schoolchildren, in  
9 partnership with 18 New York City schools. Our  
10 program attracts students from all five boroughs,  
11 New Jersey, Connecticut, Westchester County, and  
12 from diverse socioeconomic backgrounds, and ethnic  
13 backgrounds. Our arts programs, many arts  
14 programs have been cut in public schools and we  
15 believe that every child in the greater New York  
16 City area, regardless of their family's income,  
17 deserves access to quality arts programs, like the  
18 ones provided at HSA. Today, we are experiencing  
19 a rebirth, a new board, new leadership, we've  
20 reduced our operating expenses, we've gone through  
21 four audits in less than two years [time bell] and  
22 we've increased our enrollment. What we're asking  
23 for is that this stretch of that St. Nicholas is  
24 not the same, it's not monolithic, it's actually  
25 quite varied. Our present value that we own under

1  
2 the current zoning is \$6 million, and under the  
3 new zoning will be diminished form 100,000 square  
4 feet to 26,000 square feet, which is almost 75  
5 percent reduction. We understand that this  
6 rezoning is important for the character of the  
7 community, but with all that we have been able to  
8 accomplish, we hope that you will help us gain our  
9 place, and our well-earned place, in the  
10 community, as a cultural anchor in Harlem's, in  
11 West Harlem neighborhood. And so I respectfully  
12 request that together we find a way to preserve  
13 the value of HSA's current zoning status and that  
14 of the block upon which we reside. Thank you.

15 CHAIRPERSON WEPRIN: Thank you.

16 Any comments or questions? Well, thank you very  
17 much.

18 YVETTE CAMPBELL: Thank you.

19 CHAIRPERSON WEPRIN: What I'd like  
20 to do now is I'm going to call up two people in  
21 favor of, or so, in favor of this proposal: Lor--  
22 is it Laneen? No. [background comment] Laveen  
23 Alou [phonetic]? Did I mess that up? You'll  
24 explain it. [background comment] Okay, and  
25 Louise Stahada [phonetic]. Anyone else here who's

1  
2 going to testify in favor close to in favor  
3 provisions, who is in the audience? 'Cause then  
4 after that we're going to bring up the other  
5 panels again, so, gentlemen, whenever you're  
6 ready, state your name again.

7 LAVEEN NAIDU: Thank you very much,  
8 my name is Lavine Naidu [phonetic].

9 CHAIRPERSON WEPRIN: Okay,  
10 apologize.

11 LAVEEN NAIDU: I'm the Executive  
12 Director of the Dance Theater of Harlem. Good  
13 afternoon to the Chairman, Members of the Council,  
14 ladies and gentlemen. Not dissimilar to the  
15 Harlem School for the Arts, the Dance Theater of  
16 Harlem's been in that neighborhood for 43 years,  
17 we serve several thousand young people that come  
18 through our building, important to note that over  
19 65 percent actually study there on scholarship and  
20 tuition aid. We actually own a vacant lot on the  
21 corner of Amsterdam and 152nd Street, which falls  
22 in the zone. It is currently zoned R72--  
23 [background comment] Sorry, St. Nicholas, thank  
24 you very much. [laughs] Should know your lots.  
25 152nd Street and St. Nicholas, it's--

1  
2 CHAIRPERSON WEPRIN: Currently  
3 zoned R72.

4 LAVEEN NAIDU: R72, correct. We  
5 would like to preserve that zoning. And here's  
6 why. We understand, and all of the reasons around  
7 the West Harlem rezoning philosophy has been about  
8 preservation of the neighborhood, its culture, its  
9 architecture, to encourage non-displacement of  
10 individuals who currently live there and the like.  
11 The Dance Theater of Harlem, this is a 6,700  
12 square feet lot. Right? The math, why there's a  
13 theoretical idea that you could build a 50 and go  
14 up 20 stories, the practicality of doing that is  
15 next to, is negligible. It would not make sense  
16 for any developer to actually do that. By taking  
17 us from an R72 to an R6A, we lose over 20,000  
18 square feet of developable property.

19 CHAIRPERSON WEPRIN: Can you point,  
20 or R.J., can you point out where exactly you're  
21 talking about on that map, on the right side  
22 there? Like where specifically is this? [pause,  
23 background noise] Above the triangle. Okay,  
24 thank you, sorry about that.

25 LAVEEN NAIDU: Right.

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CHAIRPERSON WEPRIN: Us Queens  
guys, we know nothing - -

LAVEEN NAIDU: Yeah, that's  
perfectly fine. And so, while we are so very,  
very thankful, and we want to absolutely keep this  
conversation going, I think that our intent is  
completely aligned here. We will be able to  
develop a community use space as well as some  
commercial development, by reducing that even to a  
6A or even a R7A, the density issue becomes a  
challenge, right, because we can't really, the  
community space ratio actually becomes much less.  
We need to expand our free programming and there  
are many other nonprofits that could benefit from  
space in that area. And at the end of the day, it  
is about preserving an institution that can  
service community for another 43 years. That  
commercial development actually allows us to build  
a base from which we can serve tons more students  
and artists, you know, in the years to come. So,  
for those reasons, we respectfully ask that the  
R72 be maintained.

CHAIRPERSON WEPRIN: Okay, thank  
you. All right, if we could reset the clock for

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Mr. Tahada, so he doesn't only get a minute.

LUIS MANUEL TEJADA: Okay.

CHAIRPERSON WEPRIN: Okay.

LUIS MANUEL TEJADA: Good

afternoon, my name is Mr. Tejada I'm Executive  
Director of the Mirabal Sisters Community Center.  
It's a community that really we working,  
organizing the community, basically the Latino  
community in West Harlem, which one is the  
majority of Latino, but we welcome together with  
the brothers and sisters of black and Afro-  
American people in the neighborhood. And we are,  
my concern is that we see that most of our people  
have been displaced because the new developers,  
also Columbia University expansion plan. So, even  
we are, we were opposed to the expansion plan of  
Columbia, 197-c, and we were elected to be part of  
the West Harlem local development corp. We never  
accepted, we went twice to the election to be part  
of the corporation, but they never, the - - of  
issues, they never said that the Latino  
representation, community representation, and the,  
even that we are 90 percent of - - 97-a plan,  
because this is very important to preserve the

1  
2 shape of the community. But the most important in  
3 the preservation [time bell]

4 CHAIRPERSON WEPRIN: Keep going,  
5 they didn't reset it.

6 LUIS MANUEL TEJADA: --is the most  
7 important, the preservation is the people. And we  
8 have our concern about because our community have  
9 been displaced every day. We organize a model of  
10 50 tenant associations in the neighborhood, and  
11 from St. Nicholas place all the way to 126th,  
12 145th, 132, 149, 155th. Everywhere in the  
13 neighborhoods of - - we organize the tenants, 47  
14 already, and we know the need of the people. And  
15 we know that we have a lot of families that two or  
16 three families living together in the same  
17 apartment, - - that were no - - have the whole  
18 family, they have, they cannot find another place  
19 to live in the neighborhood. So, what is the  
20 proposal of this plan? To preserve the community  
21 in the ways that they have to report for the  
22 people. I don't say for the shape of the, for the  
23 buildings, I say for the people. And also what is  
24 the proposal to bring more affordable housing to  
25 other people, to the youth that they come from

1 college, that they don't know where to go but they  
2 want to stay in the neighborhood. This is what  
3 concern us, see, that this is very important for  
4 the children, for the - - here, the brothers and  
5 sisters here from the church. That people that  
6 live in this in this neighborhoods and make these  
7 part, this part of the City a historical place for  
8 the, for the City of New York, but not only  
9 because the construction, not because the houses,  
10 not because the street, it is the people that make  
11 the history of the City. So, because any, and a  
12 tsunami can come, you know, you put 70 people, you  
13 can come back to the place and say, "Hey, we are a  
14 community." And I don't see in that plan that  
15 part of the very important for the community. So,  
16 this is very important to preserve the 145th  
17 between - - between Amsterdam and Broadway, and to  
18 bring more affordable housing for our people, that  
19 we really need in the community.

20  
21 CHAIRPERSON WEPRIN: Great.

22 LUIS MANUEL TEJADA: Thank you very  
23 much.

24 CHAIRPERSON WEPRIN: Thank you very  
25 much. Councilman Jackson, you have any comments?

1  
2 Okay, thank you very much, gentlemen. I'm now  
3 going to call up another panel of people. How  
4 many I got, four here. Mercedes Narcisso  
5 [phonetic], sorry about my mispronunciation;  
6 Philip Von Buren; Patricia Jones; and Catherine  
7 Abatte [phonetic]. I think. Something Catherine  
8 Abatte. Okay. And then, I know we have three, I  
9 think we have three other people who will go in  
10 the next, right after. [background comment]  
11 Okay. We're putting it, we'll put you on two  
12 minute clocks, and I'll be reasonable, but if you  
13 can try to keep it as short as possible. Whenever  
14 you're ready, just--

15 PATRICIA JONES: We won't change  
16 the panel, but we're changing the order.

17 CHAIRPERSON WEPRIN: No problem.

18 PATRICIA JONES: I'm changing good  
19 morning to good afternoon, since I've been here  
20 since 9:15.

21 CHAIRPERSON WEPRIN: Well, I  
22 apologize and duly noted.

23 PATRICIA JONES: [laughs] My name  
24 is Patricia Jones and I along with fellow  
25 community board member Javier Carcamo [phonetic],

1 co-chair of the Land Uses and Zoning Committee, of  
2 [pause] the goals of the proposed West Harlem  
3 rezoning have largely been met. Specifically,  
4 reinforcing the character of West Harlem, and  
5 replacing the existing 50 year old zoning with new  
6 contextual zones, to activate the last remaining  
7 manufacturing zoning district, to support economic  
8 development and encouraged mixed uses; while at  
9 the same time, identifying discrete locations  
10 within the district for the development of  
11 affordable housing. While the development of new  
12 affordable housing is an important factor, we are  
13 equally, if not more concerned, about the  
14 retention of existing affordable housing. Over 60  
15 percent of the rental units in community district  
16 9 are rent regulated. The new contextual zone  
17 should not only protect the character of our  
18 community, but also work to protect the existing  
19 rent regulated housing stock and its residents.  
20 Community Board 9's conditional approval was  
21 passed by our board on June 21, 2012, by a vote of  
22 40 in favor, zero opposed, and three in absentia.  
23 Our recommendation includes the condition that the  
24 proposed R8A zoning district and inclusionary  
25

1 housing on West 145th Street between Broadway and  
2 Amsterdam, be replaced with an R7A zoning  
3 district. We have had many discussions and  
4 debates weighing density, weighing increased  
5 density, on this bloc. According to the  
6 environmental impact statement, we believe there  
7 are two very unlikely assumptions that drive it,  
8 and it relates to PS 186 and the existing deed  
9 restriction. [time bell] Under one scenario, the  
10 deed restriction as it exists remains and zero  
11 affordable units would be generated. Under the  
12 scenario where the deed restrictions is removed,  
13 21 affordable units would be generated, and that's  
14 out of the 41 on that stretch, so half of them  
15 would be generated by PS 186. Neither of those  
16 scenarios are realistic, and we know as of late  
17 last week that deed restriction has been modified,  
18 and agreed to by the Boys and Girls Club, HPD, and  
19 the Manhattan Borough President's Office. Our  
20 understanding, although we've not seen the  
21 document, the new deed restriction requires the  
22 development of at least 85 new housing units, as  
23 well as retention of the building. Retention and  
24 rehabbing of the building, we don't need to upzone  
25

1  
2 for that. With regard to the requirements that  
3 have, we understand have been put in place for  
4 development of housing, that's 85 housing units,  
5 70 percent are to be affordable.

6 CHAIRPERSON WEPRIN: Okay. I need  
7 you to wrap up, I'm sorry.

8 PATRICIA JONES: Okay.

9 CHAIRPERSON WEPRIN: It's just that  
10 and we'll have - -

11 PATRICIA JONES: I'm just saying  
12 that the new information we've been provided with,  
13 more housing units would be generated from that  
14 site than the projections for development site on  
15 that midblock. So, we think that that really  
16 makes no need for an upzoning a more compelling  
17 argument.

18 CHAIRPERSON WEPRIN: Okay, thank  
19 you very much. Who wants to go next and state  
20 their name.

21 CATHERINE ABATTE: Hello, I'm  
22 Catherine Abatte, and I'm also a Community Board 9  
23 member, and I'm a member of the Land Use and  
24 Zoning Committee. We have been consistently  
25 opposed to the R8A-IH zoning for midblock West

1  
2 145th Street and are convinced that the  
3 noncontextual rezoning is solely for the benefit  
4 of a developer of PS 186, the Boys and Girls Club.  
5 Although we have been assured by the Borough of  
6 Manhattan President's Land Use Office that the  
7 deed restriction amendment codifications on PS 186  
8 are complete, we have not seen them. And so, we  
9 obviously cannot endorse them. Without careful  
10 review of the deed restriction codifications, PS  
11 186 could be poised for demolition and a 12 story  
12 redevelopment. We remain adamantly opposed to  
13 this upzoning and we're counting on the Committee  
14 and especially on our esteemed Councilman Jackson,  
15 to hold their vote pending the deed restriction  
16 review, by all concerned parties, including CB9.  
17 Thank you.

18 CHAIRPERSON WEPRIN: [off mic]

19 Thank you. Sorry, my back is killing me.

20 MERCEDES NARCISSO: Good afternoon-  
21 -can you hear me?

22 FEMALE VOICE: Yeah.

23 MERCEDES NARCISSO: Okay, and thank  
24 you for this opportunity to testify today. My  
25 name is Mercedes Narcisso. I am an Urban Planning

1  
2 Consultant and a Professor of Pratt Institute  
3 Graduate Planning Programs. I'm here to oppose  
4 the Commissioner's vote on this rezoning and to  
5 support the Community Board's opposition of  
6 keeping the district 145th Street lower density  
7 alternative. As a planner, I have advocated for  
8 the creation and preservation of affordable  
9 housing and I was very pleased when the - -  
10 housing program became a City policy; however, in  
11 this particular district, the potential creation  
12 of very few affordable units could be at the  
13 expense of eliminating those three buildings under  
14 - - Section 8 project base, project base section  
15 8s, rather. And could put a displace the 215  
16 families already in that block. So, it's not in  
17 the nature of zoning to preserve affordable  
18 housing, but in this case the bonus or the  
19 increased FAR where there is the bonus for the  
20 inclusionary program, or just the increased FAR on  
21 the new district, it would be really make  
22 desirable for developers to move ahead and do the  
23 buyout of these buildings. And putting this 215  
24 families at risk of displacement in a time in  
25 which we're losing so many rent regulated and

1  
2 subsidized housing citywide. So please support  
3 the Board's lower density alternative. Thank you.

4 CHAIRPERSON WEPRIN: Thank you very  
5 much.

6 PHILLIP VAN BUREN: My name is  
7 Phillip Van Buren, and I'm representing the  
8 Concerned Citizens for the Contextual Rezoning of  
9 West Harlem. Concerned Citizens for the  
10 Contextual Rezoning of West Harlem opposes the  
11 present rezoning because of the upzoning of the  
12 midblock of 145th Street, between Broadway and  
13 Amsterdam, to R8A-IH. This upzoning is contrary  
14 to the community wishes, as expressed by the  
15 Community Board 9, which has requested R7A. The  
16 Concerned Citizens are concerned that this  
17 upzoning of the midblock will create incentives to  
18 destroy existing 7A Section 8 housing, while in  
19 the name of creating affordable housing that's  
20 keyed to area median incomes that are  
21 significantly higher than the actual local median  
22 incomes. And so will not serve local people in  
23 West Harlem or to preserve the character of the  
24 neighborhood for the people who live there now.  
25 It will create increased density, traffic, noise,

1  
2 air pollution, burdens on local transportation,  
3 all out of context with the surrounding  
4 neighborhood, and we believe that it represents a  
5 particular windfall and favoritism towards the  
6 developer of PS 186 site, jeopardizing a valuable  
7 architectural and historical resource for the  
8 community, and without a deed restriction that  
9 actually preserve those resources we certainly  
10 cannot support this rezoning. So, with those  
11 concerns, we want to second also the comments of  
12 many other people who've been here tonight.

13 CHAIRPERSON WEPRIN: Thank you very  
14 much. Councilman Jackson, do you have any  
15 comments or questions for this group?

16 COUNCIL MEMBER JACKSON: Sure.

17 CHAIRPERSON WEPRIN: Yes, you do.

18 COUNCIL MEMBER JACKSON: I was--my  
19 concern is about the 186th Street site, and  
20 obviously the deed restriction has been  
21 renegotiated and signed by the parties as of  
22 September 28, which calls for no less than 85  
23 units of housing at that particular site. So, I  
24 mean, that's a document that's been signed by the  
25 parties, and it talks about, you know, very low

1  
2 income, what does very low income mean. It talked  
3 about the AMI and has all of these breakdowns in  
4 these particular deed restriction. So, as far as-  
5 -regardless of whether it's 8A or 7A, the plan is  
6 to build within the current structure. That's  
7 what they said, that's what it is, that's what the  
8 deed restriction says, they cannot change any of  
9 the structure without approval from all of the  
10 parties involved. And they must start  
11 construction I think by December of 2013 and must  
12 complete it by a certain time, and that any  
13 failure to adhere to this is a default in this  
14 agreement. It clearly says all of that. So, as  
15 far as somebody has said either now or in the  
16 previous panel, that the RA8-IH was for one, the  
17 PS 186 Street site, even as of more than a year  
18 ago they talked about building within the current  
19 structure, and the current structure is currently,  
20 it would be fine with a 7A or an 8A. So, I don't  
21 understand what the concerns are about either by  
22 anyone that will have on the development of that  
23 site, knowing that they plan on building it within  
24 the current structure, and also at least 85 units  
25 of housing with different levels of income,

1 including low income and within talking about the  
2 AMI. So, just wanted to bring that to--FYI, for  
3 whatever attention, I think you should reach out.  
4 If you haven't received a copy from the Borough  
5 President, I would be touching base with Shirley  
6 Lewis who is the Chair of the Board of Boys and  
7 Club of Harlem. I don't see why this deed  
8 restriction agreement should not be made public.  
9 Because it deals with the whole situation. So, I  
10 just wanted to bring that out, forward. Okay?  
11 Thank you.

12  
13 CHAIRPERSON WEPRIN: Thank you,  
14 Council Member Jackson. Thank you, panel. You  
15 wanted to add something? Go ahead, quick, you  
16 may.

17 CATHERINE ABATTE: Very quickly,  
18 very quickly.

19 CHAIRPERSON WEPRIN: Your name  
20 again?

21 CATHERINE ABATTE: Catherine  
22 Abatte, Community Board 9. So, we are very  
23 excited about the prospect of the deed restriction  
24 codification, but again, we have not seen that, so  
25 we are not privy to the information that Council

1  
2 Member Jackson was just describing, nor has City  
3 Planning seen the document. So it just would not  
4 be prudent as businesspeople to go ahead and say  
5 we're for the overall rezoning.

6 CHAIRPERSON WEPRIN: Got it. Thank  
7 you very much. What I'd like to do now is call up  
8 the last panel. Dr. Vicky Gholson, Agis Ecos  
9 [phonetic], sorry about the pronunciation, and  
10 Brad Taylor. Is there anyone else here who wants  
11 to testify that I didn't call their name? Seeing  
12 none, good. I like when that happens. Didn't  
13 forget anybody. So, that panel, all three of you  
14 here still? One, yes. You must be Brad Taylor.

15 BRAD TAYLOR: How'd you know?

16 CHAIRPERSON WEPRIN: I don't know,  
17 guessed.

18 BRAD TAYLOR: [laughs]

19 CHAIRPERSON WEPRIN: Do we have a  
20 third person, or yes, Picos [phonetic], okay. Is  
21 it Agis?

22 AGIS PICOS: Yeah.

23 CHAIRPERSON WEPRIN: Picos?

24 AGIS PICOS: Agis, yes.

25 CHAIRPERSON WEPRIN: I was close,

1  
2 right. All right, Mr. Taylor, you want to start,  
3 you're welcome to.

4 BRAD TAYLOR: Yes, if I can.

5 CHAIRPERSON WEPRIN: Taylor.

6 BRAD TAYLOR: Yeah, my name is Brad  
7 Taylor, I'm a member of the Community Board,  
8 Community Board 9. I'm also an architect. Thank  
9 you, Mr. Chair, for this hearing--

10 CHAIRPERSON WEPRIN: My pleasure.

11 BRAD TAYLOR: It's been very  
12 professional run, and I really appreciate that.  
13 And I wanted to than our Council Member, also, for  
14 his pointed questions to the City Planning  
15 Commission. I'm here, really, about the 145th  
16 Street Rezoning. We heard the principals and the  
17 goals of this rezoning, and that is to protect the  
18 community. And it is about people, and I really  
19 thank the panels that spoke about people. And  
20 with that goal in mind, it seems a little cynical  
21 to say we're downzoning 95 percent of this  
22 district because we're going to protect people in  
23 their housing, we're going to make sure that they  
24 don't have these development pressures; and then  
25 turn around on 145th Street and say we're upzoning

1  
2 here, where there are 200 and some Section 8  
3 units, but by the way, don't worry, it's not going  
4 to have any effect, it's never going to go  
5 through. You know, I just think that's not a  
6 logical position to take, and so I urge the City  
7 Council and this Committee to stand with the  
8 community and take the logical position which is  
9 with the people of the community, the existing  
10 Section 8 housing folks that are in there, and do  
11 not put additional pressure on those units for  
12 development. Keep them the way they are, keep the  
13 R7A, which is what the community has asked for.  
14 Thank you.

15 CHAIRPERSON WEPRIN: Thank you,  
16 sir. Doctor.

17 VICKY GHOLSON: Dr. Vicky Gholson,  
18 I am a member of Community Board 9. I am the  
19 founder of Designed Environment for Experiential  
20 Learning, which is a not-for-profit, does work  
21 with many of the organizations within our district  
22 and this City. I am in agreement and must stand  
23 with the community board in terms of their  
24 concerns. But at this point, I'd like to talk  
25 about process. I have a real concern when it is

1  
2 stated, we're getting ready to rezone and all of a  
3 sudden all of the mom and pop stores are closed  
4 out, the owners of existing real estate begin to  
5 raise the rents and our small businesses are  
6 devastated. Basic services to community residents  
7 begin to disappear. And it makes no difference  
8 how long the period, whether it's 2005 with  
9 Columbia's initial impact announcement to our  
10 community for their expansion, or if it's 2007  
11 when we began what I thought was extremely  
12 constructive interaction between community and  
13 City Planning. But as we come here today, to  
14 speak to City Council, which is the last leg in  
15 this process, and as the community board being the  
16 initial entry for community voice to City  
17 government, I'm very concerned that we're just  
18 getting documents that have not been reviewed.  
19 I'm concerned that there's no area in the process  
20 where there can be an extension of time for  
21 concentrated and well thought out and negotiated  
22 vote by the City Council. I'd just like to state  
23 that on record. You only have, as City Council,  
24 15 days extension if a modification is put in  
25 place. I can state by what I heard today, a

1  
2 modification, if not a series of modifications,  
3 will be necessary, if there's to be a constructive  
4 negotiation on this rezoning of West Harlem. To  
5 the community, to the laypeople, the only option  
6 we have is if a vote is not taken [time bell] by  
7 City Council, City Planning's decision goes  
8 through. I ask us, since 1961, there are three  
9 basic things we have not been able to do. We have  
10 not been able to get the initiatives from HPD and  
11 from the City, State and federal government for  
12 initiatives to undergird the development of  
13 community based organizations. Be they civic, be  
14 they clergy, be they cultural or educational  
15 organizations. That we have not done. Number  
16 two, when we have this census that comes out, we  
17 will see that the area that we're talking about  
18 right here, will have a tremendous increase in  
19 senior population. We have not created and taken  
20 and demanded the time to future project what we  
21 will need for housing, for that residential  
22 population which is there. And number four, we  
23 have not offered the constituents and residents,  
24 especially long term, any public demonstration to  
25 offset the public distrust that has come about and

1  
2 is documented. I say to the City Council, there  
3 are certain public actions above and beyond the  
4 technical results of this document, above and  
5 beyond the bureaucratic relationships between City  
6 Council and City Planning, that must be done or we  
7 all, as leadership within this City, will be  
8 participating in the displacement of long term  
9 residents, we would be making a historic statement  
10 in terms of how we feel about certain ethnic  
11 populations in this City, and most of all we will  
12 have defeated our purpose of planning for the  
13 future of the young people that are coming behind  
14 us. We have an opportunity here and I think we  
15 can max it out. And I am absolutely appreciative  
16 of the work that was done by City Planning. And I  
17 feel no contradiction to state at this time we are  
18 not prepared to vote.

19 CHAIRPERSON WEPRIN: Thank you, Dr.  
20 Gholson. Mr. Ecos.

21 AGIS ECOS: Good afternoon, ladies  
22 and gentlemen.

23 CHAIRPERSON WEPRIN: State your  
24 name again, even though I said it.

25 AGIS ECOS: My name is Agis Ecos,

1  
2 I'm the owner of 620 West 138th Street, a two  
3 story, two family house between Broadway and  
4 Riverside Drive. I've owned the brownstone for 26  
5 years, so I've seen a little bit of Harlem  
6 history. My profession is electrical engineer  
7 working for the MTA, New York City Transit, at the  
8 Construction Management Department for 29 years.  
9 Our block is currently under R8 zoning and it is  
10 to be downzoned to R6A. Many owners from the  
11 block, including myself, oppose the downzoning of  
12 West 138th Street. First of all, we consider it  
13 unfair. It's like changing the rules in the  
14 middle of a game. Are we targeted because we are  
15 small owners? The downzoning of the block will  
16 reduce the value of our investment and at a time  
17 of falling property values and economic  
18 uncertainty. West 138th Street is not one of  
19 those movie like Harlem blocks. It is a mixed  
20 block with a number of bigger buildings in the  
21 middle of the block. None of the brownstones is  
22 of any architectural or landmark interest. Due to  
23 the proximity to the number one subway line, its  
24 zoning should be higher, not lower. The subway  
25 needs many passengers to operate efficiently, the

1  
2 more the better. And the passengers need the  
3 apartments close to the subway. The main economic  
4 drivers of West Harlem are City College and  
5 Columbia University. West 138th Street is a  
6 gateway to City College and the adjacent Riverbank  
7 Park. This calls for higher density, not lower  
8 density. Who would visit Riverbank Park if there  
9 are very few people around? Where would City  
10 College and Columbia University students and  
11 faculty live? The Columbia University expansion  
12 on 125 Street to 137 Street is a positive  
13 development in the area. It will clean up what  
14 used to be an abandoned, neglected and  
15 underutilized neighborhood, and will bring new  
16 people and new jobs to West Harlem. West 138th  
17 Street is only five blocks away from this major  
18 development. And I ask you, ladies and gentlemen,  
19 if you were developing 42nd Street, would you  
20 downzone 47th Street, which is five blocks away?  
21 I don't think so. One of the factors that  
22 contributed to the West Harlem renaissance over  
23 the last 15 years was the influx of small  
24 developers who invested their money to construct  
25 small to medium sized buildings, that in turn

1 brought new blood and money to the community.  
2 Under R6 or R7 zoning, many of these projects  
3 would not make financial sense since a new  
4 construction requires a minimum critical mass, in  
5 order to take place. Without new investment,  
6 Harlem will soon fall back to its miserable past.  
7 New York City's economic and business model for  
8 the last 150 years is one of a higher density  
9 city, not a lower density city. After all, it was  
10 New York's skyscrapers that propelled it to world  
11 capital status, not its two family houses. Harlem  
12 should follow the same route but of course with  
13 respect and sensitivity to its culture and  
14 heritage. I love Harlem, and I consider myself a  
15 true Harlemiter. I respectfully ask you to leave  
16 138th Street under the old and time tested R8  
17 zoning. The brownstones of 138th Street have  
18 survived for over a century and they will continue  
19 without R6A. Thank you very much.

20  
21 CHAIRPERSON WEPRIN: Thank you, Mr.  
22 Ecos. We thank you, thank you to this panel. I'd  
23 like to now turn to Council Member Jackson, who  
24 wants to make a statement and sum up some of the  
25 things we heard here today and where we go from

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here.

COUNCIL MEMBER JACKSON: Well, thank you, Mr. Chair. And let me say to you and all of the staff, I thank you for your cooperation and consideration during this process. And even though that many people arrived here before 9:30 in the morning, and it's now a little after 1:30, considering the fact that this zoning process has been in place for five years, it's appropriate to hear what everyone has to say on this particular matter. And let me just say, I do, as a representative, who represents the area, I do not live in the area, I represent the area. I live in Washington Heights. But I appreciate all of the time and energy that all of the parties have put into this particular matter. Including every member of the community that have come and given testimony at every hearing, that may have listened and didn't give testimony, community board, associations, all of the clergy, and the Borough President, and any other electeds that have partaked in this process, and all of the staff and members of the City Planning Commission. And obviously, I do appreciate that and I think that I

1  
2 have a pretty detailed handle on all of the  
3 aspects that have been raised here. I still need  
4 to do a little homework myself, and which I'm  
5 going to look into several other things. But I  
6 wanted to make sure that everyone has had the  
7 opportunity to come forward to give testimony in  
8 front of this particular Zoning Subcommittee of  
9 the Land Use Committee, so that they will say that  
10 they were heard by this particular Committee, and  
11 more specifically, me as a Member of the City  
12 Council, whose district that is in. So, I thank  
13 you, Mr. Chair, and all of the staff of the City  
14 Council, and all of this members of the public  
15 that are here, and the City Planning Commission  
16 staff, and that's my statement, I appreciate it.

17 CHAIRPERSON WEPRIN: Thank you,  
18 Council Member Jackson. I thank you all for  
19 coming today and for being so patient. Less you  
20 think that it is ever a waste of time, we do, do  
21 not only listen, but we do try to incorporate a  
22 lot of the suggestions we here today, wherever  
23 possible. Not everyone is going to be made happy,  
24 but Councilman Jackson in particular is one of the  
25 most thoughtful people who are on this panel. And

1  
2 we're serving this Council, and I guarantee you  
3 this will be discussed in detail. We are going to  
4 be adjourning this meeting in a second. I just  
5 want to remind those who are following that Land  
6 Use No. 708 which was Juicerie Café and this item,  
7 which is the West Harlem Rezoning and text  
8 amendment, that's Land Use 715 and 716, will be  
9 considered and voted on, we hope, on October 23rd,  
10 will be the next meeting of this Subcommittee.

11 So, with that in mind, the other items had passed  
12 earlier today. We are now going to adjourn this  
13 meeting and we will see you on October 23rd.

14 Thank you. I close this hearing and on October  
15 23rd it'll be considered. Thank you, bye-bye.

16 [gavel] Bye-bye.

17 [pause, background noise, blank  
18 until end]

C E R T I F I C A T E

I, JOHN DAVID TONG 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 [Vendor must insert scanned signature]

Date October 12, 2012