

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

SUBCOMMITTEE ON LANDMARKS,  
PUBLIC SITINGS, AND  
DISPOSITIONS

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September 20, 2022  
Start: 10:07 a.m.  
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HELD AT: 250 Broadway  
Committee Room, 16th Floor

B E F O R E: Farah N. Louis, Chairperson

COUNCIL MEMBERS:  
Carmen N. De La Rosa  
Oswald Feliz  
Christopher Marte  
Sandy Nurse  
Sandra Ung  
Pierina Ana Sanchez  
Nantasha Williams  
Charles Barron  
Erik Bottcher

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

Lyna Saad  
Senior Planner  
New York City Department of  
Housing, Preservation, and Development

Thompson Kao  
Project Manager  
New York City Department of  
Housing, Preservation, and Development

Sushma Pramod  
Senior Planner  
New York City Department of  
Housing, Preservation, and Development

Melissa Auton  
Deputy Director of Manhattan Planning  
New York City Department of  
Housing, Preservation, and Development

Rosa Kelly  
Director Land Use, Planning & Development  
New York City Department of  
Housing, Preservation, and Development

Jaye Fox  
Director of Development  
Bronx Pro Group

Crystal Ng  
Curtis + Ginsberg Architects

Arshad Bacchus  
Nehemiah HDFC

Dean Oliver  
Monadnock Development

Kate Lemos McHale  
Director of Research  
NYC Landmarks Preservation Commission

Sonia Guior  
Director of Community and  
Intergovernmental Affairs  
NYC Landmarks Preservation Commission

Benjamin Wallen  
Planning & Outreach Analyst  
NYC Landmarks Preservation Commission

Daniel Arnow  
Executive Director  
Actors Fund Housing Development Corp  
(Entertainment Community Fund)

Steven Charno  
President  
Douglaston Development

Alicia West  
Director of Public Design Outreach  
New York City Department of  
Environmental Protection

Jean-Daniel Nolan  
Co-Chair Hells Kitchen Land Use Committee  
Manhattan Community Board 4

Joe Restuccia  
Co-Chair Housing and Health Human  
Services Committee  
Manhattan Community Board 4

Paul Devlin  
Co-Chair Hell's Kitchen Land Use  
Committee  
Manhattan Community Board 4

Lori Klingler  
Executive Director  
Rosie's Theater Kids

Randi Berry  
Executive Director  
Indie Space

Randy Peralta  
Housing Specialist  
Entertainment Community Fund

Allisa Hafkin  
Director of Social Services  
Jazz Foundation of America

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITINGS, AND  
DISPOSITIONS

5

2 SERGEANT AT ARMS: Please confirm that it  
3 started.

4 COUNSEL: Webinar has been started.

5 SERGEANT AT ARMS: Thank you. Good morning and  
6 welcome to today's hybrid New York City Council  
7 hearing for the Subcommittee on Landmarks Public,  
8 Sitings, and Dispositions. At this time to minimize  
9 disruptions please place all electronic devices to  
10 vibrate a silent mode. If you'd like to submit  
11 testimony please send via email to

12 LaneUseTestimony@Council.NYC.gov again that is  
13 LaneUseTestimony@Council.NYC.gov. Thank you for  
14 cooperation. Chair Louis, we are ready to begin.

15 CHAIRPERSON LOUIS: Good morning. I am  
16 Councilmember Farah Louis, Chair of the Subcommittee  
17 on Landmarks, Public Sitings and Dispositions. I'm  
18 not joined today by any colleagues yet, so they're on  
19 their way.

20 Today we will hold a public hearing on a number  
21 of items, and we will also vote on one item. I will  
22 now recognize the Subcommittee Counsel to explain  
23 today's hearing procedures.

24 COUNSEL MARTINEZ RUBIO: Thank you Chair Louis.  
25 I am Angelina Martinez Rubio counsel to the

1 SUBCOMMITTEE ON LANDMARKS, PUBLIC SITINGS, AND  
DISPOSITIONS

6

2 Subcommittee. This meeting is being held in hybrid  
3 format. Members of the public who wish to testify  
4 may do so in person or via Zoom. Those wishing to  
5 testify by Zoom were asked to register for today's  
6 hearings. If you registered to testify and are not  
7 yet signed into Zoom please sign in now and remain  
8 sign in until after you have testified. If you wish  
9 to testify via Zoom and have not registered please go  
10 to [www.Council.nyc.gov/LandUse](http://www.Council.nyc.gov/LandUse) to sign up now. If  
11 you have written testimony that you would like the  
12 Subcommittee to consider in addition to or instead of  
13 appearing before the Subcommittee, or if you require  
14 an accessible version of a presentation given at  
15 today's meeting, please email

16 [LandUseTestimony@counsel.nyc.gov](mailto:LandUseTestimony@counsel.nyc.gov). Please indicate  
17 the LU number or project name in the subject line of  
18 the email. Lastly, there may be extended pauses if  
19 we encounter technical problems. We ask that you  
20 please be patient as we work through these issues.

21 Chairs Louis will now continue with today's agenda.

22 CHAIRPERSON LOUIS: Thank you. I now open the  
23 public hearing on LU 0092 and 0093 relating to the  
24 2017 Grand Concourse proposal in Councilmember  
25 Sanchez's district in the Bronx. This proposal is an

2 application submitted pursuant to section 197-c of  
3 the New York City Charter for the acquisition of  
4 property located at 2017 Grand Concourse, and the  
5 application submitted pursuant to the articles... to  
6 article 16 of the New York State General Municipal  
7 Law and Section 197-c of the New York City Charter  
8 for the designation of an Urban Development Action  
9 Area... an Urban Development Action Area Project, and  
10 the disposition of such property. Together these  
11 actions would facilitate a nine-story mixed use  
12 development containing approximately 33 affordable  
13 housing units. For anyone wishing to testify on this  
14 item remotely, if you have not already done so you  
15 must register online and you may do that now by  
16 visiting council's website at  
17 Council.NYC.gov/LandUse. At this time, I would now  
18 like to turn it over to Councilmember Sanchez.

19 She is not here yet. So when she...

20 COUNSEL MARTINEZ RUBIO: Yeah, she's on her way  
21 up. So...

22 CHAIRPERSON LOUIS: Okay...

23 COUNSEL MARTINEZ RUBIO: So we can we can start  
24 calling and swearing in the witnesses, and we can  
25 take her remarks. So you can continue...

2 CHAIRPERSON LOUIS: Right. So please call the  
3 first panel.

4 COUNSEL MARTINEZ RUBIO: So can we please have  
5 the panelists which include Lyna Saad (sorry if I  
6 mispronounce all your names) Samantha Magistro, and  
7 Jaye Fox. And on hand available for questions, we  
8 have Ted Weinstein -- I see you Ted online -- Rosa  
9 Kelly, Thompson Kao, and Crystal Ng. So panelists  
10 please take your seats. I know it's tight in here  
11 but I just need to swear you all. In I'll give you a  
12 few minutes to... to join the panel and when you guys  
13 are ready I'll swear you in

14 We will stand at ease for a few minutes while we  
15 resolve some logistics over here on our end. Give  
16 me... Give us just a second.

17 So we're ready to continue to swearing in the  
18 panel. But before we do that since Councilmember  
19 Sanchez is here, good morning, Councilmember. Are  
20 you ready to give some opening remarks?

21 COUNCILMEMBER SANCHEZ: No I'm not. I'm sorry.

22 COUNSEL MARTINEZ RUBIO: You would like to just  
23 wait for the question and answer. Okay. So we'll  
24 continue on swearing them in. So panelists, can you  
25 please raise your right hand and I know Mr.



2 Weinstein, you're online, and I need you to answer  
3 the question: Do you affirm to tell the truth the  
4 whole truth and nothing but the truth in your  
5 testimony before the Subcommittee and in your answer  
6 to all Councilmember questions.

7 ALL PANELISTS: Yes.

8 COUNSEL MARTINEZ RUBIO: Thank you. Give us a  
9 second while the Chair gives you the go ahead to  
10 begin.

11 CHAIRPERSON LOUIS: Sorry about that. Thank you.  
12 So for the viewing public if you need an accessible  
13 version of this presentation, please send an email  
14 request to LandUseTestimony@Council.NYC.gov.

15 And now the applicant team may begin. Panelists,  
16 as you begin, I'll just ask you to please restate  
17 your name and organization for the record.

18 You can start you can begin.

19 Is there anything that you need on the...?

20 MS. SAAD: Good morning Councilmembers and  
21 Subcommittee Chair. My name is Lyna Saad. I'm here  
22 with HPD. I'm joined by Jay Fox representing the  
23 development team. We're here... Should I wait for  
24 the presentation or...?  
25

2 Should we wait for the presentation to get  
3 loaded?

4 COUNSEL MARTINEZ RUBIO: We're trying to load  
5 your presentation now.

6 MS. SAAD: Okay. Sure.

7 COUNSEL MARTINEZ RUBIO: If you would like to  
8 wait, we're trying to load it.

9 MS. SAAD: Sure. We'll... we'll wait.

10 MS. FOX: It's probably a good idea.

11 COUNSEL MARTINEZ RUBIO: There we go. You can  
12 just say "next" whenever you need them to change the  
13 slide.

14 MS. SAAD: Okay, thank you. We're here to  
15 discuss 2017 Grand Concourse, which is currently in  
16 ULURP. We're seeking Council approval for the  
17 following land use actions. Next slide. Next slide.  
18 No. Previous slide. Slide number two. No. One  
19 slide before. Okay, great. Okay, we're great.

20 Okay, so we're seeking Council approval...  
21 approval for the following land use actions: (1)  
22 acquisition of property by the city, (2) disposition  
23 of city-owned land, (3) designation and approval of  
24 an Urban Development Action Area and Project. We're  
25

1 also seeking approval for an article 11 tax  
2 exemption.  
3

4       2017 Grand Concourse will be a 33-unit 100%  
5 affordable new construction project with a super's  
6 unit in the Mount Hope neighborhood of the Bronx,  
7 using HPDs Neighborhood Construction Program. NCP is  
8 a program that facilitates relatively small  
9 multifamily, affordable, mixed-income developments.  
10 The site is currently occupied by a vacant building  
11 and was designated to Bronx PRO through a third-party  
12 transfer program to rehabilitate the vacant building  
13 on the site. However, due to the existing site  
14 conditions, it was determined that the building would  
15 not be physically and financially feasible to  
16 preserve. Therefore, a new construction project was  
17 proposed. Next slide.

18       So... So currently, we're in the ULURP process.  
19 To date, both Bronx Community Board five and Borough  
20 President... President Gibson has recommended  
21 approval of this project, and the City Planning  
22 Commission voted to approve this application. Next  
23 slide.

24       Great, I'll turn it over to our development  
25 partners to take us through the rest of the project.

1  
2 MS. FOX: Good morning. My name is Jaye Fox.  
3 I'm with Bronx Pro Group. I'm joined by Crystal Ng  
4 of Curtis + Ginsberg Architects, the architects for  
5 the project, and you'll... and I apologize to the  
6 Councilmembers. I wasn't counting on the  
7 presentation being behind me so I'm inadvertently and  
8 unintentionally turning my back to you.

9 Bronx Pro Group is a mission-based, family-owned  
10 WBE. We're based in the Bronx specifically in the  
11 Morris Heights neighborhood of the Bronx, not very  
12 far at all from the subject property. We've been  
13 doing property management and development since 1988,  
14 development more recently, and we've got about 33,000  
15 units developed and under management. I will add  
16 that they're all affordable housing, largely through  
17 city-owned programs, primarily HPD. I'm joined by  
18 Curtis + Ginsberg. And we've done many one great  
19 projects with Curtis + Ginsberg, including two that  
20 are currently finishing the NCP program for which  
21 this is proposed. We love working with Curtis +  
22 Ginsberg because of their excellent design principles  
23 and their understanding of affordable housing  
24 principles and HPD, as well as their green expertise

1 and sustainability is extremely important to Bronx  
2 Pro Group. Next slide.

3  
4 Okay, so as you can see here, the... the site  
5 on... on the left, shows the site context, and it's  
6 hard to see, but it's... it's that white building on  
7 the corner, were Crystal sort of developed a massing.  
8 And then on the right hand side, that's the site  
9 shows the site context. The green shows the Grand  
10 Concourse Special Use District where this building is  
11 a part of, and it's worth noting that while we're not  
12 asking for any changes in bulk or use, that this is  
13 entirely as of right within the Special Concourse  
14 District.

15 As you'll see in the coming slides, we've tried  
16 to hew to the spirit of the design of the Grand  
17 Concourse Special District. However, there are  
18 actually no new design guidelines that come along  
19 with the Grand Concourse District. Next slide,  
20 please.

21 So on the left, you can see the site as it  
22 currently exists, although there's even more  
23 scaffolding there now than when this slide was taken.  
24 And on the right is what was proposed. On the left,  
25 you can see that it's... the building is in very,

1 very poor condition. In order to rehabilitate it,  
2 the maximum number of units we could have gotten was  
3 eight. And what we are proposing instead is 33,  
4 affordable studios. They're all one and two bedroom  
5 units plus a supers unit and they're 30% to 80% of  
6 AMI. The building will be nine stories. You can see  
7 that that brings it up to the same line as the  
8 adjacent buildings.  
9

10 And a few things to note, first of all, Bronx Pro  
11 Group is committed to family housing. And we are  
12 extremely aware and sensitive to the fact that this  
13 building was not a great opportunity for larger  
14 units. It is because of the extremely narrow  
15 footprint of the building. You know, we would love  
16 for all buildings to be able to house larger  
17 families. This building in order to get enough  
18 units... in order to really like maximize the use of  
19 the site, it wasn't deemed feasible, though we...  
20 Curtis + Ginsberg did try and get a couple of... some  
21 more two bedroom units in there.

22 I will also note that the adjacent building is a  
23 commercial building. And yes, indeed, their lot line  
24 windows will be boarded over. But it should also be  
25 understood that we've entered into an agreement with

1 the adjacent building owner. We have... There's been  
2 an easement that's been cleared, we have site access,  
3 there has been long discussions and written  
4 negotiations with them. And there are no residents  
5 that would suddenly become illegal and the building  
6 owner is well aware and very involved in the  
7 development process. And that's sort of... That was  
8 a concern that came up a lot in our-pre review. And  
9 so that should just be understood.  
10

11 Next slide.

12 Crystal, do you want to talk a little bit about  
13 the design?

14 MS. NG: Sure. Yeah. As Jaye mentioned. Hi,  
15 I'm Crystal Ng for Curtis + Ginsberg architects.  
16 Yeah, As Jaye mentioned, we really wanted to follow  
17 the Art Deco spirit of the Grand Concourse. So we  
18 did... our choice of materials is brick with also the  
19 tan brick that is pretty similar to the building next  
20 door, and pretty represented in Art Deco design, with  
21 some more decorative accents in the canopy, as well  
22 as lots of visibility on the ground floor lobby.  
23 There is also an amenity on the first floor which is  
24 the residents exercise room which will get plenty of  
25 daylight in there, and then the also accents would be

1 the horizontal brick striations. That's kind of  
2 typical of also the Art Deco design and some accents  
3 here that we've located at the windows which is this  
4 bronze copper color, that will also be followed up in  
5 the canopy and the decorative signage at the canopy.

6  
7 Next.

8 MS. FOX: So the building has a lot... we've...  
9 we've packed as many amenities in into this small  
10 footprint as we possibly can. The downside of solar  
11 panels not being feasible due to the building's small  
12 footprint is the upside of being able to put a roof  
13 deck on the building. We've got a small roof deck  
14 area that will have... that will be a greenish roof.  
15 There are... Also in the building there's... the  
16 lobby features an art wall. Bronx Pro Group likes to  
17 include art in in all of our buildings. There's  
18 laundry on site, bike storage, and an exercise room,  
19 as well as the required on site super who will be  
20 available 24/7. Next slide.

21 The cellar plan shows in beige where the laundry  
22 room is, and in blue, that's a bicycle storage room.  
23 This came up in some of the questions... you know why  
24 bicycle storage room, there's going to be seniors,  
25 that sort of bike storage is... is required by the



1 zoning resolution. And we have found that in our  
2 buildings with seniors, that seniors do actually use  
3 it, often to store extra shopping carts or extra  
4 mobility devices. And we have found that they've  
5 been well used. So I think that the seniors as well  
6 as the other non-senior households will... will enjoy  
7 that. You can see there's an elevator right it  
8 where that big X is it says over and then the laundry  
9 room is directly across from the elevator, they will  
10 have to go around the corridor to get to the to the  
11 bike storage room, but the laundry room is very  
12 intentionally placed immediately across from the  
13 elevator to maximize access. Next slide please.

14  
15 And then this is ground floor. You can see on  
16 the left hand side that the beige area is the lobby.  
17 The green areas is the exercise room, which will be  
18 for the use of tenants and... and furnished by as the  
19 course of the development. There will be no fees  
20 associated with use of the exercise room. Next  
21 slide.

22 That's typical floorplan. Did you have anything  
23 you wanted to add about the floorplan?

24 MS. NG: No.

25

1  
2 MS. FOX: No. I think... It's... it's a floor  
3 plan. This one you can see there's a one bedroom  
4 apartment in in the middle. Another one bedroom  
5 apartment, and then on the end there's a studio, and  
6 then this corner unit is a two bedroom apartment.  
7 And that's going to be typical going up all nine  
8 stories. Next slide please.

9 Okay, so here's the unit mix and the income  
10 limits. As Lyna mentioned, NCP is a mixed income  
11 program. However, we also include... We have a set  
12 aside of formerly homeless seniors, which will be  
13 under the AIRS... AIRS program. Also in response to  
14 concerns raised by the community board, we added an  
15 additional tier for 33 apartments that's 10% at 30%  
16 of AMI, and then we are serving a mix of incomes  
17 otherwise. And you can see there are nine Studios 17  
18 one-bedrooms, and 7 two bedrooms plus a supers unit.  
19 Next slide.

20 Okay, so we take very seriously local hiring  
21 plan. As I said, we are a Bronx-based organization.  
22 And we also do our own construction through an  
23 affiliate, Home Builders One. Creating local  
24 employment opportunities is a huge priority for us.  
25 So we've listed some of the measures we plan to take

1  
2 underneath. We will list all employment  
3 opportunities on our website along with an email  
4 address that folks can... can contact. We will also  
5 be providing... It says free local Law 196 training,  
6 just so for anybody who's not aware, that's the local  
7 law that requires all construction workers on a site  
8 to have OSHA training. I... It was a 30-hour  
9 training. I think the requirement may be a little  
10 bit more right now. But it's a minimum 30-hour  
11 training. They must be OSHA certified. Even a  
12 laborer has to be OSHA certified. So we liked that  
13 we're offering this on the site, because it would  
14 really enable people not just to work on our site,  
15 but if they wanted to seek out other construction  
16 opportunities as well it would be necessary for  
17 them... For anybody, even an unskilled laborer to  
18 participate in the construction industries in New  
19 York, so we're going to be providing that along with  
20 flagger and scaffolding classes to all community  
21 residents. We're going to be working with Building  
22 Skills, which is an industry-based nonprofit to place  
23 local hires. And we'll also be recruiting locally  
24 for the super importer through Sustainable South  
25 Bronx, an organization that we've partnered with

2 before, and also will be working with Here To Here a  
3 Youth Services Organization in the Bronx to provide  
4 summer internships to local youth in our property  
5 management offices, Bronx Pro Group currently has  
6 approximately 100 full time employees, and about 70%  
7 of us, me included, live in the Bronx. And we will  
8 of course, be working closely with Councilmember  
9 Sanchez's office and the local community board to  
10 promote further job and training employees. Next  
11 slide, please.

12 Okay.

13 CHAIRPERSON LOUIS: Thank you for the  
14 presentation. I'm going to now ask Councilmember  
15 Sanchez if she has any questions. And after that,  
16 if... if any of the members of the committee have any  
17 questions, they can go right after.

18 Councilmember Sanchez?

19 COUNCILMEMBER SANCHES: Okay. Thank you so much  
20 Chair. And good morning. Good morning to Bronx Pro.  
21 Good morning to HPD. So just by... by way of  
22 starting stuff... multitasking... just... just to  
23 start, I want to thank you for the ongoing  
24 conversations about this project over the last few  
25 months. Actually the... So that everyone knows the

2 day that I was first briefed on this was the day that  
3 there was a shooting... shoot out in front of my  
4 office. And so that cut our meeting short, but  
5 everyone was okay, we're here. Baby is here. It's a  
6 good situation now.

7 So I want to... I want to thank you for the  
8 ongoing conversations, I want to thank you for being  
9 responsive. Bronx Pro is a developer and... a  
10 developer and sort of owner in our community, as we  
11 said, that has been doing this work for a long time.  
12 You know, I get a lot of complaints. Housing is the  
13 number one issue that constituents come into our  
14 office for, I could not tell you that Bronx Pro  
15 tenants have ever come to us with... with concerns.  
16 So thank you for being a responsible and caring  
17 landlord for those that are there.

18 You know, one of the things that you... you tried  
19 to be responsive on, but we didn't get quite there is  
20 the affordability mix of the building. And so you  
21 know, when we when you came to us, I said, "Look, the  
22 affordability mix is not... is not reflective of  
23 the... the people in my community." Our AMIs in the  
24 community are very low. And to that Bronx Pro  
25 actually made the development of 33 units more

2 affordable, added three... a new AMI band of 30% of  
3 AMI, at three units, which is 10% of the development.  
4 And so that's... that's really where... where my  
5 question comes in. I had a lot of conversation with  
6 HPD. We had some back and forth. Thanks for  
7 answering my questions about what... what is what is  
8 the amount of subsidy that is going into a project  
9 like this, like this project? And why is it that we  
10 can't get to deeper levels of affordability so that  
11 we can have this conversation in public as well. And  
12 what I... what I got back from HPD was that there is  
13 about \$670,000 per unit being subsidized. That's the  
14 net present value of the whole... the lifetime of the  
15 of the units of the of the affordable housing there.  
16 And so why isn't an amount like seven \$670,000 per...  
17 per dwelling, enough to subsidize deeper levels of  
18 affordability at, you know, a greater band of 30% of  
19 AMI, or 35% of AMI, or 20% of AMI, which is more like  
20 what we make in district 14?

21 COUNSEL MARTINEZ RUBIO: I don't know if HPD  
22 wants to answer that. Or if you want the developer  
23 to...?

24 MR. KAO: Um, I think this is a question that HPD  
25 would probably need to do a little bit more research

2 on and we can get we can get back to you with... with  
3 an explanation for that.

4 COUNCILMEMBER SANCHES: Yeah, and you... Just to  
5 sort of foreshadow, that you will be hearing more of  
6 this from my colleagues. So yeah.

7 MS. FOX: I can offer just one suggestion as a  
8 developer, if that's alright. One of the challenges  
9 of a small building is, you know, there are certain  
10 building systems that you have to put in... in place  
11 like regardless of the number of units. You have to  
12 have a basement, which means excavate... I don't  
13 need to tell you, in the Bronx, that means rock, and  
14 that means a lot of money. I have to... we have to  
15 excavate that basement, whether we're building 30  
16 units or 150 units. I also... Because it's nine  
17 stories tall in order to maximize our print, we have  
18 to put up a hoist. We have a building that's going  
19 up on our 927... 925 Cortland Avenue. That's got 150  
20 units. Same hoist spread over 150 units as opposed  
21 to 30. We have one roof, we have one boiler, it's  
22 all... its... Many of those fixed costs on these  
23 smaller buildings are very, very challenging. So I  
24 think that you're right to look at the cost per unit,  
25 but it is... you're always going to see on these

2 smaller buildings these incredible... these, these  
3 costs are just very, very high. And it makes it very  
4 challenging to do these infill sites that are very...  
5 in a cost effective way that are so important to our  
6 communities. So that would just be sort of my  
7 perspective, as a developer, that it's... these...  
8 these fixed costs are very, very high.

9 COUNCILMEMBER SANCHES: Absolutely. And you  
10 know, one thing that I say a lot, and I will continue  
11 to say is that the public needs more transparency.  
12 We need to know more about what exactly... what are  
13 the costs of the of these excavations? What are the  
14 costs of these building systems? How... How is this  
15 all coming together to require this level of subsidy?  
16 Because it's not my money. It's not our money,  
17 right? It's New York City's money. And so we want  
18 to understand that better. Because this... it is a  
19 lot, with a 420-c and article 11. And we're not...  
20 we're not... you're not going after light tech right  
21 now, right? You're receiving more capital subsidy  
22 from HPD up front. So it's... it's a lot. So we  
23 just want to understand that.

24 This... This site is... this is an ongoing  
25 maintenance issue that we've been talking to you



2 about. This is actually two blocks away from my  
3 office. So before I was too pregnant to be on the  
4 subway, I would walk by and the lights would be off  
5 right in front of the building. And so I know we've  
6 been in touch about it. But it's been inconsistent,  
7 right? The lights will go off, and then we will  
8 contact you, and then you'll turn them on. And so  
9 this is a... this is a safety issue. So I want to  
10 just kind of make sure that you're even... even now  
11 as you approach, hopefully groundbreaking, and all of  
12 that: What is the plan to make sure that those  
13 lights stay on, and that we're keeping that block  
14 safe?

15 MS. FOX: So yeah, first of all, we... we agree  
16 that this is... it's a really critical issue. And  
17 we... as recently as over the weekend, your... you or  
18 your office, I'm not sure who let us know about it.  
19 We sent out the electrician.

20 COUNCILMEMBER SANCHEZ: My office.

21 MS. FOX: Yeah, well, I didn't... I don't... like  
22 you know, I don't want as I don't, I didn't take the  
23 calls, or I don't want to, you know, represent who  
24 called. But we had... So the last time this came  
25 up, we made sure that there were... we added two

2 additional solar panels, our challenge on the site is  
3 that we obviously don't have power there, you've seen  
4 the building, it would not be good if there were  
5 power there. That would be a bad situation. It  
6 would be potentially unsafe. So we don't have power  
7 there. So we added two more solar... solar panels.  
8 Unfortunately, because of weather and stuff last  
9 week, the solar panels drained. So now in addition  
10 to the three solar panels and starting it up, again,  
11 we're trying to negotiate with the next door property  
12 owner to sort of borrow some of their electricity so  
13 that we can keep it well lit. But we are  
14 definitely... We are with you. We are committed and  
15 we agree that like there is no real reason that that  
16 light should be off. But right now that's the  
17 permanent... That's... That's what we're taking as  
18 our as our next step.

19 COUNCILMEMBER SANCHEZ: Thank you. And my... my  
20 last question is: You talked about the ground floor.  
21 We've talked about the ground floor. You know, one  
22 of the things that I really want to see in any  
23 developments that are coming online, especially in  
24 district 14, because we are so dense, is that we're  
25 contributing to that feel on the ground, right?

2 That... the more active the spaces are on the ground  
3 floor, the... the safer it is, the more eyes on the  
4 street, and all of that. But you've shared that the  
5 floor print is not sufficient. So you said a little  
6 bit about it. But how did you end up with a bike...  
7 with the bike room on the... the ground floor?

8 MS. FOX: Well, the bike room... So Crystal...  
9 This really gets to zoning, and Crystal is really the  
10 best person to talk about this. But the bike room in  
11 the basement, is... is my understanding is a zoning  
12 requirement, but... but Crystal can... can you talk  
13 about the...?

14 MS. NG: Yeah, so the bike room is located in the  
15 cellar and not on the first floor. So you do need to  
16 take an elevator to access that. And it is a zoning  
17 requirement for one bike storage for every two  
18 apartments, and less for seniors. So there is  
19 accounted for that maybe seniors would use less...  
20 that amenity less.

21 COUNCILMEMBER SANCHEZ: Okay. Got it.

22 Thank you. Thank you so much Chair. Thank you  
23 all. You know, as I always say with these projects,  
24 these are the tools we have today that, you know,  
25 through government, we have to continue to refine to

2 make sure that we're getting... the public is getting  
3 what we need to be receiving from... from this...  
4 this level of subsidies. Bronx Pro is a great actor.  
5 I'm happy to have you in my district. And this is a  
6 good project. So I will be supporting this project  
7 today, and I hope my colleagues will join me in doing  
8 so.

9 CHAIRPERSON LOUIS: Thank you, Councilmember  
10 Sanchez. I now invite my colleagues to ask  
11 questions, if anyone had questions.

12 Perfect.

13 Since there's no more questions, the applicant  
14 panel is excused. Counsel, are there any members of  
15 the public who wish to testify on the 2017 Grand  
16 Concourse proposal?

17 COUNSEL MARTINEZ RUBIO: Chair, there are no...  
18 excuse me... no members of the public online to  
19 testify. So if anyone is here in the room that would  
20 like to testify on this item, please see one of the  
21 sergeants to fill out a slip, because I don't have  
22 anyone other than the applicant panel with slips. So  
23 if anyone is here to testify, please raise your hand.

24 Chair doesn't look like there's anyone else so we  
25 can close the hearing.

2 CHAIRPERSON LOUIS: All right, seeing none. No  
3 members of the public who wish to testify on LU 0092  
4 and 0093. Relating to the 2017 Grand course  
5 proposal, the public hearing is now closed and the  
6 items are laid over. We will now vote to approve LUs  
7 0092 and 0093 relating to the 2017 Grand Course  
8 proposal in Councilmember Sanchez's district in the  
9 Bronx. As we just heard, the proposal would  
10 facilitate the development of a new nine-story mixed  
11 use building with approximately 33 affordable housing  
12 units.

13 I now call for a vote to approve LUs 0092 and  
14 0093 relating to the 2017 Grand Course proposal.

15 Counsel please call the roll.

16 COUNSEL MARTINEZ RUBIO: Chair Louis?

17 CHAIRPERSON LOUIS: I vote aye.

18 COUNSEL MARTINEZ RUBIO: Councilmember Feliz?

19 COUNCILMEMBER FELIZ: Aye.

20 COUNSEL MARTINEZ RUBIO: Councilmember De La  
21 Rosa?

22 COUNCILMEMBER DE LA ROSA: Aye.

23 COUNSEL MARTINEZ RUBIO: Councilmember Marte?

24 COUNCILMEMBER MARTE: Aye.

25 COUNSEL MARTINEZ RUBIO: Councilmember Nurse?

2 COUNCILMEMBER NURSE: Aye.

3 COUNSEL MARTINEZ RUBIO: Councilmember Ung?

4 COUNCILMEMBER UNG: Aye.

5 COUNSEL MARTINEZ RUBIO: Um, by a vote of six in  
6 the affirmative, no negatives, no abstentions, the  
7 item is approved and will be referred to the full  
8 Land Use Committee

9 CHAIRPERSON LOUIS: I just quickly wanted to  
10 share we've been joined by a Councilmembers Feliz,  
11 Nurse, De La Rosa, Barron, Sanchez, Williams, Ung,  
12 and Marte. We will stand at ease.

13 COUNSEL MARTINEZ RUBIO: Just for you... for  
14 those of you who are here to testify on Gateway we're  
15 going to do that item next. So if you want to just  
16 start getting yourself settled in the podium.

17 [11 minutes of silence]

18 CHAIRPERSON LOUIS: All right. We're going to  
19 start. All right, we're back. I now open the public  
20 hearing on pre considered LUs related to ULURP  
21 numbers C 220405 HAK and C 220406 HUK, for the  
22 Gateway Site 26a and Phase 5 redevelopment proposal  
23 in Councilman Barron's district in Brooklyn. This  
24 proposal seeks UDAAP approval and an amendment to the  
25 Fresh Creek Urban Renewal Plan to facilitate a new

1  
2 eight-story mixed-use development with approximately  
3 191 affordable dwelling units, and approximately 3400  
4 square feet of community facility space. An  
5 amendment to the FCURP to further facilitate the  
6 development of... of nine 4-story buildings  
7 containing approximately 560 affordable dwelling  
8 units in the Spring Creek neighborhood of East New  
9 York. For anyone wishing to testify on this item  
10 remotely, if you have not already done so you must  
11 register online, and you can do that visiting  
12 Councils website at [Council.NYC.gov/LandUse](http://Council.NYC.gov/LandUse). I now  
13 call Councilmember Barron to provide remarks.

14 COUNCILMEMBER BARRON: Thank you very much Chair,  
15 I really appreciate you giving me this opportunity.  
16 You know, I have a big housing program over there in  
17 public housing, where NYCHA nature is contracting to  
18 \_\_\_\_\_ and not to us. But anyway, that's a whole  
19 other issue. That's not for this hearing, I just  
20 thought that I'd... I get so confused sometimes with  
21 so many hearings.

22 But on this particular project, I just want my  
23 Councilmembers to hold up till we come back and  
24 complete the rest of the negotiations around this  
25 project. But I must say it is favorable moving

2 forward. The affordability is real. And they have a  
3 history of doing real 100% affordability. That's a  
4 good piece. When we came back and said we need to  
5 lower the height of the buildings to four and break  
6 them up, they did that as well.

7 The problem... The challenge we have is around  
8 studios. Too many studios. And we have in our  
9 community, you know three people, four people, five  
10 people in the family. And then when you say, "Well,  
11 this is for the seniors." The seniors need more  
12 dignity than the studio. Seniors need to be able to  
13 say, "When we have visitors come in, they don't have  
14 to see our bedroom too." So if they're a senior  
15 don't think that soon as you hear "senior", they  
16 should have a studio. No, they should have a one  
17 bedroom apartment, so when they have guests come  
18 over, after all that they've done in life, that they  
19 should be able to say, hey, you know, this is my  
20 kitchen and living room area. And my bedroom area is  
21 not in their sight. So we do have to lower... For  
22 the dignity of our seniors, we have to lower the  
23 studio count, and I know many developers, they make  
24 more on more studios. They're smaller. They can put  
25 more in the development, and they make more, but it



2 ain't about anybody making more money. It's about  
3 the dignity of our seniors. So we really got to get  
4 that studio number correct. And Community Board 5  
5 was confused. They voted on a different part of the  
6 proposal. They thought it was one section of it, so  
7 they voted yes, and said that they'll wait before  
8 they vote on the other section dealing with studios  
9 and stuff like that. But they now understand that  
10 it's one proposal... one proposal. So their yes  
11 vote was for one part of the project. And they still  
12 have a lot of concerns that I'll be addressing with  
13 you when we do our further... further meetings.

14 But this is an excellent project. We just got to  
15 work out those kinks, which I don't think will be a  
16 problem, but I'll let you know how it goes. And  
17 thanks once again, Chair. I appreciate it.

18 CHAIRPERSON LOUIS: Thank you, Councilmember.  
19 Counsel, please call the first panel for this item.

20 COUNSEL MARTINEZ RUBIO: The panel for this item,  
21 and apologies if I mispronounce your name: Sushma  
22 Pramod and Arshad Bacchus from HPD. And we also have  
23 available for question and answer is Hala[sp?]  
24 Salda[sp?], Keira Goodridge, Eunice Tsau, Dean

2 Oliver, Lauren Spell, and Maryam Al-Shomali. Did I  
3 miss anyone? Or are you all here?

4 CHAIRPERSON LOUIS: Counsel, please administer  
5 the affirmation.

6 COUNSEL MARTINEZ RUBIO: Can you raise...  
7 Panelists, can you please raise your right hand and  
8 answer the following question: Do you affirm to tell  
9 the truth, the whole truth, and nothing but the truth  
10 and your testimony before the Subcommittee and in an  
11 answers to all the Councilmember questions.

12 ALL PANELISTS: Yes.

13 COUNSEL MARTINEZ RUBIO: Thank you.

14 CHAIRPERSON LOUIS: Thank you. For the viewing  
15 public, if you need an accessible version of this  
16 presentation, please send an email request to  
17 LandUseTestimony@Council.NYC.gov.

18 And now the applicant team may begin. Panelists,  
19 as you begin, I'll just ask you to please restate  
20 your name and organization for the record. Let us  
21 know when you're ready.

22 MS. PRAMOD: Thank you. Can you hear me? Hi,  
23 good morning, Chair Louis, Councilmembers, my name is  
24 Sushma Promod, and I'm the Lead Planner for the  
25 Gateway Site 26a and Phase 5 Project. I represent

1  
2 the Department of Housing Preservation and  
3 Development HPD. And I'm joined today by my  
4 colleague Hala[sp?] Salda[sp?], who's Deputy Director  
5 of Brooklyn Planning at HPD as well, and members of  
6 the development team, Arshad Bacchus from Nehemiah  
7 HDFC, who will also be presenting with me, and  
8 members from Monadnock Development and Bernheimer  
9 Architects. We are all very excited to be here today  
10 to present the Gateway set 56a and Phase 5 Project  
11 which is being proposed on Beacon City on land in the  
12 Spring Creek area of East New York. Next slide,  
13 please.

14 Just a really brief agenda today, I'll begin by  
15 introducing the ULURP actions, and then hand it over  
16 to the development team to speak a little bit about  
17 the background of the area, introduce the team, and  
18 then delve deeper into the development projects.  
19 Next slide please.

20 So the Gateway Site 26a and Phase 5 project was  
21 certified on April 25, 2022, and will facilitate the  
22 development of one new construction affordable senior  
23 housing building, on site 26a of the Fresh Creek  
24 Urban Renewal Area. And it will facilitate a  
25 building typology change in the Phase 5 region of the

1 Gateway Nehemiah Development. For site 26a, we are  
2 seeking approval for an Urban Development Action Area  
3 designation and project approval for the disposition  
4 of city owned land, and an amendment to the Fresh  
5 Creek Urban Renewal Plan. This amendment would allow  
6 the change of designated use of site 26a from public  
7 and semi-public uses to residential use. It would  
8 allow for the increase in overall units in the urban  
9 renewal area to account for the units being proposed  
10 at site 26a, and it will allow the project at 26a to  
11 be developed up to eight stories tall. For Phase 5,  
12 we are seeking an amendment to the Fresh Creek Urban  
13 Renewal Plan, as well as an amendment to the project  
14 summary of the Gateway Estates to UDAAP. The  
15 amendment to the Urban Renewal Plan will allow  
16 merging of certain urban renewal sites, and we will  
17 also assign maximum developable units for each of  
18 these sites. Next slide, please.

19 I'm going to hand this over to Arshad.

20 MR. BACCHUS: Okay. Thank you Sushma.

21 Councilmembers. Thank you for having us. I'm Arshad  
22 Bacchus with Nehemiah HDFC. We're one of the joint  
23 venture partners on this deal, along with Monadnock  
24 Developments. I'll give you a little background on  
25

2 the site. Nehemiah Spring Creek is part of a 40 acre  
3 redevelopment of what was formerly a landfill... a  
4 municipal landfill. So far, in totality, this site  
5 is going to produce over 2600 units -- I think it's  
6 2662 -- eventually. So far we've had tremendous  
7 commercial space. The Gateway mall is to the south  
8 end of Spring Creek. That's about over a million  
9 square foot of commercial space and was developed by  
10 related companies. There's a Shop Rite, Home Depot,  
11 Burlington, BestBuy, and several other stores there.

12 So far, we've built and produced roughly 600  
13 units. We have about 1000 more to go pending the  
14 approval of this ULURP application. Next slide  
15 please.

16 So as I mentioned, I'm with Nehemiah HDFC. And  
17 Nehemiah HDFC is the development arm of the East  
18 Brooklyn Congregation, also known as EBC. We are  
19 pleased to partner with Monadnock Development to  
20 develop site 26a and Phase 5 and other phases of  
21 Spring Creek. The development team further consists  
22 of Bernheimer Architect, serving as the architect for  
23 site 26a, and MHG Architect for Phase 5. We have  
24 several other consultants that are working on this  
25 deal, and you can see them listed here. For time's

1 sake I'll just keep moving to the other slide. Next  
2 slide please.

3  
4 Very briefly about Site 26a: The site is  
5 expected to produce about 189 units inclusive of one  
6 senior unit, so it's 189 affordable units with one...  
7 not senior, sorry... one super unit. So for a total  
8 of 189. This project will be financed using the HPD  
9 SARA Program, and will be 100% affordable. Next  
10 slide.

11 Just to orient us a little of where site 26a is  
12 located. Usually I'm presenting with two monitors  
13 and have my cheat sheet to the left, trying to go off  
14 of memory here. So, Site 26a is sort of in the  
15 middle, but maybe a little to the right of this  
16 rendering of this map. It's the yellow jagged lines.  
17 Directly to the western end of it is the Behrman  
18 Playground. That is city owned and managed and  
19 operated by the Parks Department. It is paved. It  
20 has active play for children. And it also has  
21 several comfort stations for residents to use. If we  
22 explore this maps sort of clockwise, directly west of  
23 the site where the gray shaded areas are, those are  
24 the previous homeownership phases of the Spring Creek  
25 development. If we go a little north we'll see

2 Jefferson Square... I'm sorry, Jefferson Field,  
3 that's a baseball field over there. And directly  
4 east, across the street from the site, is a mid-  
5 density development, developed by the \_\_\_\_\_  
6 Companies in partnership with the state.

7 Then we come down a little bit more there is the  
8 Brooklyn Development Center, and we also note here on  
9 this map that the site is served by several bus  
10 lines, the B13, B84, and Q8. All three of these bus  
11 lines terminate on Erskine Street, where we're  
12 located. But there are also several other buses that  
13 pass by here that go to Gateway Center. And,  
14 towards the north of the site, there are also a  
15 couple other bus lines there. And then you can see  
16 immediately to the south, there is the Gateway  
17 Shopping Center, again about a million square foot of  
18 commercial space there with ShopRite being on the  
19 easternmost end of the site and very close to Site  
20 26a. Next slide please.

21 So specifically about Site 26a, as I mentioned,  
22 this would be 189 units, all 100% affordable. The  
23 site will benefit from project-based Section 8  
24 vouchers, which means none... none of the tenants  
25 will pay more than 30% of their income in rent. I'm

2 going to say it in another way. All tenants will pay  
3 30% or less of their rent... of their income towards  
4 rent. In addition to having the residential units  
5 and the floors above, we also have social welfare  
6 space, such as a community room reserved for  
7 residents. We have a fitness room. We also have  
8 counseling offices for case management services and  
9 those offices will be occupied by Breaking Ground,  
10 who is providing services pursuant to an HRA contract  
11 for social services.

12 In addition, we have on-site security. There's a  
13 front desk. There's going to be security on site.  
14 In addition to that there's... there are cameras, and  
15 we also... the entire Spring... Spring Creek  
16 Development is patrolled by a third party security  
17 company.

18 3000 square foot of community facility space is a  
19 space that will be rented to a tenant. And then we  
20 also have... towards the back of the building we have  
21 roughly 4400 or 4500 square foot of landscape space  
22 this was all... will also be planned green space  
23 paved with planting beds etc. Some of our  
24 sustainability features include solar panels and a  
25 green roof. Next slide please.



1  
2           Thank you. To quickly run through sort of  
3 what... what we plan for the ground floor, we have  
4 both... The ground floor will house both residential  
5 units and non-residential uses. So towards this side  
6 of the site, the yellow boxes are residential units.  
7 On the ground floor also will be the counseling  
8 offices, a space for the case management services,  
9 fitness room, community facility use. And then  
10 towards the end of the U, where you see the big box  
11 white space, that's the community facility space.

12           Very important on this ground floor plan is also  
13 the landscaped green space that we see there, 4400.  
14 And immediately behind that 10 parking spaces. Thank  
15 you. Next slide.

16           That's it for my portion of the presentation.  
17 I'll turn it back over to Sushma to keep... to speak  
18 about Phase 5. Thank you.

19           MS. PRAMOD: Thank you. So Phase 5 really is the  
20 final phase of the Gateway Estates 2 Large Scale  
21 Development Project, and it's located to the  
22 northwest-most region of the Spring Creek Area. It's  
23 bound by Flatlands Avenue to the north and Gateway  
24 Drive to the west. And the area also contains space

2 for a future playground, as you can see on the map up  
3 here. Next slide please. Thank you.

4 So Phase 5 is part of this application, because  
5 we really want to facilitate a change in building  
6 typology. It was previously envisioned in 2019 that  
7 this region would have a number of four-story eight-  
8 unit buildings that we've been calling octets, to  
9 contain about 560 affordable housing units. This  
10 change now will allow for a change for... to build  
11 nine multifamily buildings, which will remain at four  
12 stories tall, and it will house the same 560 units.  
13 Each of the new buildings will have approximately 40  
14 or 80 units. So consolidating these buildings really  
15 does help us achieve higher building and construction  
16 efficiencies as well as added amenities like  
17 elevators and common spaces like community rooms,  
18 which we weren't able to get in the previous format.  
19 It would also allow for streamline buildings of  
20 systems like fire alarms and sprinkler systems. The  
21 units in this phase, like most other phases are...  
22 will be developed through HPDs extremely low and low  
23 income affordability program, also called ELAP. Next  
24 slide, please. Thank you.

2           So the amendment to the Urban Renewal Plan that  
3 we're seeking here will allow us to merge 4 urban  
4 renewal sites that you see on the left side to 2  
5 urban renewal sites that you see on the right side,  
6 in the pink and the blue sides. We will also assign  
7 developable units to each of these sites, but the  
8 overall unit count and the phase remains the same at  
9 560. We will also update minimum acreage to sites 6a  
10 and 7a, which only reflect recent surveys and such.  
11 Next slide, please.

12           So merging of these urban renewal sites, like I  
13 said before, will help us build these larger  
14 multifamily buildings, as you can see on this  
15 illustration up here. And I really just want to end  
16 by saying that... and as I've mentioned before, Phase  
17 5 is the final phase of this decade long, even more,  
18 effort in developing what was previously wetlands and  
19 landfill areas to create over 2500 units of  
20 affordable housing. It has created quality rental,  
21 homeownership, and senior housing opportunity in this  
22 area. So we really are excited to sort of tie this  
23 up soon. Thank you.

24

25

2 We're... that concludes our presentation and  
3 we're open to any questions. And you can go to next  
4 slide too.

5 CHAIRPERSON LOUIS: Thank you. Two quick  
6 questions: Have you found the operator for the  
7 proposed community space?

8 MR. OLIVER: Sure. Good afternoon. Good  
9 morning, everyone. Dean Oliver from Monadnock  
10 Development. Thank you for having us.

11 To answer your question. We reached out... or...  
12 when we met with the former Councilmember, members of  
13 the homeowners association expressed interest in  
14 being able to operate the space. We asked that they  
15 submit a proposal for the use of the space. And so  
16 in conjunction with the homeowners association from  
17 Spring Creek, the Nehemiah East Brooklyn Local  
18 Development Corporation also submitted a proposal  
19 with... along with Sisters With Purpose. We had a  
20 few preliminary questions for them, primarily around  
21 their financial capacity to be able to carry the  
22 space and provide adequate programming. We love the  
23 fact that they were looking for opportunities to do  
24 local hiring and training on site as well as  
25 programming for after school youth, as well as

2 working... programming for seniors as well. But we  
3 just wanted to get a little bit more information  
4 about the organizations and their capacity to be able  
5 to actually cover the rent for the space. So we're  
6 just waiting on them to respond to us with some more  
7 of that detail. We also want to make that  
8 opportunity open to other organizations that might be  
9 interested. And so it's an ongoing conversation, we  
10 do look forward to being able to really engage local  
11 organizations to be able to operate that space.

12 CHAIRPERSON LOUIS: How are you making it  
13 available to other operators?

14 MR. OLIVER: I think at some point in the near  
15 future we'll... you know, once... once we get through  
16 ULURP, we will probably, you know, issue... if not  
17 reach out to potential tenants. You know, we have  
18 been, you know, keeping an open line with you know,  
19 these local organizations. But you know, we'll  
20 probably reach out to a few other tenants that we  
21 think could potentially be good operators for the  
22 space. Once we've received a number of bids. We'll  
23 start to make an evaluation and make sure that we  
24 keep all the necessary stakeholders involved.

2 CHAIRPERSON LOUIS: Alright, thank you. Do any  
3 of our colleagues have any questions on this project?

4 Okay, if there are no further questions, the  
5 applicant panel is excused.

6 Counsel, are there any members of the public who  
7 wish to testify on Gateway Site 26a and Phase 5  
8 redevelopment proposal?

9 COUNSEL MARTINEZ RUBIO: Chair there are no  
10 members of the public waiting to testify online, and  
11 again, I'll make the same announcement: If any of  
12 you here in the hearing room are here to testify on  
13 this project just come to the front and fill out a  
14 slip because so far I don't have anyone. So it  
15 doesn't appear like it, Chair, so we can go ahead and  
16 close the hearing.

17 CHAIRPERSON LOUIS: All right. Being there are  
18 no other members of the public who wish to testify on  
19 the pre considered LUs related to ULURP application  
20 numbers, C 220405 AJK, and C 220406 HUK relating to  
21 Gateway sites 26a and Phase 5 redevelopment proposal  
22 the public hearing is now closed, and this item is  
23 laid over.

24 COUNSEL MARTINEZ RUBIO: Before we open the next  
25 hearing, if we could have the Landmarks LPC staff

2 just come to the podium because that's the next  
3 hearing we're going to do. So Kaye, if you can come  
4 up here and get settled while the Chair opens the  
5 hearing.

6 CHAIRPERSON LOUIS: To continue with today's  
7 meeting, I will now open the public hearing on LU 108  
8 relating to the Cambria Heights 222 Street Historic  
9 District designation, which includes approximately 46  
10 buildings in Councilmember Williams's district in  
11 Queens. For anyone wishing to testify on this item  
12 remotely, if you have not already done so you must  
13 register online and you may do that now by visiting  
14 Council's website at [Council.NYC.gov/LandUse](http://Council.NYC.gov/LandUse).  
15 Counsel, please call the first panel for this item.

16 COUNSEL MARTINEZ RUBIO: I believe the  
17 Councilmember would like to provide some remarks.  
18 Sorry, Tara, I think your... your remarks didn't have  
19 that...

20 COUNCILMEMBER WILLIAMS: Yeah.

21 COUNSEL MARTINEZ RUBIO: ...that opening.

22 CHAIRPERSON LOUIS: Councilmember Williams, you  
23 start.

24 COUNCILMEMBER WILLIAMS: Thank you so much Chair.  
25 I would like to commend the applicant team for their

2 consideration of the history of Cambria Heights and  
3 their engagement with the community throughout the  
4 public review process. I know it was a pretty  
5 lengthy process. I'm proud to support the  
6 designation of two blocks in my district as a  
7 historic landmark, and I hope more historic districts  
8 in eastern Queens will be designated in the coming  
9 years. These blocks were developed in the early  
10 1930s and are well preserved, architecturally  
11 distinctive, and within the Cambria Heights  
12 neighborhood. This will be the second landmarked  
13 area in my district. I'm very excited about that  
14 because there's not a lot of black and brown  
15 communities that can say that, and it will stand out  
16 with its whimsical and imaginative storybook style as  
17 examples of black and Caribbean home ownership. So  
18 thank you so much Chair and again to LPC.

19 CHAIRPERSON LOUIS: Thank you, Councilmember.  
20 Counsel, please call the first panel on this item.

21 COUNSEL MARTINEZ RUBIO: So the panel for this  
22 item is Caitlin McHale, and available for Q&A, we  
23 have Sonia Guior and Benjamin Wallen.

24 CHAIRPERSON LOUIS: Council, please administer  
25 the affirmation.



2 COUNSEL MARTINEZ RUBIO: Can you please raise  
3 your right hand? Do you affirm to tell the truth the  
4 whole truth and nothing but the truth in your  
5 testimony before the Subcommittee and in your answers  
6 to all Councilmember questions?

7 ALL PANELISTS: I do.

8 COUNSEL MARTINEZ RUBIO: Thank you.

9 CHAIRPERSON LOUIS: Thank you. For the viewing  
10 public, if you need an accessible version of this  
11 presentation, please send an email request to  
12 LandUseTestimony@Council.NYC.gov, director Lamas  
13 McHale's... excuse me if I butchered that... I'll  
14 just ask you to please restate your name and  
15 organization for the record. You may all begin.  
16 Thank you.

17 MS. MCHALE: Thank you, Chair Louis and  
18 Subcommittee members, and thank you, Councilmember  
19 Williams, also for your comments this morning. I'm  
20 Kate Lemus McHale, director of research at the  
21 Landmarks Preservation Commission. And I'm joined by  
22 Sonia Guior and Ben Wallen. And we thank you very  
23 much for the opportunity to present the Cambria  
24 Heights to 222nd Street and to 227th Street historic  
25 districts, both designated on June 28, 2022.

1           Could we have the next slide please? Thank you.

2           Both districts comprise remarkably cohesive and  
3 attached groups of storybook style rowhouses,  
4 incorporating Tudor style elements, built in 1931 in  
5 the Cambria Heights neighborhood of southeastern  
6 Queens. Next please.

7           The Cambria Heights 222nd Street district  
8 contains 46 Row Houses between 115th road 116th  
9 Avenue. It was developed by a company called  
10 Selective Homes and designed by The Queens  
11 architectural firm of Monda & Bertolazi. Next slide,  
12 please.

13           Five blocks away the Cambria Heights 222nd Street  
14 Historic District contains 50 houses between 116th  
15 Avenue and Linden Boulevard, and it was developed by  
16 The Queens firm of Wolosoff Brothers. Next, please.

17           These districts are architecturally distinctive,  
18 and they fit within LPCs equity framework as we seek  
19 to increase designations in communities not as well  
20 represented by Landmarksplatelet count . And to  
21 better tell the story of all New Yorkers. A  
22 predominantly African American and Afro Caribbean  
23 Community, Cambria Heights is within a large section  
24 of Eastern Queens with few Landmarks and historic  
25

1  
2 districts. These blocks were identified as part of a  
3 survey of Queens row house developments of the 1920s  
4 and 30s, many of which were designed in the Tudor  
5 Revival style to better understand what makes some  
6 development stand out as more meritorious  
7 architecturally. Due to the creative application of  
8 the storybook style and the intact historic character  
9 on both sides of the street, and it's very strong  
10 sense of place in both districts, they stood out in  
11 the survey and in the neighborhood.

12 In public testimony, LPC received support for  
13 designation from Councilmember Daneek Miller, the New  
14 York Landmarks Conservancy, the Four Borough  
15 Neighborhood Preservation Alliance, and individual  
16 property owners. We had support from four on 227th  
17 Street and three on 222nd. Two residents of the  
18 227th Street district opposed designation. And at  
19 the public hearing two people raised questions about  
20 designation and regulation. The next slide please.

21 In the course of designating these districts,  
22 staff did a great deal of outreach and had  
23 conversations with property owners to provide  
24 information about working with LPC and the benefits  
25 and responsibilities of historic district

1  
2 designation. This included virtual meetings prior to  
3 calendaring, and after designation when we... I mean,  
4 after the public hearing when we had questions, we  
5 held a meeting in a community garden outside the  
6 227th Street district. It was actually our first in-  
7 person meeting after the worst of the pandemic, and  
8 we had a really good turnout, and we were able to  
9 talk to people about our process. We did hear some  
10 opposition following that meeting, and we were able  
11 to talk with people. And really as the course of our  
12 outreach continued we... we felt we gained more  
13 support for this.

14 We also partnered with the Landmarks conservancy  
15 to offer a workshop about stained glass windows,  
16 which are a particular feature in this district to  
17 talk about repair strategies. Next slide, please.

18 So just quickly a historical overview. This  
19 neighborhood is on the border of Nassau County, and  
20 it remained mostly farmland well into the 20th  
21 century as you can see in the slide of just farmland.  
22 Until the 1890s, it was part of Jamaica, and it  
23 wasn't referred to as Cambria Heights until after  
24 1917, when the Cambria Title Savings and Trust

2 Company purchased a large area here. The next slide  
3 please.

4 As infrastructure investment shifted more towards  
5 highways and automobiles by the 1930s, Queens saw the  
6 development of parkways, part of Robert Moses's Long  
7 Island Parkway network, and despite the depression  
8 thousands of homes were under construction in  
9 Southeastern Queens by this time, which was noted "as  
10 an expression on the part of the people of New York  
11 City, that they still love trees and lawns and  
12 sunshine." Next slide please.

13 So as I said we studied Tudor Revival row house  
14 development in Queens. Tudor Revival we do see in a  
15 lot of row house design. It's in New York City as  
16 early as the 1910s. This is a historic district, the  
17 Chester court district, where we see that style. The  
18 storybook style we really understand as its own style  
19 that did incorporate some elements that you see in  
20 Tudor Revival, but really took on its own character.  
21 It originated in California in the 1920s. And it's  
22 really characterized by a very fanciful and whimsical  
23 application of historic features. A lot of different  
24 textures and colors are characteristic of that style.  
25 Next slide, please.

2           So both of these districts feature distinctive  
3 rows of expressive facades designed in the storybook  
4 style, and they have a stage set quality of a  
5 Hollywood backdrop or a fairy tale illustration.  
6 Architectural features, including the vertically  
7 stretched entrance vestibules with flared eaves. The  
8 half timbering, diamond paned windows, Tudor arched  
9 window openings, stucco fields with randomly laid  
10 brick and stone accents, and multicolored tile roofs  
11 are characteristic of the style. Next, please.

12           In planning both districts builders adopted a  
13 model first widely used in the 1920s in Jackson  
14 Heights queens. driveways behind the houses provide  
15 access to rear garages, which relegated the  
16 automobiles to the interior of the block and allowed  
17 for continuous landscape front lawns which really add  
18 to the character of both of these districts. Both  
19 were started development in 1931, were marketed as  
20 part of the Parkway Homes of St. Albans. Next  
21 slide, please.

22           Initially, residents of both these historic  
23 districts were white middle class families, black  
24 families began moving to Cambria Heights by the  
25 1950s, often overcoming opposition even overt

2 hostility from some white residents and real estate  
3 brokers. By the 1980s. They were joined by  
4 immigrant families from Caribbean countries including  
5 Jamaica, Haiti, Trinidad and Tobago, Guyana and  
6 Barbados. Today Cambria Heights remains one of  
7 several prosperous, predominantly black residential  
8 communities in southeastern queens. Next, please.

9       And very quickly, just to show some analysis,  
10 both of these districts are remarkably cohesive,  
11 built in the same year in 1931, in the same style,  
12 with very intact architecture on both sides of the  
13 street. Next, please.

14       And this is just an image on 222nd Street  
15 highlighting the chimneys here, no two of which are  
16 alike. And next slide please.

17       Showing 227th Street, also highly cohesive and  
18 intact. And here the uninterrupted front lawns are  
19 really quite striking and add to the character of  
20 that district. And next slide please.

21       To conclude, with their fanciful storybook style  
22 designs, these well-preserved historic districts are  
23 among the architectural highlights of the Cambria  
24 Heights neighborhood and Southeastern Queens. The  
25 blocks have important history and the property owners

2 have been excellent stewards of these historic  
3 buildings. So LPC is pleased to add both districts  
4 to the city's significant collection of designated  
5 places. And we hope City Council will uphold these  
6 designations. Thank you.

7 CHAIRPERSON LOUIS: Thank you, I now invite my  
8 colleagues to ask questions. Anybody have questions?

9 COUNCILMEMBER WILLIAMS: Yes. As I'm just joking  
10 with my colleagues about how it's so interesting to  
11 hear people talk about a neighborhood that you grew  
12 up in with such admiration. You know, I was born and  
13 raised, and this is the connected houses down the  
14 block. So it is really exciting. Anyway, my  
15 question: What are the consequences of not  
16 landmarking these two blocks?

17 MS. MCHALE: The consequences of not landmarking  
18 them? Well, I think we would really miss an  
19 opportunity to draw attention to the history and to  
20 protect the character of both of these blocks. And I  
21 think we're very excited to start here. You know,  
22 this... this kind of type and character of  
23 architecture. It... it is... it is important to New  
24 York City, but also these neighborhoods that have  
25 history that we haven't told that story yet of... in



2 particular, you know, communities less well  
3 represented by landmark designations, we do think  
4 that's very important. So we're, we're very glad to  
5 have designated these.

6 COUNCILMEMBER WILLIAMS: Okay, thank you. And I  
7 know we've spoken about this. And as you... or as I  
8 alluded to, I do have another landmarked or historic  
9 district in my district. And one of the things that  
10 I've heard is that it's really expensive, they have  
11 to work with the city to do anything with their  
12 homes, and so if you just talk a little bit about  
13 whether or not landmark status makes the upkeep of  
14 homes more expensive or complicated for homeowners?

15 MS. MCHALE: Sure, and I think that's a good  
16 question. And that's one of the reasons why we do so  
17 much community engagement and outreach so that we can  
18 help people understand the process of working with  
19 the Landmarks Commission.

20 A few things, I think: Designation doesn't  
21 compel people to make changes to their buildings,  
22 they bring their own proposals to us, and we work  
23 with them to make sure that it's appropriate to their  
24 historic building. We also don't require that people  
25 hire a specific architect or contractor. So that

2 really doesn't change. And a lot of work to... to  
3 work on a building is involved in the labor cost.  
4 And so a lot of, you know what it would take to say,  
5 do a facade restoration with the appropriate mortar,  
6 is that... that price really doesn't change working  
7 with us. And so... and we also are able to provide  
8 guidance to people that they are making changes that  
9 actually support the long-term life of their  
10 building, in a way. So... but they're... you know,  
11 it is another layer of regulation. There is a  
12 process that we that we go through. Our staff tries  
13 to be very public service... sort of service-oriented  
14 and help people really do what they want to do with  
15 their building. And then I would say that I think  
16 the commission has also approved replacement  
17 materials. That... You hear a lot of things about  
18 the sort of price of materials that are required in a  
19 historic restoration. And we do try to work with  
20 people to find products and materials that can fit  
21 with their budget.

22 COUNCILMEMBER WILLIAMS: Okay. Do you continue  
23 the engagement though? Like after this process? Or  
24 is it that they have to proactively reach out to you  
25 but because similar to when we were trying to get the

2 designation, there was proactive research. Do you  
3 continue like this proactive outreach to homeowners?

4 MS. MCHALE: We do. We try to, especially for  
5 new districts, and... and so we have... we have open  
6 office hours, where people can talk directly to LPC  
7 staff. And we also do what we call the LPC-101  
8 information sessions. And so if a community is  
9 interested, we're happy to do that. And we do try to  
10 do that with our sort of more recently designated  
11 districts.

12 COUNCILMEMBER WILLIAMS: Okay, thank you. And  
13 last but not least, very similar... well, this  
14 actually not my last question. I have one more after  
15 this, very brief. Does the landmark status similar  
16 to the previous question make it difficult to  
17 retrofit homes with new sustainable technology? So  
18 solar panels are insulated windows? Is there any  
19 impacts there?

20 MS. MCHALE: That's another really good question,  
21 and it's so important because we... preservation  
22 is... you know, preserving existing buildings is  
23 actually very sustainable practice. But we are also  
24 very supportive of renovations that lend to a more  
25 resilient city and more sustainable buildings. And

2 so we do approve solar panels, we do approve  
3 insulated windows. And there are ways often to  
4 insulate windows on the interior without impacting  
5 the exterior appearance of that. So that's something  
6 that our staff does work carefully with property  
7 owners to encourage.

8 COUNCILMEMBER WILLIAMS: Okay, and that was  
9 really my final question, which is a wonky thing.  
10 And I know we might have reached out to you all about  
11 it. But on 222nd Street, the property owners that  
12 live on 22nd Street, as I'm sure you're aware,  
13 they're dealing with an issue behind their properties  
14 in the shared driveway easement. And so could you  
15 talk about any support or how the landmark can help,  
16 or make it more difficult for them to address the  
17 issue, which is for the record, part of a shared  
18 driveway unfortunately ended up on the city's  
19 registry, it was sold, and now the owner who just  
20 literally bought the end of a shared driveway, can't  
21 do anything with it, and is essentially trying to  
22 extort the property owners and force them to pay him  
23 to buy it, or pay him to have access to their shared  
24 driveway. So they did say something to me when I met  
25 with him the other day, like, "Oh, we're being

1 Landmarks, is there something that they can do?" And  
2 so, on their behalf, I just wanted to also ask that  
3 question, as they are about to have this historic  
4 district, they are dealing with a very cumbersome  
5 issue behind their beautiful facade properties.  
6

7 MS. MCHALE: Yeah, that is a very strange and  
8 difficult situation. And thank you for bringing it  
9 up.

10 And I'll just address one part of it and then  
11 pass it on to Sonia, who has been dealing with this  
12 also. The designation includes the lots of the row  
13 houses. And those lots do include this shared  
14 driveway that is privately owned, so it's carried  
15 with the deed. So it's not a map street, it's not a  
16 city public street. It is their private property.  
17 And we understand that that has had some challenges.  
18 The site you're talking about is actually outside of  
19 the district. But we did speak with property owners  
20 a lot about the driveway. And because Historic  
21 District designation is really focused on the  
22 architectural character of the primary facades most,  
23 our regulation is looking at those primary facades  
24 that face 222nd Street, and then... so changes that  
25 may need to be done at the rear, there's, you know,

2 there's sort of rear garage entries and stuff back  
3 there, that... there's a lot more flexibility in  
4 terms of working with us. So I think what we can do  
5 is sort of help facilitate, maybe you know, what  
6 people need to do back there without being a sort of  
7 regulatory burden on them. But I'll let Sonia talk  
8 to the property.

9 MS. GUIOR: And so I do know that we have been in  
10 conversation with your staff about this. And so as  
11 Kate mentioned, you know, designation shouldn't  
12 hinder any of that work. But I... I'd be happy to  
13 talk further and meet later and see if there's any  
14 other agencies that we can speak to, or any other  
15 coordination we can do to try to help get this  
16 resolved.

17 COUNCILMEMBER WILLIAMS: Thank you so much. And  
18 thank you, Chair.

19 CHAIRPERSON LOUIS: Thank you. This application  
20 is now closed, if there are no further questions, but  
21 I'll hand it over to Counsel.

22 COUNSEL MARTINEZ RUBIO: Actually, Chair, we just  
23 need to do the public testimony first.

24 CHAIRPERSON LOUIS: Oh yeah. Sorry.  
25

2 COUNSEL MARTINEZ RUBIO: So we'll just skip to  
3 that part. So we're just going to ask the applicant  
4 to remain, because we actually have to do two  
5 separate hearings for 227 and 222. So maybe we'll  
6 just have you, for the second hearing, just refer  
7 back to your testimony you gave since you have them  
8 together. So... so we're just going to go ahead,  
9 call for any public testimony, which I believe  
10 there's no one -- I'm just confirming with staff --  
11 and then close this hearing, open the other one, and  
12 then just have you make some kind of a statement.

13 MS. MCHALE: Okay.

14 COUNSEL MARTINEZ RUBIO: So I'm assuming it's the  
15 three of you, the same who would be testifying.

16 Okay. Just making sure.

17 So Chair, there are no members of the public here  
18 to testify on 222. So on this Zoom... and again, if  
19 there's anyone here to testify for that item, just  
20 come up to the front.

21 Doesn't look like there's anybody. So now we can  
22 go ahead and close the hearing, Chair, for 222.

23 CHAIRPERSON LOUIS: All right, so the application  
24 for 222 is closed. I'm going to now open 227.

2 I will now open the public hearing on LU 109.  
3 Relating to the Cambria Heights 227th Street Historic  
4 District designation which includes approximately 50  
5 buildings also in Councilmember Williams district in  
6 Queens. For anyone wishing to testify on this item  
7 remotely, if you have not already done so you must  
8 register online, and you may do that now by visiting  
9 the Council's website, Council.NYC.gov/LandUse.  
10 Counsel please call the panel.

11 COUNSEL MARTINEZ RUBIO: So we have our LPC  
12 panel. So it's... Can you please state your names  
13 once again for me. I don't want to butcher your name  
14 twice. Can you please say your names.

15 MS. MCHALE: Sure. Kate Lemos McHale.

16 MS. GUIOR: Sonia Guior.

17 MR. WALLEN: Benjamin Wallen.

18 COUNSEL MARTINEZ RUBIO: And I'll just remind you  
19 that all three of you are still under oath. So,  
20 Chair, we can proceed.

21 CHAIRPERSON LOUIS: Thank you. Once again for  
22 the viewing public, if you need an accessible version  
23 of the presentation, please send an email request to  
24 LandUseTestimony@council.NYC.gov. I'll open it back  
25 to the panel. Do you have anything else to add?



2 MS. MCHALE: I believe that we covered everything  
3 in our previous testimony. Thank you.

4 CHAIRPERSON LOUIS: Thank you. Any questions  
5 from any of our colleagues who have disappeared?

6 COUNSEL MARTINEZ RUBIO: No.

7 CHAIRPERSON LOUIS: Okay. Thank you, Counsel.

8 Being no further questions, this applicant panel  
9 is excused. Counsel, are there any members online?

10 COUNSEL MARTINEZ RUBIO: Uh, no members online  
11 Chair. And again, if there's anyone here to testify  
12 on the historic district items, please come to the  
13 front. It doesn't look like there's anybody, Chair,  
14 so we can go ahead and close the hearing.

15 CHAIRPERSON LOUIS: All right, members of the  
16 public... oh... this was a wonky kind of day.

17 All right. Well, thank you all for testifying  
18 earlier. We appreciate you. Since there is no  
19 questions this witness panel is now excused.  
20 Counsel, please call... the next panel?

21 COUNSEL MARTINEZ RUBIO: Uh, we're closing the  
22 hearing.

23 CHAIRPERSON LOUIS: Oh, this is officially  
24 closed.

2           Alright, we're going to get to the next thing  
3 now. Thank you so much and we'll stand at ease.

4           COUNSEL MARTINEZ RUBIO: The meeting will stand  
5 at ease for a couple of minutes and we're going to do  
6 the DEP hearing next, so if the DEP site applicants  
7 wanted to come and settle in the front that will be  
8 good.

9           [1.5 minutes silence]

10          CHAIRPERSON LOUIS: We're back. I am... We will  
11 now open the public hearing for LU 00104, 00105,  
12 00106, and 00107. Relating to the 705 10th Avenue  
13 DEP site redevelopment proposal in Councilmember  
14 Bottcher's district in Manhattan. This proposal  
15 seeks a UDEP designation with the disposition  
16 approval, zoning special permits, and article 11  
17 property tax exemption to facilitate the development  
18 of a new eight story mixed use building with  
19 approximately 157 units of affordable housing, ground  
20 floor community facility, and a publicly accessible  
21 open space to be operated by the New York City  
22 Department of Parks and Recreation on a DEP site  
23 within the Clinton... Clinton/Hell's Kitchen  
24 neighborhood of Manhattan. For anyone wishing to  
25 testify on this item remotely, if you have not

2 already done so you must you must register online and  
3 you may do that now by visiting the Council's  
4 website, Council.NYC.gov/LandUse. Councilmember  
5 Bottcher, do you have remarks?

6 COUNCILMEMBER BOTTCHER: Yes, thank you so much.  
7 Thank you, Chair Louis, for this hearing and for  
8 giving me and our community the opportunity to speak  
9 on this application. The proposed mixed-use eight-  
10 story building would provide approximately 157  
11 permanently affordable units, a community arts and  
12 culture facility, a public comfort station,  
13 accessible from a DEP-owned, Parks-Department-  
14 operated public open space. So this has the  
15 potential to be a big, big win for the community.  
16 This project, like so many that we've been hearing  
17 over the last eight months, came from the de Blasio  
18 administration and my predecessor. But even further  
19 back from that, it really comes out of a 2009  
20 proposal to develop the Hudson... Hudson... the  
21 western rail yard site and Hudson Yards, and it was  
22 agreed in 2009 that this new building on the site  
23 would include permanently affordable units with an  
24 AMI mix of 165% and under, and that 50% of the units  
25 would contain two or more bedrooms. Which brings us

2 to today, when we as a Council have the opportunity  
3 to review this application and come up with something  
4 that works for the community. I look forward to  
5 hearing from the applicant today and the community,  
6 and working closely with all stakeholders with the  
7 administration with a community board for to come up  
8 with something that is right for our community and  
9 that helps the city thank you so much.

10 CHAIRPERSON LOUIS: Thank you, Councilmember  
11 Bottcher. Counsel, please call the first panel for  
12 this item.

13 COUNSEL MARTINEZ RUBIO: The applicant panel  
14 includes... and apologies if I mispronounce your  
15 names, you can correct me when you speak. Melissa  
16 Auton, Steven Charno, Daniel Arnow. Available for  
17 question and answer are Rosa Kelly, Alicia West, and  
18 Nick Mollineri.

19 CHAIRPERSON LOUIS: Counsel, please administer  
20 the affirmation.

21 COUNSEL MARTINEZ RUBIO: For Miss Kelly Rosa, I  
22 just remind you, you're still under oath and for the  
23 rest of you. If you can please raise your right hand  
24 and respond to the following question: Do you affirm  
25 to tell the truth, the whole truth and nothing but

2 the truth in your testimony before the Subcommittee  
3 and in your answer to all Councilmember questions.

4 ALL PANELISTS: Yes.

5 COUNSEL MARTINEZ RUBIO: Thank you.

6 CHAIRPERSON LOUIS: Thank you, counsel. For the  
7 viewing public, if you need an accessible version of  
8 this presentation please send an email request to  
9 LandUseTestimony@Council.NYC.gov. And now the  
10 applicant team may begin. Panelists, as you begin,  
11 I'll just ask you to please restate your name and  
12 organization for the record. You can start.

13 Great. Good morning Chair Louis. Good morning  
14 Councilmembers. I'm Melissa Auton, Deputy Director  
15 of Manhattan Planning at HPD. I'm joined here by a  
16 slew of my colleagues at HPD as well as from across  
17 the city. And I'm also joined by representatives of  
18 the development team who includes Douglaston  
19 Development and the Entertainment Community Fund.

20 I'm very pleased to present the Rialto West  
21 project, also known as 705 10th Avenue, and also  
22 known as the DEP site. This is an affordable housing  
23 project, which will result in the construction of one  
24 new affordable housing development with approximately  
25 157 units of permanently affordable housing, as well

2 as ground floor community facility space, and a DPR  
3 public comfort station which will serve the adjacent  
4 open space to be operated by the Department of Parks.  
5 As part of the ULURP application... Next slide  
6 please.

7 ...we have several land use actions including  
8 Urban Development Action Area designation, Urban  
9 Development Action Area project approval, the  
10 disposition of an easement for the purposes of light  
11 and air, as well as for the transfer of approximately  
12 39,590 square feet and development rights, a special  
13 permit pursuant to Cr 96-104 to modify height and  
14 setback regulations as well as rear yard  
15 requirements, a special permit pursuant to ZR 74-681  
16 to develop over an Amtrak rail cut and right of way.

17 So with that said, HPD is excited about this  
18 unique opportunity to develop over an open rail cut  
19 with affordable housing, and I should add that the  
20 city after several years of working closely together  
21 between DP, HPD, and Parks is really, really looking  
22 forward to delivering a much-anticipated open space  
23 to this community. So at this time, I'll turn it  
24 over Daniel Arnau to talk about the specifics of the  
25 project.

1  
2 MR. ARNOW: Great. Thank you, Melissa. Thank  
3 you, Chair. Thank you, Councilmembers. It's good to  
4 be with you in person today. My name is Daniel  
5 Arnow. I'm the Executive Director of the Actors Fund  
6 Housing Development Corporation which is a subsidiary  
7 of the newly named Entertainment Community Fund. We  
8 are a nonprofit development partner on the  
9 development team, and we've partnered with Douglaston  
10 Development and I'm pleased to be joined by Steven  
11 Charno, President at Douglaston Development.

12 The proposed Rialto West project will include  
13 approximately 158 units of permanently affordable  
14 housing for folks at a range of income levels.  
15 Actually next slide.

16 In terms of the unit mix, it's in accordance with  
17 the... the Western Railyards points of agreement.  
18 The unit mint mix includes 50% two and three bedroom  
19 units. And we see that 23% of those are studios, 27%  
20 one bedrooms 41% two bedrooms, and 9% three bedrooms.

21 Building amenities include an onsite laundry,  
22 fitness room, and bike... bike room. These are all  
23 located on the ground floor because the building does  
24 not have a cellar. This building is being built over  
25

2 the Amtrak rail cut, which makes the project  
3 particularly complicated on a number of fronts.

4 Adjacent to the site, as has been mentioned, the  
5 site will be approximately 25,000 square feet of  
6 publicly accessible open space that will remain in  
7 DPW ownership and also managed by parks to support  
8 this space in the ground floor of the building. We  
9 will include a public comfort station, restrooms,  
10 with storage space for maintenance staff.

11 And then finally on the ground floor of the  
12 building will also include approximately 6000 square  
13 feet of arts-related community facility space to  
14 contribute to the vibrant cultural community in  
15 Hell's Kitchen. Next slide please.

16 In response to the community's express concerns  
17 around loss of artists' studios, displacement of  
18 working artists, and the need for commercial space  
19 for arts and cultural organizations, we are thrilled  
20 to partner with IndieSpace as our community facility  
21 tenant. For those of you who are not familiar,  
22 IndieSpace serves the independent theater community  
23 by providing affordable creative space for a diverse  
24 group of performing artists. For this project  
25 IndieSpace will also partner with two subtenants,



1 Artists Co-Op and Waterwell Theater. Both of these  
2 organizations have operated in the district, and are  
3 in need of long term sustainable space, so we hope  
4 this will be a solution for them. Waterwell has also  
5 partnered and has been working with the professional  
6 Performing Art School, which is just a few... few  
7 blocks away from the site and they hope to continue  
8 that work in the community facility, and IndieSpace  
9 would program another rehearsal space with  
10 historically excluded artists in need of long-term  
11 space to develop their work.

12  
13 We're really thrilled to be partnering with  
14 IndieSpace. Hopefully you'll hear from Randy Berry  
15 later, who's at the helm of that organization. Next  
16 slide please.

17 In terms of the income mix, this project is  
18 financed with the HPD mix-and-match term sheet, which  
19 provides housing for again households at a wide range  
20 of incomes. As many of you know any project that  
21 receives city subsidy require set aside for formerly  
22 homeless through the Our Space Program. So that's  
23 the 15%. Then we have 25% of the units at 50% of  
24 AMI, 20% at 80, 30% of the units are at 120% of AMI,  
25 and then finally we added an additional an AMI band

1 at 130%. This was in response to what we had heard  
2 the need was both from the community board and also  
3 from the Councilmember. So we do have that  
4 additional 10% at 130% of AMI. Next slide please.  
5

6 In terms of the design, the proposed development  
7 will rise 77 feet and eight stories which again is in  
8 accordance with the Western Railyards point of  
9 agreement. The project is designed by S9 Architects,  
10 and we're happy to report that we've got gotten  
11 really good feedback on the design both pre-ULURP,  
12 when we were having our outreach stakeholder  
13 meetings, and also during the ULURP process. The  
14 building design pulls from the industrial character  
15 that you can see farther west in the district along  
16 the water. In the proposed building, you'll see that  
17 industrial character reflected in the brick materials  
18 and also the large loft like windows. We also have a  
19 mix of materials. There's a metal panel portion  
20 that's really intended to help break up the facade  
21 and keep it in context with the neighboring  
22 buildings. And as it relates to sustainability, the  
23 proposed development will meet the requirements of  
24 Enterprise Green Communities 2020, and the Energy  
25

2 Star multifamily new construction programs. Next  
3 slide.

4 That brings us to the end of the presentation.  
5 Again, we're really thrilled to be partnering with  
6 Douglaston on this project, working with IndieSpace  
7 on the community facility. And, as mentioned, this  
8 is a very complex project for a number of reasons,  
9 primarily building over that rail cut. It has  
10 required a ton of agent... city agency coordination.  
11 So it truly is a collaborative effort, I don't think  
12 we could be at this point otherwise. So we're really  
13 excited to continue our work with the city, the  
14 community, and all stakeholders to really deliver a  
15 long term community asset that can be... that's a  
16 benefit to the community. So thank you.

17 CHAIRPERSON LOUIS: Thank you. I have two quick  
18 questions, and I'll hand it over to Councilmember  
19 Bottcher.

20 MS. AUTON: Great.

21 CHAIRPERSON LOUIS: Can HPD explain how the  
22 targeted income levels for the project addressed the  
23 needs of residents at the neighborhood and... in the  
24 neighborhood and the city wide scale?  
25

2 MS. AUTON: Sure. So, you know, throughout this  
3 process, we have heard from the Community Board that,  
4 you know, they're... they're looking for more middle  
5 and moderate income units on this particular site.  
6 The mix-and-match term sheet is the closest term  
7 sheet we have to serving those requests. You know,  
8 the community asked that we do more, so we added that  
9 120% to 130% AMI tier early on. And as far as you  
10 know, citywide, we... you know, this term sheet does  
11 allow for a wide range. So you'll see that we have  
12 the formerly homeless set-aside. And then we also  
13 have the low income units as well.

14 CHAIRPERSON LOUIS: Thanks. And is DEP committed  
15 to maintaining the site status as public open space  
16 unless closure is absolutely necessary for the health  
17 or safety of the city's public water infrastructure?

18 MS. AUTON: I'm going to let my DEP colleagues  
19 address that.

20 MS. WEST: Hi, my name is Alicia West. I'm from  
21 the Department of Environmental Protection. Let me  
22 turn this on. How are you all today? Thank you for  
23 having us.

24 So DEP has been partnering with the Parks  
25 Department on this site and three other sites in

1  
2 Manhattan that are similar for many years at this  
3 point. And I think through all of the work that  
4 we've done, both interagency coordination, and our  
5 outreach to the community, we've really demonstrated  
6 a commitment to seeing this open space through. We  
7 actually have just completed two other sites similar  
8 to this one in lower Manhattan. One of them is in  
9 Councilmember Marte's district. It's called  
10 Repkingale[sp?] Plaza. Those are open, serving the  
11 public, and we continue to have our operators on site  
12 uninterrupted. And that's been working really  
13 successfully. So we are absolutely committed to  
14 seeing this open space site through. And I'm happy  
15 to answer any other questions you may have.

16 CHAIRPERSON LOUIS: One last question, and then  
17 I'm going to hand it over to Councilman Bottcher.  
18 What is the approximate maximum possible square  
19 footage of the structure DEP could build on this  
20 site?

21 MS. WEST: So let me take a little bit of a step  
22 back there. DEP has no plans or current need to  
23 build a structure on this site. We have a  
24 considerable amount of infrastructure below ground,  
25 which is why in working with the Parks Department to

1 design the open space, we really had to come up with  
2 a lot of creative solutions to ensure that we're  
3 meeting DEP's access needs, so that our operators can  
4 get to the infrastructure for routine maintenance and  
5 any emergency repair that might be necessary. So  
6 that is all baked into that open-space design  
7 already. And as I said, we have two other sites that  
8 are complete, and that's working well. Again, we  
9 have no plans to build anything here in the future.  
10 But DEP is tasked with delivering drinking water to 9  
11 million New Yorkers every day, and that is an ever-  
12 evolving task, really. You know, if you asked the  
13 city planners back in 1911, when they were building  
14 the Catskill aqueduct, if they thought they were  
15 going to have to build a UV plant, they never would  
16 have conceived of that. And so one of the things  
17 that we try to do as we're planning moving forward is  
18 to allow ourselves as much flexibility in the process  
19 as possible.  
20

21 And so again, as I've said, we have no plans to  
22 build here but we just can't paint ourselves into a  
23 corner where we wouldn't be able to respond to the  
24 needs to continue... continuing to deliver drinking  
25 water throughout the city to New York.

2 CHAIRPERSON LOUIS: Alright, thank you. I'm  
3 going to hand it over to Councilmember Bottcher now  
4 for questions.

5 COUNCILMEMBER BOTTCHER: Thank you so much.  
6 Could you pull up the AMI slide please. I am looking  
7 at HPD's website, and I suspect that the AMIs here  
8 haven't been updated with the latest numbers.

9 Looking at 50% -- I could be wrong -- 50%...  
10 With the AMIs in the income mix.

11 MS. AUTON: Slide five

12 COUNCILMEMBER BOTTCHER: Slide five.

13 COUNSEL MARTINEZ RUBIO: If the hosts of the Zoom  
14 could pull up slide five on the presentation please.

15 COUNCILMEMBER BOTTCHER: On HPDs website, the  
16 2022 New York City area AMI chart, 50% AMI for an  
17 individual is \$46,700. Here it's \$37,000. For an  
18 individual at 80%, it says \$74,720. Is this chart  
19 out of date?

20 MS. AUTON: We're showing the underwritten rents  
21 here, so the... the rents are going to be  
22 underwritten to 47% AMI, for example, for the 50%  
23 band, but I can, uh, get back and talk to my finance  
24 team, and get you kind of the explanation for that.

2 COUNCILMEMBER BOTTCHER: So the 50% AMI there is  
3 not going to match the area AMI, because it's  
4 underwritten? Just to help us understand...

5 MS. AUTON: Let me... let me talk to my finance  
6 team about a good explanation for this chart, and he  
7 can get back to you.

8 COUNCILMEMBER BOTTCHER: Okay. And the rents  
9 also are slightly lower in this chart than on the  
10 website. Yes?

11 MS. KELLY: I actually have an answer. That's  
12 exactly right.

13 Yes, and apologies for the confusion here. What  
14 you're seeing here is the underwritten range,  
15 which... which can actually be 3%, below 50% AMI. So  
16 what you're seeing is 47% to include that range of  
17 47% to 50% AMI, which is the range that we use for  
18 underwriting this. And so the number that you're  
19 referring to from the HPD website is exactly on the  
20 dot at 50%. And so these numbers are always subject  
21 to change, but include... you know, are meant to be  
22 much more representative of the realistic numbers  
23 from our five... that the team is using for their  
24 budget.

25 COUNCILMEMBER BOTTCHER: Okay. Thank you.



2 MS. KELLY: Absolutely. And well, we'll double  
3 check on this as well and make sure that we can  
4 confirm. But that's the general response.

5 COUNCILMEMBER BOTTCHEER: Thank you.

6 MS. KELLY: Absolutely.

7 COUNCILMEMBER BOTTCHEER: I just want to help  
8 translate this chart for members of the public  
9 because there's a lot going on here.

10 The income eligibility range for 20... So let's  
11 start at the beginning... For people at... in the  
12 formerly homeless category with an income of zero to  
13 \$37,000, the apartments... a studio would start at  
14 \$215 a month and the largest apartment would be \$512  
15 a month.

16 At 50% AMI which is \$37,000 roughly through  
17 \$82,000 income, a studio would be \$1,094 a month, and  
18 three bedroom would be \$1,598.

19 And then 80% AMI from \$61,000 to \$132, a studio  
20 would be \$1,700... \$1,795 and a three bedroom would  
21 be \$2,639. For 120% AMI -- that's an individual  
22 making \$77,554, or a family making \$198,600, a studio  
23 would be \$2,600... \$2,262, and a three bedroom would  
24 be \$3,332. And at 130% AMI, that's an individual  
25 making \$93,565 to a family making \$215... \$215,150,

1 studios would be \$2,729, and a three bedroom would be  
2 \$4,026. Is that accurate? Great.

3  
4 Could you talk about how, since the initial  
5 proposal for the project, the AMIs have changed?

6 MS. AUTON: Um, Sure. I mean, we... you know,  
7 this project is very expensive to develop. So it's  
8 had really tight underwriting. You know, since the  
9 initial proposal we have added that 120% to 130% AMI  
10 tier, but for the most part, it has remained the same  
11 over time.

12 COUNCILMEMBER BOTTCHER: In the initial proposal,  
13 the highest AMI was 80. And where you've landed now  
14 is 40% of the project is AMIs of 120%, and 130%, and  
15 50... and 60% of the project is 80% AMI and up.

16 I want to ask about the 2009 Western Rail Yards  
17 Agreement. In the 2009, Western Rail Yards  
18 Agreement, \$40 million of capital funding was  
19 promised for both this project and the Ninth Avenue  
20 lot known as The Lirio. Can you walk us through the  
21 status of that \$40 million? Has it, or will it be  
22 spent on these two projects?

23 MS. KELLY: So the short answer is yes. That...  
24 That money is inclusive of HPDs capital budget that  
25 we use for affordable housing in this district. And

1  
2 we're actually working on getting you some numbers  
3 for both The Lirio and the DP project to show just  
4 how our budget is being used to subsidize both of  
5 these projects, and also all affordable housing in  
6 this district, and indeed across the city. But... So  
7 we're going to be getting some more detailed answers  
8 for you very, very shortly. But I think the big  
9 message I want folks to take away here is that, yes,  
10 that money is inclusive of this project.

11 COUNCILMEMBER BOTTCHEER: Thank you. The DEP  
12 green space. This has been a vacant DEP... I say  
13 it's a vacant DEP-owned space, but it is used for...  
14 you know, there's infrastructure underneath.  
15 Incidentally, my first apartment in New York was  
16 on... was across the street. I was renting someone's  
17 futon in his living room for like \$425 a month off  
18 Craigslist. I remember looking out over that site,  
19 and back then that west side of 10th Avenue was like  
20 pitch black. There was really not much over there.  
21 Now there's a... there are many buildings beyond  
22 there, but that lot is still there. It's just  
23 under...unutilized, a chain link fence lot and the  
24 community is very happy that that's going to be

2 finally turned into green space with this affordable  
3 housing built over the rail cut.

4       However, there is all this language in this land  
5 use action that says that DEP could take this site  
6 back, they could build something there. The  
7 community and I are not happy with the current  
8 language, because while we understand that this is  
9 critical infrastructure, and that DEP wants to, into  
10 the future retain flexibility and how they're able to  
11 access it, there's not a lot of trust about keeping  
12 this as a green space for the community in the  
13 future, and how do we know that some future  
14 administration won't build some DEP office building  
15 there? You know, all... it's... it's, you know, I've  
16 heard it happen so many times when, you know, right  
17 now it's the it's the underground infrastructure  
18 that's critical to the city's drinking water, but  
19 maybe in the future, DEP office space is... is  
20 critical to New York City's drinking water, or DEP  
21 some other kinds of infrastructure and that park  
22 needs to be clawed back. We want to strengthen that  
23 language. Can you right now speak to ways that you  
24 think that language could be strengthened?

1  
2 MS. KELLY: Sure. So again, I want to... I want  
3 to take another little... little step back. I think  
4 you acknowledge that the initial open space  
5 commitment for this site was a provision of the 2009  
6 Western Railyards rezoning process. The final design  
7 for the open space on this site actually greatly  
8 exceeds what was committed to at that time. It  
9 encompasses the full block and creates 25,000 square  
10 feet of new passive recreational space for this  
11 community. So that's inclusive of the full block  
12 running from 48 to 49th street. The original  
13 commitment was not the full block. So we have gone,  
14 I think, above and beyond in this instance, and in  
15 working with the community, and your predecessors  
16 office, and you. At the time, you know, we really  
17 made a lot of progress on what we were able to make  
18 available to the public. And I outlined a little bit  
19 for the Chair, all of the public processes that we  
20 went through in working with the parks department and  
21 the community, I should add that you know, DEP has...  
22 is funding the open space project with \$1.3 million.  
23 We have an... a Memorandum Of Understanding with the  
24 parks department that outlines the responsibilities  
25 for the design, the construction, and the maintenance

2 and operations for the site, and the other three that  
3 we're also pursuing, two of which, again, are  
4 complete... and we're really proud of. We've also  
5 conducted public engagement. We did public input  
6 meetings jointly. We went to the community board, on  
7 a couple of occasions. Community Board 4 approved  
8 this design in January 2020. And we worked really  
9 closely to come up with an elegant solution that  
10 really safeguards DEP's offer.

11 COUNCILMEMBER BOTTCHEER: Sorry to interrupt. Can  
12 you take down the slide, so the public can see the  
13 video? There...

14 MS. KELLY. Oh, gotcha. Good call.

15 COUNCILMEMBER BOTTCHEER: Thanks.

16 MS. KELLY. No worries.

17 So we really worked to come up with a design that  
18 meets DEPs operational needs, so that we can  
19 ensure... because keep in mind, this is... this is  
20 water distribution for the city, which is critically  
21 important, not just for our drinking water, but also  
22 fire protection. This is feeding fire hydrants  
23 throughout the city. And we need to make sure that  
24 we can always be prioritizing... as the Department of  
25 Environmental Protection, always be prioritizing

2 those services for... for New Yorkers. But that  
3 said, we also really value open space and understand  
4 it to be a critical part of community building in New  
5 York City. And that's why we've worked so hard. And  
6 you know, really in lockstep with the parks  
7 department, and also with our partners at HPD to  
8 realize everything... all of... sort of the  
9 priorities on this site. As others have alluded to,  
10 this is a really complicated project for a number of  
11 reasons. But in working together, we've really been  
12 able to balance what I... what I see as sort of the  
13 building blocks of community, right? Affordable  
14 housing, open space, and water.

15 COUNCILMEMBER BOTTCHEER: Thank you. We're going  
16 to want to work with you a bit on that language and  
17 tighten it up.

18 MS. KELLY: We're happy to work with you.

19 COUNCILMEMBER BOTTCHEER: Thank you. The timing  
20 for the green space has been pretty disappointing in  
21 terms of like, how many years out it is. This green  
22 space can't be built until the building is completely  
23 finished, is that right?

24 MS. AUTON: So we hear you, and... you know, you  
25 notice that there's a new UDAAP for this project that

2 encompasses not only the affordable housing site, but  
3 also the open space site.

4 So...

5 COUNCILMEMBER BOTTCHEER: Could you spell out  
6 UDAAP for the public?

7 MS. AUTON: It's Urban Development Action Area  
8 Project. And, you know, one of the reasons that you  
9 see us coming forward with a new UDAAP that does  
10 incorporate that space is, as we were coordinating  
11 between DEP, Parks, and HPD, and we started  
12 talking... and the development team... we started  
13 talking about construction staging for the affordable  
14 housing project, we did realize that, you know, a  
15 portion of the site would have to be... of the open  
16 space site would have to be used to build the  
17 affordable housing development. And we determined  
18 that the most expeditious way to, you know, build  
19 both affordable housing project and the open space  
20 would be for the development team to build out that  
21 open space if possible. So that UDAAP allows us to  
22 facilitate that construction, in order for us to do  
23 concurrent development, if and where possible of both  
24 the affordable housing project and the open space  
25 project.



2 Steven, is there anything you'd like to add on  
3 the construction side?

4 MR. CHARNO: No, it's doable. I mean. To  
5 Melissa's point, I mean, it's it is doable. We'll  
6 have to have some... for logistics and site safety  
7 and code requirements use a portion of the park site  
8 for staging. But there's no reason why we can't work  
9 on the two concurrently. And I think that because  
10 we'll be able to control our destiny with regards to  
11 both, we can coordinate and... and be transparent  
12 with... with you in terms of how we move both of  
13 those things forward as as quickly as possible.

14 COUNCILMEMBER BOTTCHER: Thank you very much.  
15 The building should take how long to construct?

16 MR. CHARNO: Uh, 30 months approximately.

17 COUNCILMEMBER BOTTCHER: And the park could be  
18 worked on concurrently?

19 MR. CHARNO: Correct.

20 COUNCILMEMBER BOTTCHER: Okay. That's great  
21 news. I want to hear from the from the public today.  
22 It's very important for us to hear from the  
23 community, and I'm looking forward to working with  
24 you more on this project in the weeks ahead. Thank  
25 you.

2 CHAIRPERSON LOUIS: Is that all your questions?

3 COUNCILMEMBER BOTTCHER: Yes.

4 CHAIRPERSON LOUIS: All right. All right. If  
5 there are no questions for the applicant panel, you  
6 are now excused. Counsel, are there any members of  
7 the public who wish to testify on this 705 10th  
8 Avenue DEP site proposal?

9 COUNSEL MARTINEZ RUBIO: Yes, Chair, we have  
10 approximately seven members of the public who wish to  
11 testify on this item. And we're going to call them  
12 in panels. And I'm going to make the announcements  
13 for those people that are testifying. For members of  
14 the public here to testify, please note that  
15 witnesses will generally be called in panels of for.  
16 If you're a member of the public signed up to testify  
17 on the proposal, please stand by when you hear your  
18 name being called, and be prepared to speak when the  
19 Chair or I say that you may begin. Please also note  
20 that once all panelists and your group have completed  
21 their testimony, if remotely -- which at this point  
22 all of you are -- you will be removed from the  
23 meeting as a group and the next group of speakers  
24 will be introduced. Once removed, participants may  
25 continue to view the livestream broadcast of this

2 hearing on the Council website. We will now hear  
3 from the first panel and I'm going to gather the  
4 names while the Chair makes the following  
5 announcement.

6 CHAIRPERSON LOUIS: Members of the public will be  
7 given two minutes to speak. Please do not begin  
8 until the Sergeant at Arms has started the clock.

9 COUNSEL MARTINEZ RUBIO: So the first panel will  
10 be -- and again, apologies if I mispronounce your  
11 name -- Jean-Daniel Nolan, Joe Restuccia, and Paul  
12 Devlin. So Jean-Daniel Nolan, you will be the first  
13 speaker on this panel.

14 CHAIRPERSON LOUIS: You may now begin.

15 SERGEANT AT ARMS: Starting time.

16 Now I can be heard. Chair Louis, can you hear  
17 me?

18 CHAIRPERSON LOUIS: Yes, we can hear you. If  
19 you... If you can adjust your sound a little bit.

20 MR. NOLAN: Good morning Chair Louis and  
21 Councilmembers. My name is Jean-Daniel Nolan. I'm  
22 Co-Chair of the Hells Kitchen Land Use Committee on  
23 Manhattan Community Board 4. Now, I live on 28th  
24 Street close to 10th Avenue and the DEP site, and  
25 I've been involved in trying to get that site made

2 into affordable housing and open space, both as Board  
3 President and former Chair of Community Boards for  
4 over 25 years. I recall the deliberations, as  
5 Councilmember Bottcher reminds us, of the 2009  
6 Western Railyards point of agreement. We made a deal  
7 that it was going to 100% moderate income. That was  
8 in exchange for lots and lots of low income housing,  
9 which we desperately wanted also. We struck a deal.  
10 And now, almost a decade later, we are close to a  
11 deal, and with your help we can make a deal honoring  
12 that agreement. I have to say one thing about the  
13 sense of the points of agreement. Board 4 has found,  
14 fought for, and supported the creation of over 3000  
15 affordable housing units, either completed or under  
16 construction for public review. And I believe that  
17 60% of those units are under 60% AMI. So this is not  
18 a debate about creating affordable housing. We're  
19 committed to that.

20 This is about three things: One, we've got to  
21 fulfill the board's mandate under the city charter to  
22 preserve the economic diversity of the district.  
23 Two, City Planning... Department of City Planning,  
24 foster diverse neighborhoods with mixed income  
25 housing. And, three, honor the agreement made

2 between the city and its citizens. So I think we can  
3 do that. But we've got to have some more moderate  
4 income in this project for teachers and nurses and  
5 hospital workers...

6 SERGEANT AT ARMS: Time expired.

7 MR. NOLAN: ... our neighborhood and our city  
8 diverse. So we urge you to deny this application  
9 until those modifications that we detailed in our  
10 letter of May 2022 are met. And we believe we can  
11 make this project work. It is a good project. It  
12 just needs a little tweaking. So we support Borough  
13 President Levine's urging... urging the applicants to  
14 continue working with the surrounding community and  
15 Board 4 to arrive at an acceptable AMI mix as soon as  
16 possible.

17 CHAIRPERSON LOUIS: Thank you Daniel.

18 COUNSEL MARTINEZ RUBIO: The next speaker will be  
19 Joe Restuccia.

20 SERGEANT AT ARMS: Starting time.

21 MR. RESTUCCIA: My name is Joe Restuccia. I'm  
22 the Co-Chair of the Housing and Health Human Services  
23 Committee on Manhattan Community Board 4, and a  
24 member the Land Use Committee. I want to commend the  
25 development team. Although our board has said do not

1  
2 approve unless changes are made, this is one of the  
3 best projects overall we have seen both in design and  
4 range of incomes, and use of having an arts use on  
5 the ground floor. And of course the open space.  
6 However, it has to be in context.

7 I have worked with this project for 18 years. We  
8 identified this in 2004 as a site for affordable  
9 housing. Our context however, is: A market-rate  
10 unit in our district for one bedroom is \$3,500. And  
11 for a two bedroom it starts at \$5,800. That's why we  
12 asked specifically back in 2004, 2005, and 2009 in  
13 the rezoning on the West Side for moderate middle  
14 income units to be included not just low.

15 In the past three years, we've had 568 affordable  
16 units filled through inclusionary housing that was  
17 mapped in our district as part of those commitments,  
18 62% are for low income. We specifically ask you to  
19 redistribute some of the 40 units that are 40% of the  
20 units for to moderate middle income to serve the  
21 broader range of incomes.

22 You should note that across the street from this  
23 project, in July the city announced an 81-bed family  
24 shelter, and a 238-bed temporary shelter. Down the  
25 block from this project and on West 49th, The Red

2 Cross will be having a homeless asylum seeker welcome  
3 center providing social services.

4 We embrace social services and we deal with it  
5 all the time. We ask for balance in what you do.

6 And lastly, I would note to DEP the majority of  
7 the infrastructure is between 300 and 600 feet below  
8 ground, that's 30 to 60 stories, that's where the  
9 water tunnel lives, and there merely is a valve  
10 chamber. So the majority of it is not accessible and  
11 needed for maintenance. I concur with the  
12 Councilmember, and I ask that...

13 SERGEANT AT ARMS: Time expired.

14 MR. RESTUCCIA: our community board. We are  
15 howling in the wind asking you to make changes that  
16 actually are local, and need... and serve local  
17 needs. Thank you very much.

18 COUNSEL MARTINEZ RUBIO: Thank you Joe. The next  
19 speaker will be... hold on, let me get the name...  
20 Paul Devlin.

21 SERGEANT AT ARMS: Starting time.

22 MR. DEVLIN: Good afternoon, everyone. And good  
23 afternoon, Chair Louis and Councilmembers. My name  
24 is Paul Devlin. I'm the Co-Chair of Hell's Kitchen  
25 Land Use Committee of Community Board 4. I'd like to

2 address a little bit of our frustration, that we're  
3 here because our government has seemed to turn their  
4 backs on our community by cherry picking from an  
5 agreement that was mentioned by Councilmember  
6 Bottcher, which was signed in 2009 to bring housing  
7 to our neighborhood that includes a wide range of  
8 incomes. It seems the city has only chosen the  
9 points of agreement that work for this immediate  
10 crisis.

11 Although we appreciate the hard work that  
12 Douglaston and Actors Fund have been doing to build a  
13 strong development with the arts community in mind,  
14 and including higher income bands than originally  
15 proposed, we remain concerned about the process which  
16 got us to today's proposal. As discussed in this  
17 2009 western rail yards point of agreement, that's  
18 about preserving the economic diversity of this  
19 district and to foster livable neighborhoods with a  
20 mixed income housing and the necessary supporting  
21 services. There seems to be a trend in the city to  
22 be interested in building luxury or low-income  
23 housing, which only works to maintain the tale of two  
24 Cities that our former city mayor once campaigned  
25 against. Ignoring an agreement that offers the



2 necessary balance of housing in our neighborhood,  
3 which was hammered out in 2009, is short-sighted to  
4 address a problem exacerbated by a current crisis.

5 I'd point out that this problem stems from an  
6 approval of an RFP that put us all in the situation  
7 today. This proposal to include formerly homeless  
8 set-asides at the site should not have been selected  
9 if our government entities had all worked together  
10 two years ago.

11 Community Board 4 has long worked collaboratively  
12 to find solutions, not only to our neighborhood  
13 concerns, but city wide and societal concerns. We  
14 would have been perfectly happy to find solutions to  
15 address our housing crisis of today, while still  
16 respecting the agreement of 2009 to build moderate  
17 and middle income housing.

18 SERGEANT AT ARMS: Time expired.

19 MR. DEVLIN: We don't have to be asked to be  
20 involved. And once we did get involved, we reached  
21 another compromise by creating a doughnut hole in  
22 income bands, which we normally oppose. We ask the  
23 city agencies to go back to the days of collaborative  
24 efforts in working with us to create strong  
25 developments for our community. And we ask you to

2 include even more housing for families, and even more  
3 housing for moderate income middle families. Thank  
4 you.

5 COUNSEL MARTINEZ RUBIO: Chair that was the last  
6 witness on this panel. So...

7 CHAIRPERSON LOUIS: Councilmember Bottcher, do  
8 you have questions for this panel?

9 COUNCILMEMBER BOTTHCER: I want to thank the  
10 panel and everyone in the community has been involved  
11 in this project for so long. Looking forward to  
12 working with you more in the weeks ahead... many  
13 years ahead, hopefully.

14 CHAIRPERSON LOUIS: Being there are no more  
15 questions for this panel, this witness panel is now  
16 excused. Counsel, please call the next panel.

17 COUNSEL MARTINEZ RUBIO: So the next panel will  
18 be Lori Klinger, Randi Berry, Randy Peralta, and  
19 Allisa Hafkin. And, again, if anyone here in person  
20 is here to testify on this project, please see one of  
21 the Sergeant's to fill out a witness slip.

22 Again, the first witness on this panel is Lori  
23 Klinger.

24 SERGEANT AT ARMS: Starting time.

1  
2 MS. KLINGLER: Hi, my name is Lori Klingler, and  
3 I am the Executive Director of Rosie's Theater Kids.  
4 Thank you for the opportunity to speak about this  
5 important project. We know firsthand the importance  
6 of affordable housing and arts and cultural spaces in  
7 our community. Sorry. Rosie's Theater Kids is an  
8 arts education dedicated to enriching the lives of  
9 children through the arts. Our home is the Maravel  
10 Arts Center located at 445 West 45th Street, just a  
11 few blocks from the DEP. And we also do programming  
12 at local schools. RT Kids was launched in 2003 at PS  
13 51, a Title One public school bordering on the  
14 theater district where students would walk by  
15 Broadway theaters daily and never have the  
16 opportunity to go inside. The need for affordable  
17 housing in our community is so important. 86% of the  
18 students we serve are from low income households.  
19 These families should be able to live in the  
20 district, and have access to all the wonderful  
21 cultural offerings on Broadway and beyond. We also  
22 recognize the need for housing that serves a range of  
23 household income levels. In addition to needing  
24 housing. We're also observing the loss of critical  
25 art space in the district. We're thrilled to learn

2 that the project will have IndieSpace as the  
3 community facility tenant. Their proposed sub tenant  
4 Waterwell does incredible work in the schools with  
5 us, and we're happy to see them growing deeper roots  
6 in the neighborhood. For these reasons, Rosie's  
7 Theater Kids is happy to support this project and the  
8 many benefits that will bring to our community.  
9 Thank you.

10 COUNSEL MARTINEZ RUBIO: Thank you, Lori. The  
11 next witness on this panel will be... give me just  
12 one second... Randi Berry

13 SERGEANT AT ARMS: starting time.

14 MS. BERRY: Hello, everyone. Good afternoon. My  
15 name is Randi Berry and I'm the Executive Director at  
16 IndieSpace. We're thrilled to be partnering with the  
17 Entertainment Community Fund and Douglaston to  
18 activate and lease the community facility space at  
19 705 10th Avenue. This project brings together  
20 critical affordable housing, much needed open space,  
21 and affordable ground floor art space to enhance the  
22 neighborhood and the lives of residents. For those  
23 of you who don't know us, IndieSpace creates  
24 affordable performance or rehearsal space for the  
25 indie theater community. At this site, we're very

1  
2 excited to be working with the Artists Co-Op, and  
3 Waterwell Theater to program the space. This  
4 district has a rich cultural community, but we also  
5 know that so many arts workers and cultural spaces  
6 have been displaced. We look forward to operating a  
7 long term affordable workspace for artists and  
8 building upon the existing cultural network in the  
9 neighborhood. We're excited to find opportunities to  
10 serve tenants in the building and the community at  
11 large. We look forward to working with the community  
12 board, the development team, and the city to realize  
13 this important project and maximize this community  
14 benefit. If you'd like to learn more about  
15 IndieSpace or our plans for the community facility,  
16 please feel... feel free to reach out to us. My  
17 email is [Randi@IndieSpace.org](mailto:Randi@IndieSpace.org). Thank you so much.

18 COUNSEL MARTINEZ RUBIO: Thank you, Randi. I'm  
19 going to call on Randy Peralta next.

20 SERGEANT AT ARMS: Starting time.

21 MR. PERALTA: Afternoon everyone, my name is  
22 Randy Peralta, Housing Specialist at the  
23 Entertainment Community Fund. And today I will be  
24 reading the letter on behalf of Miss Risa Shoup, co-

25

2 director of the Alliance of Resident Theatres, also  
3 known as ART/New York.

4 "Dear city Councilmembers. My name is Risa  
5 Shoup, and I am co director of the Alliance of  
6 Resident Theaters New York. We are a 50-year-  
7 old service organization that provides nonprofit  
8 theaters with grants, subsidized workspaces of  
9 all types, and \_\_\_\_\_ professional development,  
10 convenient and educational programming. We  
11 pride ourselves on having a close relationship  
12 with over 540 members, and as such, we know what  
13 is most important to our constituents: Space to  
14 live and space to work. I am testifying today  
15 to express our strong support of the project at  
16 705 10th Avenue. This project will create over  
17 150 units of subsidized housing and provide  
18 critical space for the performing arts community  
19 to create their best work.

20 After more than two years of constraints on  
21 revenue and creativity due to the impacts of the  
22 global pandemic, this project offers critical  
23 resources to our community. ART/New York is  
24 dedicated to supporting New York City's vibrant  
25 community of nonprofit theaters. We support our

1  
2 members toward self-determination and we provide  
3 them with affordable share office and rehearsal  
4 spaces as well as technical assistance program  
5 for emerging peers.

6 According to a 2019 report on the creative  
7 economy, finding affordable places to live and  
8 work for creative sector workers has become an  
9 ever steeper challenge, leading to profound  
10 migrations across the five boroughs in recent  
11 years. Housing has long been a crucial issue  
12 for the communities we serve, and it has never  
13 been a resource that is easy to access. Our  
14 theatre workers require housing in neighborhoods  
15 like Clinton and Hell's Kitchen, where many of  
16 them live and/or work to maintain the vibrancy  
17 of the sector and thus the tremendous economic  
18 impact that the production of theater has on New  
19 York City. The project that 705 10th Avenue  
20 will produce essential units of housing in the  
21 community that has seen residents in creative  
22 occupations leave over the past decade. The  
23 displacement of arts workers is not only a loss  
24 but the arts and cultural community, but also  
25 for the city.

2 SERGEANT AT ARMS: Time expired.

3 MR. PERALTA: [CONTINUING READING LETTER]

4 "In addition to the housing component within  
5 the space as the community facility attendant,  
6 this project incorporates affordable space for  
7 the theatre community to rehearse and create new  
8 work. As an organization that has already  
9 offered subsidized rehearsal and performing  
10 opportunities to New York City theaters. We are  
11 painfully aware of how much more our space is  
12 needed, especially since so many rehearsal  
13 spaces have closed while theaters are returning  
14 to live in person productions. This type of  
15 facility reflected at 705 10th Avenue is so  
16 critical to the city's recovery and will ensure  
17 that performing arts workers have places to  
18 incubate new work.

19 ART/New York is pleased to support this  
20 affordable housing project, and we look forward  
21 to the development team's continued work with  
22 all stakeholders to deliver a project with long  
23 term community benefits for years to come."

24 Thank you.

25



2 COUNSEL MARTINEZ RUBIO: Thank you Randy. The  
3 next speaker, and the last speaker on this panel will  
4 be Allisa Hafkin

5 SERGEANT AT ARMS: Starting time.

6 MS. HAFKIN: Hello. My name is Allisa Hafkin,  
7 and I'm the director of I'm the Director of Social  
8 Services for the Jazz Foundation of America, and I'm  
9 reading this letter on behalf of our Executive  
10 Director, Joseph Petrucelli.

11 "Dear City Councilmembers. My name is Joe  
12 Petrucelli and I'm the Executive Director of the  
13 Jazz Foundation of America. We are a nonprofit  
14 that provides emergency assistance to musicians  
15 and their families in times of crisis. Our  
16 services include housing assistance, pro bono  
17 health care, disaster relief, employment, and  
18 direct financial support. We work with 2000  
19 musicians nationally every year. But New York  
20 is our headquarters, and CD 4 is our home. We  
21 had offices for 20 years on 48th Street just  
22 down the street from the Rialto West 705 10th  
23 Avenue site, and we're now located on 37th and  
24 eighth.

2           Historically, we have served many musicians  
3           who live and work in Chelsea in Hell's Kitchen,  
4           and who have contributed to the rich cultural  
5           fabric of the community. We frequently  
6           collaborate with the Entertainment Community  
7           Fund to help our clients, and we are thrilled to  
8           support this project to bring affordable housing  
9           into these neighborhoods. The folks we serve  
10          lead a precarious life and often live on the  
11          verge of homelessness. They've worked all their  
12          lives but don't have the same benefits savings  
13          and safety net as your typical full time worker.  
14          So many of them are still recovering and  
15          rebuilding their lives from the economic Havoc  
16          wrought by the pandemic. Meanwhile, their music  
17          has continued to bring us comfort and solace  
18          during these dark times. They deserve access to  
19          safe and stable housing in this community.  
20          There is also a growing need for affordable  
21          cultural space. Places to rehearse and perform  
22          have either closed or have been pushed out of  
23          the neighborhood. We hope to partner on  
24          programming at the ground floor of the community  
25

2 facility and present free concerts to  
3 neighborhood audiences.

4 This development brings together affordable  
5 housing for those who need it the most...

6 SERGEANT AT ARMS: Time expired.

7 MS. HAFKIN: [CONTINUING TO READ LETTER]

8 ...a place for the arts to thrive and a  
9 park. I can't think of a better use of the  
10 site. We hope the development team will  
11 continue to work closely with the community and  
12 the city to realize this exciting project.

13 Thank you very much.

14 COUNSEL MARTINEZ RUBIO: Thank you Allisa. That  
15 was the last witness on this panel, Chair.

16 CHAIRPERSON LOUIS: Councilmember Bottcher, do  
17 you have any questions or remarks for this last  
18 panel?

19 COUNCILMEMBER BOTTCHER: Thank you to everyone  
20 who testified. It's really, really great testimony,  
21 and I'm looking forward to working with you on all  
22 your endeavors.

23 COUNSEL MARTINEZ RUBIO: Chair that was the last  
24 panel for this item. But just in case: Last call.

25 I know there are no witnesses remotely, but if anyone

2 here in person wishes to testify, please come  
3 forward.

4 It does not look like there's anyone, Chair, so  
5 we can go ahead and close this hearing.

6 CHAIRPERSON LOUIS: Thank you. Being no other  
7 members of the public wish to testify on LUs on  
8 00104, 00105, 000106, 00107 relating to 705 10th  
9 Avenue DEP site redevelopment proposal, the public  
10 hearing is now closed and the item is laid over.

11 That concludes business. I remind you that if  
12 you have written testimony for today's items, you may  
13 submit it at [LandUseTestimony@Council.NYC.gov](mailto:LandUseTestimony@Council.NYC.gov).

14 Please indicate the LU number or the project name in  
15 the subject heading. I would like to thank the  
16 members of the public, my colleagues, Subcommittee  
17 Council, Land Use staff, and the Sergeant At Arms for  
18 participating in today's hearing.

19 This meeting is now adjourned

20 [GAVEL]

21

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24

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date 09/29/2022