

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

SUBCOMMITTEE ON PLANNING, DISPOSITIONS AND CONCESSIONS

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March 15, 2011
Start: 1:20pm
Recess: 1:55pm

HELD AT: Committee Room
250 Broadway - 16th Fl.

B E F O R E: STEPHEN T. LEVIN
Chairperson

COUNCIL MEMBERS:
Charles Barron
Inez E. Dickens
Sara M. Gonzalez
Peter A. Koo

A P P E A R A N C E S

Carol Clark
Assistant Commissioner
Department of Housing Preservation and Development

Jack Hammer
Director of North Brooklyn Planning Office
Department of Housing Preservation and Development

Ted Weinstein
Director of Bronx Planning Office
Department of Housing Preservation and Development

2 CHAIRPERSON LEVIN: Good afternoon
3 and welcome to the Subcommittee on Planning,
4 Dispositions and Concessions. I'm Council Member
5 Stephen Levin. I'm joined this afternoon to my
6 right by Council Member Sara Gonzalez of Brooklyn;
7 to her left, Council Member Charles Barron of
8 Brooklyn, and to my left, Council Member Peter Koo
9 of Queens. We have three items on the agenda
10 today. We'll get through these pretty quickly.
11 We're starting with pre-considered Land Use 29
12 MacDounough Street. It's in Brooklyn Community
13 District 2, in Council District 36, which is
14 represented by Council Member Al Vann. That's
15 20115509 HAK. It's an application—a modification
16 to a plan in conveyance from a current owner to a
17 new owner. Testifying on this item, we have Carol
18 Clark and Jack Hammer from HPD, and I will note
19 for the record that Mr. Hammer does not have his
20 signature mustache today.

21 CAROL CLARK: Thank you very much,
22 Mr. Chairman and members of the Committee, as you
23 know I'm Carol Clarke, assistant commissioner HPD,
24 and I'm joined as you said by Jack Hammer, the
25 director of planning for our Brooklyn office.

1 L.U. pre-considered consists of the proposed
2 conveyance of undeveloped vacant land at 29
3 MacDounough Street in the Bedford-Stuyvesant
4 neighborhood to a new owner who will construct a
5 multiple dwelling that will provide 24 affordable
6 rental units, plus 1 superintendent unit. The new
7 building will be four stories tall, fitting
8 appropriately into the surrounding neighborhood
9 context. The current owner is an Article 5
10 redevelopment company, whose project was approved
11 by the Board of Estimate in June of 1980. It is
12 known as Kingston Heights Apartments One, and has
13 seven multiple dwellings, which provide a total of
14 130 low-income rental housing units, plus 2 units
15 for superintendents. Today HPD is before the
16 Council seeking approval of both the conveyance of
17 the property from the current owner to a new owner
18 and the deletion of the proposed conveyance area
19 from and modification of the previously approved
20 Kingston Heights Apartments plan and project--the
21 item that was approved by the Board of Estimate
22 back in 1980 in order to facilitate this project.
23 Council Member Vann has been briefed and has
24 indicated his support. Thank you.
25

2 CHAIRPERSON LEVIN: Thank you.

3 This is purely the conveyance. There's no subsidy
4 or tax abatements that are part of this--

5 CAROL CLARK: [Interposing] That's
6 correct.

7 CHAIRPERSON LEVIN: --proposal.

8 CAROL CLARK: It's conveyance.

9 CHAIRPERSON LEVIN: Do any of my
10 colleagues have any questions on this item?

11 CAROL CLARK: It's the modification
12 of a previous plan.

13 CHAIRPERSON LEVIN: Right, right,
14 and the units will be affordable?

15 CAROL CLARK: Yes, they will be
16 affordable. Jack, do you want to add anything on
17 the affordability?

18 JACK HAMMER: The units will be
19 affordable to families earning up to 120% of the
20 AMI, so for a family of four that would equate to
21 approximately 95,000. Family of one to two for
22 the one-bedroom units would be approximately
23 71,000.

24 COUNCIL MEMBER BARRON: 120% of the
25 AMI?

2 JACK HAMMER: Yes.

3 COUNCIL MEMBER BARRON: And that's
4 what you call affordable?

5 JACK HAMMER: It would be
6 affordable to families earning 120% of AMI.

7 CAROL CLARK: Up to.

8 JACK HAMMER: Up to.

9 COUNCIL MEMBER BARRON: [off mic]
10 No developer is going to say 80 or 70, they're
11 going to wait for the [off mic]. I always have
12 problems with that. What is 120% of the AMI? The
13 AMI is what, 76,000? 78,000? What's the AMI now
14 city-wide?

15 JACK HAMMER: For 100% of AMI?
16 Well, for a family of four that would be--I don't
17 have the exact number--approximately 78,000.

18 COUNCIL MEMBER BARRON: 78,000, and
19 this is 120%.

20 JACK HAMMER: Mm-hmm.

21 COUNCIL MEMBER BARRON: We're
22 talking Bed-Stuy. What's the AMI for Bed-Stuy?

23 JACK HAMMER: I don't have the
24 actual AMI for Community Board 3 offhand.

25 COUNCIL MEMBER BARRON: See, but

2 you all need to know that kind of stuff because
3 then you're saying it's affordable, so what makes
4 you so sure this is affordable, if you don't even
5 know the AMI for the area?

6 JACK HAMMER: Basically this was a
7 proposal that the developer submitted to us--

8 COUNCIL MEMBER BARRON:
9 [Interposing] I got that part, I know how they get
10 to you, but I'm saying how do you validate
11 affordability for an area, and you don't even know
12 the area AMI?

13 JACK HAMMER: Well, we do know it.
14 I just don't have that number off of my head--

15 COUNCIL MEMBER BARRON:
16 [Interposing] What is your guesstimate?

17 JACK HAMMER: Probably below 100%,
18 below the area median... perhaps, 80, 90%.

19 COUNCIL MEMBER BARRON: Say it
20 again.

21 JACK HAMMER: I would say
22 approximately 80 to 100% of AMI, but--

23 COUNCIL MEMBER BARRON:
24 [Interposing] The Bed-Stuy area or the Community
25 Board 3 area AMI.

2 JACK HAMMER: Approximately.

3 COUNCIL MEMBER BARRON: I'll
4 guarantee you it's thirty-some-odd-thousand
5 dollars [phonetic]. Thirty-some-odd thousand
6 dollars. That's the area AMI for the Bed-Stuy
7 area. Isn't that correct, Carol?

8 CAROL CLARK: I believe that you're
9 in the right range, Council Member Barron.

10 COUNCIL MEMBER BARRON: Right.
11 It's in the thirties. So how is 120% of the AMI,
12 which brings us up to what, \$80-90,000 for a
13 family of four?

14 JACK HAMMER: 95,000 for-

15 COUNCIL MEMBER BARRON:
16 [Interposing] Right, \$95,000. So how do you
17 compute that to affordability for an area that has
18 an AMI in the thirties?

19 JACK HAMMER: The AMI that is being
20 proposed is higher than the area AMI, Community
21 Board 3. We realize that.

22 COUNCIL MEMBER BARRON: Way higher.
23 Way higher. It ain't just higher. It ain't a few
24 pennies higher.

25 JACK HAMMER: To be fair, I'll say

2 without the conveyance of a subsidy or the
3 conveyance of a tax abatement, I think that might
4 contribute to these particular affordability-

5 COUNCIL MEMBER BARRON:

6 [Interposing] No, no, no, no, no, no, no. You
7 don't get subsidies and you don't get tax
8 abatements, so now you're going to take it out on
9 the...

10 JACK HAMMER: what I'm, saying is
11 that I think that part of the pressure--

12 [crosstalk]

13 COUNCIL MEMBER BARRON: But yeah,
14 that's what they run all the time, but the bottom
15 line is we're talking about affordability. We're
16 talking about affordability for an area and that's
17 how areas are gentrified because you take it out
18 of their affordability range and say, we didn't
19 get subsidies. Well, so what? You didn't get
20 subsidies then you know, you're not going to get
21 as much profit as you would have made had you had
22 subsidies and brought it down. That's too high.

23 JACK HAMMER: Point taken. Do you
24 have anything to add?

25 COUNCIL MEMBER BARRON: Bring it

2 down. Yeah. Bring the AMI down. I ain't talking
3 just to be talking. That needs to be brought down
4 I think.

5 CAROL CLARK: Council Member Vann
6 has been briefed and has indicated his complete
7 support. I appreciate your point of view, Council
8 Member—

9 COUNCIL MEMBER BARRON:
10 [Interposing] That's a good comeback, Carol.

11 CHAIRPERSON LEVIN: Okay. Any
12 further questions on this item? Council Member
13 Gonzalez? Council Member Koo? Okay, I think we're
14 going to move on to Land Use No. 295. Thank you
15 very much, Mr. Hammer. That's 2311 Tiebout Avenue
16 in the Bronx. That's in Bronx Community District
17 5 in the Council District represented by Council
18 Member Joel Rivera. It's C110091 HAX, application
19 submitted by HPD for the quality housing program.
20 Testifying on this particular item, we have Ted
21 Weinstein and Carol Clark from HPD.

22 CAROL CLARK: And Ted Weinstein,
23 who is the director of Bronx planning at HPD is
24 going to give the testimony on these items.

25 TED WEINSTEIN: Good afternoon.

2 This concerns a rather small vacant city-owned lot
3 on Tiebout Avenue in the Fordham section of the
4 Bronx. The developer sponsor, Fordham Bedford
5 Housing Company, has approached us about building
6 a building. It will be a 7-story, 20 unit
7 building--19 units plus 1 for the superintendent.
8 They're an organization who's done a tremendous
9 amount of housing work in that area. The AMIs
10 will be - - up to 60% of AMI, some of the units
11 put aside for up to 40% of AMI. There will be a
12 community room, 637 square feet. They will have a
13 green roof of 336 square feet and a backyard for
14 the residents of approximately 556 square feet.
15 It will be developed under HPD's low-income rental
16 program. They're still seeking to finalize the
17 actual funding, so we expect this, if approved, to
18 be completed later this year. Oh, and Council
19 Member River has reviewed the project and approved
20 the project.

21 CHAIRPERSON LEVIN: And I apologize
22 for the mispronunciation of the Avenue. It's
23 Tiebout. So explain to me a little bit more about
24 the green roof and how that's going to factor in?

25 TED WEINSTEIN: Well, they're

2 actually known for trying to be very green in
3 their buildings. It will be an area that the
4 residents will be able to go up to and see and
5 use. Again, it's a small building. It's a rather
6 small footprint, so it's not like there will be
7 active recreation or anything like that.

8 CHAIRPERSON LEVIN: Mm-hmm.
9 Explain to me just a little bit about the quality
10 housing program.

11 TED WEINSTEIN: The quality housing
12 program is one which allows certain additional
13 benefits or eases a bit on requirements if it's
14 done under certain incomes. Many of our projects
15 are done under quality housing. It allows you
16 under the zoning to do things a little
17 differently.

18 CHAIRPERSON LEVIN: Is there a max
19 AMI for the program or is it case by case? Does
20 this particular project - - with the max in the
21 program or is this particular project below the
22 max of the program?

23 TED WEINSTEIN: I have to say I'm
24 not aware of a maximum for the quality housing if
25 there is or what it would be.

2 CHAIRPERSON LEVIN: Okay.

3 TED WEINSTEIN: But if there is,
4 I'm sure this would be under, you know, being only
5 the 70% of AMI.

6 CHAIRPERSON LEVIN: How many units
7 are at 40 and how many units are at 60?

8 TED WEINSTEIN: I believe if it's
9 20, then it will probably be approximately I'd say
10 8 unit--no, 6 units at the 40 and 13 units at the
11 60, and then 1 for the super.

12 CHAIRPERSON LEVIN: Okay. Do any
13 of my colleagues have any questions on this?
14 Council Member Barron?

15 COUNCIL MEMBER BARRON: Are you
16 receiving any subsidies?

17 TED WEINSTEIN: The developer in
18 this case is getting low-interest loans from--

19 COUNCIL MEMBER BARRON:
20 [Interposing] Low-interest loans, but no real
21 subsidies.

22 TED WEINSTEIN: Well, that's a
23 subsidy.

24 COUNCIL MEMBER BARRON: Low
25 interest loan.

2 TED WEINSTEIN: They will be
3 applying also for our low-income housing tax
4 credits, which will be later this year.

5 COUNCIL MEMBER BARRON: the low-
6 income tax credits and the low-interest loan.

7 TED WEINSTEIN: Right.

8 COUNCIL MEMBER BARRON: But there's
9 no subsidies you're getting like per unit from
10 HPD--

11 TED WEINSTEIN: [Interposing] Well,
12 it's not tenant - - subsidies--it's not like
13 project based Section 8. The subsidy is by the
14 reduced construction costs because of the reduced
15 financing, so the loan from HPD--the source of
16 which is federal home funds will be used and the
17 low-income housing tax credits, which is what most
18 projects that are up to 60% AMI use, and that's a
19 great source of assistance to the developer in
20 keeping the costs down and therefore keeping the
21 rents down.

22 CHAIRPERSON LEVIN: Low-income tax
23 credits... Sorry. They do have a max AMI, right, of
24 60%?

25 TED WEINSTEIN: Yes.

2 CHAIRPERSON LEVIN: Any further
3 questions on this item? Okay. Close out that item
4 and move on to our final item, which is 3 items
5 Land Use Nos. 320, 321, 322 and all under Land
6 Use No. 320. That's Courtlandt Crescent/Melrose
7 Commons in Bronx Community Board District 3. It's
8 a Council District represented by Helen Diane
9 Foster. It's C110114 HUX. That is a disposition
10 of city-owned property UDAP approval, zoning map
11 amendment and an Urban Renewal Plan amendment.
12 Testifying on this item, Ted Weinstein and Carol
13 Clark from HPD.

14 TED WEINSTEIN: Okay, this project
15 is in the Melrose Commons Urban - - area. There
16 are three items actually here, as you said. The
17 one is for the disposition and the UDAP
18 designation as we normally do. The second is to
19 amend the Urban Renewal Plan for three reasons.
20 One, the Melrose Commons Urban Renewal Plan has
21 some height restrictions. At this particular
22 location, this would ease those restrictions, so
23 that the development could be as per zoning
24 [phonetic]. In other words, the restrictions and
25 parts of Melrose Commons were more restrictive

2 than zoning, so in this case, being on a main
3 street so that would ease them so that's as per
4 zoning. In addition, there's on certain areas of
5 Melrose Commons, there's a setback requirement of
6 five feet. This particular block is a little
7 smaller than a standard block and so in order to
8 be able to fill in both sides of the block with
9 double loaded corridors, regular buildings, so
10 they actually did just a little bit more room and
11 so we're amending it to allow a three foot setback
12 at this particular location. And then there's
13 also curb cut [phonetic] restrictions in Melrose
14 Commons that on certain streets you can't have a
15 curb cut, you can't have a driveway. On this
16 particular block, the northern side, 163rd Street,
17 is the only place that really makes sense to have
18 the driveway. That was one of the restricted
19 streets and so we're removing that restriction to
20 allow that. There's going to be a rezoning, so
21 that on the main street, Melrose Avenue which is a
22 main street, it will be an R8 [phonetic]. And
23 then the backside of the block will be an R7A
24 [phonetic], and then the third item of course is
25 the disposition and UDAP designation. The project

2 itself will consist of two sections—sort of two
3 buildings, but they're connected, 216 rental units
4 plus 1 for the superintendent. There will be a
5 central yard—courtyard recreation area for the
6 residents. A little unusual about this project in
7 that in the RFP on which this site was offered, we
8 said that there would have to be space put aside
9 for an ACS daycare center, and so there will be a
10 daycare space that ACS will select an operator,
11 who will then release the space from the developer
12 owner. It's a little over 10,000 square feet for
13 a daycare center there. So it's an example where
14 we're doing a mixed-used housing and daycare in
15 the building itself in the plans.

16 CHAIRPERSON LEVIN: And you have a
17 commitment from ACS that they're actually going to
18 fund the daycare center?

19 TED WEINSTEIN: Yes.

20 CHAIRPERSON LEVIN: Okay, very
21 good. Sorry to interrupt.

22 TED WEINSTEIN: No, it's okay. The
23 building again—one building will range from seven
24 to ten stories. The other one is seven stories.
25 You're going to want all the breakdowns. There's

2 22 studio apartments, 59 one-bedrooms, 115 two-
3 bedrooms and 21 three-bedrooms. The AMIs—it's for
4 people up to 60% of AMI and again, a certain
5 number will be up to 40% AMI. Oh, and Council
6 Member Foster has reviewed this and approved the
7 project.

8 CHAIRPERSON LEVIN: HPD's role in
9 terms of their involvement it's also low-income
10 tax credits and quality housing program or is
11 there...?

12 TED WEINSTEIN: Right. We'll be
13 selling the land. There will be funding from HDC,
14 the Housing Development Corporation. There will
15 be funding from HPD through our home funds. There
16 will be low-income housing tax credits as well.
17 So it's HDC/HPD straight funding and low-income
18 tax credits. I might just add also that the urban
19 renewal site itself that makes up most of this
20 block had sort of a missing piece. There were two
21 tax lots that were left out of their renewal plan.
22 The developer of FPS houses [phonetic] purchased
23 those lots to create a better assemblage and they
24 did that before the RFP even, so that created a
25 better—that way they could have the building go

2 all the way around the block rather than have a
3 missing tooth type of situation.

4 CHAIRPERSON LEVIN: Yeah, yeah. So
5 the history of the Urban Renewal Plan—when was
6 that put in and how did that come about and what
7 was the outcome of that?

8 CAROL CLARK: Do you have a few
9 hours, Mr. Chairman?

10 [laughter]

11 CHAIRPERSON LEVIN: In brief.

12 TED WEINFELD: The Melrose Commons
13 Urban Renewal Plan is the most Urban Renewal Plan
14 in the Bronx. It was adopted in 1994 with a
15 significant amount of community input. The actual
16 taking was in 1998. Construction started in 2000.
17 This was one of three sites that were offered
18 through an RFP a year and a half ago that were the
19 last large developable sites left. By the time
20 we're completed with all of the sites in Melrose
21 Commons, they'll have been approximately 3600 to
22 3700 brand new built housing units in that area,
23 which only ranges from 156th Street to 163rd Street.
24 It's not that large an area. Right now over 2,000
25 units have either been completed or are currently

2 in construction.

3 CHAIRPERSON LEVIN: Council Member
4 Gonzalez?

5 COUNCIL MEMBER GONZALEZ: I trust
6 Council Member Helen has done her job, but I just
7 want to know about the parking spaces 'cause I
8 think you said something about parking is not
9 accessible. I don't know. Maybe I missed..

10 TED WEINSTEIN: No, no. What I
11 mentioned is that they're having underground
12 parking and it's in terms of just the four sides
13 of the block, only the northern side-163rd Street
14 is where it's really logical to have the driveway
15 to go in, but under the Urban Renewal Plan that
16 was one of the streets that were prohibited from
17 having a cut curb, and so we're amending their
18 renewal plan to allow for a cut curb and again,
19 that's the kind of thing that we went to the
20 Community Board, to the Council Member, Borough
21 President's Office well before we started - - .

22 COUNCIL MEMBER GONZALEZ: So the 29
23 parking spaces are available to the tenants?

24 TED WEINSTEIN: Yes.

25 COUNCIL MEMBER GONZALEZ: An extra

2 fee?

3 TED WEINSTEIN: I don't know. I'm
4 sorry.

5 COUNCIL MEMBER GONZALEZ: Okay.

6 CHAIRPERSON LEVIN: Council Member
7 Barron?

8 COUNCIL MEMBER BARRON: Yeah, the
9 up-zone—you had to change the zone to get the
10 height?

11 TED WEINSTEIN: Yes.

12 COUNCIL MEMBER BARRON: And what's
13 in the surrounding areas? Were there any
14 complaints from residents or people concerned
15 about such a tall building changing the character
16 of the area, the community?

17 TED WEINSTEIN: No, directly south
18 of this block is a project called Courtlandt
19 Corners, which is just about completing
20 construction also FPS [phonetic] houses, and it's
21 very similar. I think it's maybe oh—it's not ten
22 stories—I think it's seven or eight stories.
23 Directly to the east of this block is another one
24 of the blocks that were in that RFP, and that
25 block will consist of ultimately a park and

2 housing similar to this, so Melrose Commons is
3 actually a nice combination of apartment buildings
4 ranging from six to twelve stories and small
5 homes. There was a lot of use in the earlier
6 years of our partnership and new foundation
7 programs, which created two and three family
8 homes, mixed in. That was one of the ideas of
9 Melrose Commons was to have diversity of incomes
10 and of housing types.

11 COUNCIL MEMBER BARRON: Thank you.

12 CHAIRPERSON LEVIN: Sorry I thought
13 that you said it was the ease of the restriction
14 was to ease the restriction of the urban renewal,
15 not the zoning—the zoning was... is that correct?

16 TED WEINSTEIN: We're amending the
17 Urban Renewal Plan and changing the zoning.

18 CHAIRPERSON LEVIN: Okay. Okay. I
19 see. Okay. No further questions. Okay. We'll
20 close out this item and I will ask Carol Shine,
21 counsel to the Committee to call the roll on the
22 vote for these items. I recommend an aye vote on
23 all.

24 CAROL SHINE: Chair Levin?

25 CHAIRPERSON LEVIN: Aye on all.

2 CAROL SHINE: Council Member

3 Barron?

4 COUNCIL MEMBER BARRON: I'm going
5 to vote no pending my compensation with...

6 [background conversation]

7 COUNCIL MEMBER BARRON: I can say
8 no now and speak to Al and if he explains why this
9 120%, then I can vote yes at the full. Thank you.
10 So I vote no on that item and aye on the rest.

11 CAROL SHINE: Council Member
12 Gonzalez?

13 COUNCIL MEMBER GONZALEZ: Aye on
14 all.

15 CAROL SHINE: Council Member Koo?

16 COUNCIL MEMBER KOO: Aye on all.

17 CAROL SHINE: The vote stands at
18 four in the affirmative, none in the negative and
19 no abstentions on all items, with the exception of
20 pre-considered 220115509, on which the vote is
21 three in the affirmative, one in the negative and
22 no abstentions.

23 CHAIRPERSON LEVIN: This hearing is
24 closed.

25 [gavel]

2 CHAIRPERSON LEVIN: Sorry. We're
3 leaving the roll open for ten minutes for Council
4 Member Dickens.

5 COUNCIL MEMBER BARRON: I vote no
6 on 20115509HAK Council Member Vann's item until
7 further discussion with him and then I'm open to
8 change that vote to a yes vote at the full stated
9 meeting, not at the committee level. And I vote
10 aye on all the rest.

11 CAROL SHINE: Council Member
12 Dickens?

13 COUNCIL MEMBER DICKENS: Aye on
14 all.

15 CAROL SHINE: The final vote five
16 in the affirmative, none in the negative and no
17 abstentions with the exception of L.U. 20115509,
18 which is four in the affirmative and one in the
19 negative.

20 FEMALE VOICE: The planning meeting
21 of today March 15, 2011 is hereby adjourned.

22 [gavel]

C E R T I F I C A T E

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

Signature

Kimberley Uhlig

Date

April 11, 2011