

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

SUBCOMMITTEE ON ZONING AND FRANCHISES

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

HELD AT: Council Chambers
City Hall

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

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

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

Paolo Secondo
Owner
Revel

Steven Sinacori
Attorney
Akerman Senterfitt

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

Anna Slatinsky
Project Manager and Planner
Bed-Stuy North Rezoning

Mordechai Schweid
Resident
Brooklyn

Mayer Isuma Schweid
Resident, Rabbi
Brooklyn

Hani Schweid
Resident
Brooklyn

Nadav Hamil
Small Business Owner/Developer
Brooklyn

Richard Bearak
Land Use Director
Brooklyn Borough President, Marty Markowitz

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

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

Shlomo Steve Wigoda
Architect
Representing Juicerie

Heather Tierney
Owner
Juicerie

Adam Wolff
Deputy Director, Manhattan Office
Department of City Planning

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

Edwin Marshall
Planner, Upper Manhattan
Department of City Planning

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

Walter South
Member
Community Board 9

Simon Torreson
Architect, Member
Community Board 9

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

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

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

Tarik Shahid
Member
Harlem Interfaith Commission for Housing Equality

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

John Scott
Pastor
John's Baptist Church

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

Yvette Campbell
President and CEO
Harlem School of the Arts

Laveen Naidu
Executive Director
Dance Theater of Harlem

Luis Manuel Tejada
Executive Director
Mirabal Sisters Community Center

Patricia Jones
Member
Community Board 9

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

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

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

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

Brad Taylor
Architect, Member
Community Board 9

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

Agis Ecos
Homeowner
West Harlem

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

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

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

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

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

20 PAOLO SECONDO: Yes.

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

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thank you very much, sir.

PAOLO SECONDO: Thank you.

CHAIRPERSON WEPRIN: Good luck with your business.

PAOLO SECONDO: Thank you.

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

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

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

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

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

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

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

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

25 STEVEN SINACORI: We've met with

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Council Member Halloran on multiple occasions.

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

STEVEN SINACORI: Yes, correct.

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

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

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

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

STEVEN SINACORI: It's--

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

STEVEN SINACORI: That's the Spa

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Castle.

COUNCIL MEMBER COMRIE: Right.

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

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

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

CHAIRPERSON WEPRIN: As an office.

STEVEN SINACORI: Right.

CHAIRPERSON WEPRIN: Okay.

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

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

7 CHAIRPERSON WEPRIN: A FUCA.

8 STEVEN SINACORI: A FUCA.

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

14 STEVEN SINACORI: Thank you.

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

17 STEVEN SINACORI: I will.

18 [pause, background noise]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 The Borough President also recommended that we
7 provide some limitations on use for Myrtle Avenue
8 where there are existing grocery stores. These
9 properties, where there are existing grocery
10 stories, would not be able to use the full
11 proposed zoning unless that grocery store use
12 remained on the site. So he wants to limit the
13 ability of the sites with grocery stores to build
14 unless they continue that grocery store use. And
15 finally, the Borough President for Broadway
16 specifically recommended that the base height be
17 lower, so a lower minimum maximum base height for
18 Broadway. And the City Planning Commission voted
19 to approve the proposal, as well. [background
20 comment] The City Planning Commission voted
21 unanimously to support the proposal. And that
22 concludes my presentation.

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

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statement.

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

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

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

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

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there's a third.

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

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

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

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COUNCIL MEMBER REYNA: Okay.

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

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

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

COUNCIL MEMBER REYNA: Because it

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borders both--

ANNA SLATINSKY: Right.

COUNCIL MEMBER REYNA: --straddles both community boards.

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

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

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

COUNCIL MEMBER REYNA: Correct.

ANNA SLATINSKY: It's a little, so

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

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

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

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

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

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

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

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

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

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

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

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

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25 MORDECHAI SCHWEID: Good morning,

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

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

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

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

11 Honorable Council Member--

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

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

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

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

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

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

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

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

8 HANI SCHWEID: It's Hani Schweid.

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

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

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

5 COUNCIL MEMBER REYNA: [off mic]

6 It's Council Member Reyna.

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

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

17 CHAIRPERSON WEPRIN: You can finish
18 up.

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

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

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

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

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

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

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sound--

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

HANI SCHWEID: I'm sorry, okay--

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

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

CHAIRPERSON WEPRIN: Well, let--

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

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

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

CHAIRPERSON WEPRIN: --we have--

HANI SCHWEID: I think she knows the answer.

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

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

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

25 CHAIRPERSON WEPRIN: Do you, you

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

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

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

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

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

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

[pause, background noise]

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

NADAV HAMIL: Right.

CHAIRPERSON WEPRIN: Okay.

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

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

NADAV HAMIL: Sorry.

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

NADAV HAMIL: There you go.

CHAIRPERSON WEPRIN: Okay. You done? - -

NADAV HAMIL: Yeah.

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

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of the - - ?

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

[pause, background noise]

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

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

CHAIRPERSON WEPRIN: --space.

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

CHAIRPERSON WEPRIN: Because you

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have to get new permits?

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

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

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

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

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

CHAIRPERSON WEPRIN: Right.

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

7 [pause, background noise]

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

11 NADAV HAMIL: No.

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

16 NADAV HAMIL: But if I--

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

20 NADAV HAMIL: Right.

21 CHAIRPERSON WEPRIN: But--

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

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

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

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

25 CHAIRPERSON WEPRIN: Okay. All

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

8 NADAV HAMIL: Sure.

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

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

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

19 NADAV HAMIL: I can tell you that.

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

24 NADAV HAMIL: Thank you very much.

25 CHAIRPERSON WEPRIN: But it would,

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

4 NADAV HAMIL: Right.

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

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

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

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

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

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with the height of the street.

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

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

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

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

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

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

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

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

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

10 NADAV HAMIL: We have all the
11 specifics.

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

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

17 NADAV HAMIL: No problem.

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

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

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

1 testified? Wanted to give you the opportunity.

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

8 HENRY BUTLER: Board Chair.

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

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

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

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

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

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

9 CHAIRPERSON WEPRIN: Thank you.

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

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

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

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

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

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

7

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

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

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

9 COUNCIL MEMBER COMRIE: Mm-hmm.

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

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

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

21 COUNCIL MEMBER COMRIE: Right.

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

24 CHAIRPERSON WEPRIN: FUCA.

25 RICHARD BEARAK: --or, at minimum,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 COUNCIL MEMBER REYNA: But under

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

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

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

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

COUNCIL MEMBER REYNA: Right.

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

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

7 COUNCIL MEMBER REYNA: And--

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

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

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

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

21 RICHARD BEARAK: Yeah, yeah--

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

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

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

14 COUNCIL MEMBER REYNA: Okay.

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

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

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

COUNCIL MEMBER REYNA: In the south.

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

COUNCIL MEMBER REYNA: But those were the same--

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

COUNCIL MEMBER REYNA: Right.

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

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

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2 supermarket opportunity?

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

10 COUNCIL MEMBER REYNA: Mm-hmm.

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

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

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

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

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

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

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

10 COUNCIL MEMBER VANN: Okay.

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

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

22 RICHARD BEARAK: Absolutely.

23 COUNCIL MEMBER VANN: Okay.

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

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

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

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

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

16 RICHARD BEARAK: Absolutely.

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

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

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

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

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

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

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

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

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

RICHARD BEARAK: He'd be a fine relative.

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

RICHARD BEARAK: Be a fine relative.

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

RICHARD BEARAK: No. [laughs]

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

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

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

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

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

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

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

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

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

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

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

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

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

COUNCIL MEMBER COMRIE: --Tierney

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

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

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

HEATHER TIERNEY: [laughs]

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

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

12 COUNSEL: Are you going--[pause]

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

16 COUNSEL: Chair Weprin.

17 CHAIRPERSON WEPRIN: Aye.

18 COUNSEL: Council Member Rivera.

19 COUNCIL MEMBER RIVERA: I vote aye.

20 COUNSEL: Council Member Reyna.

21 COUNCIL MEMBER REYNA: Aye.

22 COUNSEL: Council Member Comrie.

23 COUNCIL MEMBER COMRIE: Aye.

24 COUNSEL: Council Member Jackson.

25 COUNCIL MEMBER JACKSON: Aye on

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all.

COUNSEL: Council Member Vann.

COUNCIL MEMBER VANN: Aye.

COUNSEL: Council Member Garodnick.

COUNCIL MEMBER GARODNICK: Aye.

[pause]

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

CHAIRPERSON WEPRIN: Thank you.

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

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

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

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

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

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

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

1 is an existing Land Use map, which you could see
2 the predominant color here is residential. West
3 Harlem is by and large a neighborhood that
4 contains three to four story row houses,
5 brownstones, limestones and five and six story
6 apartment buildings. The rest of the residential
7 presence again is seen all throughout with 87
8 percent of lots being covered with residential.
9 And it's worth noting that 20 percent of the land
10 in the rezoning area is covered within historic
11 districts, New York City historic districts,
12 really speaking to the remarkable architectural
13 character of the West Harlem neighborhood. The
14 north/south corridors, including Broadway,
15 contained six to eight story apartment buildings
16 with ground floor retail, really providing
17 neighborhood services at the ground floor. 145th
18 Street is particularly unique as it provides a
19 variety of uses, you can see the multi-colors
20 here, ground floor shopping, the library, which is
21 also located along 145th Street, hotels; again,
22 Riverbank State Park accessible off of 145th
23 Street. Interestingly, on the corners of 145th
24 Street and Broadway are three particular
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1 commercial uses that are one to two stories.
2 They're also one to two story commercial uses
3 within the portion between Broadway and Amsterdam.
4 And lastly, in the manufacturing district, again
5 you see some transportation and industrial uses.
6 Here there's some vacant lots and vacant
7 buildings, as well. There's this tasty bakery
8 site, which is along 126th Street, it's a large
9 vacant property, which was the site of City
10 sponsored requests for expressions of interest,
11 based upon the proposed West Harlem Rezoning Plan,
12 and the site was awarded to a local developer to
13 build approximately 330,000 square foot commercial
14 and community facility sites, which would include
15 tenants such as the Harlem Brewing Company, Green
16 Point Manufacturing and Design Center, Herfsland
17 and the Carver National--or Federal Bank. But
18 overall, you can see here 87 percent of the land
19 uses in this area are residential. And only three
20 percent of the land is actually vacant. And that
21 really speaks to how built out and occupied these
22 residential neighborhoods are here, and that, you
23 know, in fact, it's interesting to note that the
24 building stock is so occupied. This part of
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2 Harlem did not undergo the same level of distress
3 as other parts of Harlem, really speaking to that
4 low vacancy. Overall, the rezoning area, and this
5 is existing zoning, is characterized by
6 noncontextual zoning districts R8 and R72,
7 largely, as you can see. And these are zoning
8 districts that do not have height limits or street
9 wall controls. So, you could essentially build on
10 large lots, tall towers surrounded by open space,
11 which is a real contrast, sharp contrast, to the
12 existing build character of three to four story
13 row houses, and five to six story apartment
14 buildings. These zoning districts are 8R72, are
15 medium density residential districts, again that
16 could produce out of scale developments. There is
17 a manufacturing district to the south, an M11,
18 which is between 126th Street and 129th Street,
19 flanked by Amsterdam Avenue and Convent Avenue.
20 This zoning district allows for one FAR, and
21 really restricts existing uses, does not support
22 expansion. There are also existing commercial
23 overlays along the corridors of Broadway,
24 Amsterdam Avenue, 145th Street and portions of
25 other streets, you know, again to allow for

1 neighborhood uses along ground floors of
2 buildings. But overall, we can say that the
3 existing zoning, which has been unchanged since
4 1961, does not, and has not been reviewed
5 comprehensively since, is not reinforcing this
6 special character here. So the Department's study
7 of the area found that the residential
8 neighborhoods of West Harlem are characterized by
9 a very built out and occupied residential
10 character, with very few vacant properties.
11 Secondly, 145th Street is a very unique corridor,
12 given that it's a wide street, it is immediately
13 accessible to transit at Broadway, and contains
14 active community destination uses, such as retail,
15 the library, access to Riverbank State Park, and
16 so forth. Also, interestingly, are the presence
17 of underbuilt commercial and vacant sites, which
18 really again sharply contrasts the fully built out
19 character of the rest of the rezoning area. The
20 manufacturing district does not allow for current
21 uses to expand and actually prohibits new
22 development from occurring. And finally, the
23 outdated 1961 zoning does not reinforce the
24 special built character of this remarkable
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1 architectural neighborhood, and does not protect
2 against out of scale development. So the West
3 Harlem Rezoning framework is intended to respond
4 to, again, the goals that we stated earlier, to
5 establish contextual zoning districts, to preserve
6 95 percent of the total rezoning area, through the
7 use of varied contextual zoning tools intended to
8 preserve again that consistent scale and height
9 throughout the neighborhood. And it will really
10 ensure that new development and enlargements
11 definitely relate to the special character, and
12 are sensitive to the existing built fabric of this
13 neighborhood. Next, the rezoning is intended to
14 strengthen the east/west corridor of 145th Street,
15 which is a wide street corridor supported by
16 strong access to transit, it contains housing,
17 neighborhood and commercial community destination
18 uses, and again, it provides, proposal provides
19 for targeted, modest increases in density to
20 encourage transit oriented development, the
21 production of affordable housing, through the
22 inclusionary housing program. And lastly, the
23 framework does expand opportunities in the
24 existing manufacturing district, and allows for
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2 reinvestment, economic development, enliven
3 streets in a broad range of uses to occur here.
4 And so these zoning objectives would be
5 implemented through several zoning actions which
6 do include mapping changes, and to require the
7 contextual zoning. And also the establishment of
8 a special mix use district, which we'll cover in a
9 little while, and also the provisions for
10 inclusionary housing. So, in order to again
11 preserve the varied character of West Harlem,
12 paying very close attention to those portions of
13 the neighborhood that are located along mid-blocks
14 and sometimes on avenues where there's low scaled
15 row houses which really again makes West Harlem so
16 distinctive, we have identified all the row house
17 and brownstone areas, and you can see that in the
18 yellow. The proposal will downzone many blocks
19 from R8 and R72, which is today's zoning, to an
20 R6A. This is to preserve again the special scale
21 and character of these very unique mid-blocks.
22 Residential density would be lowered from maximum
23 7.2 to 3 FAR. And community facility FARs would
24 also be reduced, the density allowable today 6.5,
25 a reduction to 3 FAR. Again, the zoning is

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

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

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

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

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

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

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

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

25 CHAIRPERSON WEPRIN: Thank you very

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

7 COUNSEL: Council Member Lappin.

8 COUNCIL MEMBER LAPPIN: Aye.

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

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

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

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

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

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

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

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

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

13 COUNCIL MEMBER JACKSON: Okay.

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

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

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

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

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

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

13 CHAIRPERSON WEPRIN: Sure, be my
14 guest.

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

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that, that you can elaborate on?

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

COUNCIL MEMBER JACKSON: And I know

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

23 MELISSA CERESO: Sure. So--

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

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slide.

MELISSA CERESO: Sure. [pause]

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

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

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

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

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

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

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

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

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happen. If there's no--

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

EDWIN MARSHALL: No.

COUNCIL MEMBER JACKSON: Why?

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

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

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

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

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

16 EDWIN MARSHALL: Set back--

17 COUNCIL MEMBER JACKSON: --ten
18 feet.

19 EDWIN MARSHALL: Right, exactly.

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

23 EDWIN MARSHALL: That's correct.

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

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EDWIN MARSHALL: Correct.

COUNCIL MEMBER JACKSON: From a bottom line?

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

COUNCIL MEMBER JACKSON: Okay.

EDWIN MARSHALL: The building.

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

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

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

6 COUNCIL MEMBER JACKSON: Live in
7 the family.

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

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

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

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

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

12 EDWIN MARSHALL: Yes, so--

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

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

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

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

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I can do my math here. 12--

COUNCIL MEMBER JACKSON: 12--

EDWIN MARSHALL: 12--

COUNCIL MEMBER JACKSON: 12 unit.

EDWIN MARSHALL: 12 units.

COUNCIL MEMBER JACKSON: Okay,
okay.

EDWIN MARSHALL: Of that.

COUNCIL MEMBER JACKSON: At that
site or somewhere else.

EDWIN MARSHALL: That's right.

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

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

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

4 EDWIN MARSHALL: Oh, I see.

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

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

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

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

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

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

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

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

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

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

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

19 COUNCIL MEMBER JACKSON: Okay.

20 EDWIN MARSHALL: --administrating
21 agency.

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

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

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

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

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

22 COUNCIL MEMBER JACKSON: Okay.

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

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

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

14 MELISSA CEREZO: 72.

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

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

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

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

16 EDWIN MARSHALL: IH.

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

19 EDWIN MARSHALL: Right.

20 COUNCIL MEMBER JACKSON: Is that
21 correct?

22 EDWIN MARSHALL: That's right.

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

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

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

21 COUNCIL MEMBER JACKSON: Which is
22 what?

23 MELISSA CEREZO: 80 feet.

24 COUNCIL MEMBER JACKSON: 80 feet.

25 MELISSA CEREZO: Yeah, eight

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stories.

COUNCIL MEMBER JACKSON: Which is basically eight stories.

MELISSA CEREZO: Yes.

COUNCIL MEMBER JACKSON: With an IH?

EDWIN MARSHALL: Same.

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

EDWIN MARSHALL: Right.

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

EDWIN MARSHALL: Yes.

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

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

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

11
12 COUNCIL MEMBER JACKSON: Okay, so,
13 but I believe in looking all of the maps and
14 drawings that you supplied to me as the Council
15 Member for the area, I believe there was one site,
16 as far as environmental impact, that was looked
17 at, that is currently occupied by residents that
18 City Planning viewed as a potential development
19 site. Am I not mistaken?

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

22 MELISSA CERESO: No.

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

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

7 EDWIN MARSHALL: Right.

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

13 EDWIN MARSHALL: Yes, sir.

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

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

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

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

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

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

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

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

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

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

5 CHAIRPERSON WEPRIN: Understood.

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

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

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

19 EDWIN MARSHALL: Yes.

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

22 EDWIN MARSHALL: Right.

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

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

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

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

16 MELISSA CERESO: Probably 14 to 17.

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

19 MELISSA CERESO: Yes.

20 COUNCIL MEMBER JACKSON: If they
21 wanted to?

22 MELISSA CERESO: Yes.

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

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MELISSA CERESO: Eight stories.

EDWIN MARSHALL: Eight stories or 80 feet.

COUNCIL MEMBER JACKSON: 80 feet maximum.

EDWIN MARSHALL: Yes.

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

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

COUNCIL MEMBER JACKSON: Sure.

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

COUNCIL MEMBER JACKSON: A landmark preservation?

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

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

4 COUNCIL MEMBER JACKSON: Okay.

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

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

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

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

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

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

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

18 COUNCIL MEMBER JACKSON: 70 feet or
19 seven?

20 MELISSA CERESO: Seven stories, 70
21 feet.

22 COUNCIL MEMBER JACKSON: Okay,
23 okay.

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

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

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

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

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

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

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

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

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

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

11 BRIAN COOK: [laughs]

12 CHAIRPERSON WEPRIN: Next, please.

13 [laughter]

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

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

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

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

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

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the community board has said all along.

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

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

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

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

5 [background voice]

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

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

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

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

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

11 MALE VOICE: Dr. Dedrick Blue

12 [phonetic]

13 CHAIRPERSON WEPRIN: Is it Mr.
14 Blue?

15 MALE VOICE: Yes, it is.

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

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

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

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

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

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

21 CHAIRPERSON WEPRIN: No problem.

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

1 surprised. [background comment]

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

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

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

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

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

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

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

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

18 CHAIRPERSON WEPRIN: Thank you,
19 Pastor Blue.

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

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

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

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

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

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

1 negotiations with the appropriate City agencies.

2 Thank you for this time and space.

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

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

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

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

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

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

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

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

15 CHAIRPERSON WEPRIN: Thank you.

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

18 YVETTE CAMPBELL: Thank you.

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

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

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

9 CHAIRPERSON WEPRIN: Okay,
10 apologize.

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

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2 CHAIRPERSON WEPRIN: Currently
3 zoned R72.

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

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

25 LAVEEN NAIDU: Right.

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

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

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

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

LUIS MANUEL TEJADA: Okay.

CHAIRPERSON WEPRIN: Okay.

LUIS MANUEL TEJADA: Good

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

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

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

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

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

21 CHAIRPERSON WEPRIN: Great.

22 LUIS MANUEL TEJADA: Thank you very
23 much.

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

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

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

17 CHAIRPERSON WEPRIN: No problem.

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

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

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

1 co-chair of the Land Uses and Zoning Committee, of
2 [pause] the goals of the proposed West Harlem
3 rezoning have largely been met. Specifically,
4 reinforcing the character of West Harlem, and
5 replacing the existing 50 year old zoning with new
6 contextual zones, to activate the last remaining
7 manufacturing zoning district, to support economic
8 development and encouraged mixed uses; while at
9 the same time, identifying discrete locations
10 within the district for the development of
11 affordable housing. While the development of new
12 affordable housing is an important factor, we are
13 equally, if not more concerned, about the
14 retention of existing affordable housing. Over 60
15 percent of the rental units in community district
16 9 are rent regulated. The new contextual zone
17 should not only protect the character of our
18 community, but also work to protect the existing
19 rent regulated housing stock and its residents.
20 Community Board 9's conditional approval was
21 passed by our board on June 21, 2012, by a vote of
22 40 in favor, zero opposed, and three in absentia.
23 Our recommendation includes the condition that the
24 proposed R8A zoning district and inclusionary
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1 housing on West 145th Street between Broadway and
2 Amsterdam, be replaced with an R7A zoning
3 district. We have had many discussions and
4 debates weighing density, weighing increased
5 density, on this bloc. According to the
6 environmental impact statement, we believe there
7 are two very unlikely assumptions that drive it,
8 and it relates to PS 186 and the existing deed
9 restriction. [time bell] Under one scenario, the
10 deed restriction as it exists remains and zero
11 affordable units would be generated. Under the
12 scenario where the deed restrictions is removed,
13 21 affordable units would be generated, and that's
14 out of the 41 on that stretch, so half of them
15 would be generated by PS 186. Neither of those
16 scenarios are realistic, and we know as of late
17 last week that deed restriction has been modified,
18 and agreed to by the Boys and Girls Club, HPD, and
19 the Manhattan Borough President's Office. Our
20 understanding, although we've not seen the
21 document, the new deed restriction requires the
22 development of at least 85 new housing units, as
23 well as retention of the building. Retention and
24 rehabbing of the building, we don't need to upzone
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1
2 for that. With regard to the requirements that
3 have, we understand have been put in place for
4 development of housing, that's 85 housing units,
5 70 percent are to be affordable.

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

8 PATRICIA JONES: Okay.

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

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

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

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

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

18 CHAIRPERSON WEPRIN: [off mic]

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

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

22 FEMALE VOICE: Yeah.

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

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

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

4 CHAIRPERSON WEPRIN: Thank you very
5 much.

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

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

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

16 COUNCIL MEMBER JACKSON: Sure.

17 CHAIRPERSON WEPRIN: Yes, you do.

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

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

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

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

17 CATHERINE ABATTE: Very quickly,
18 very quickly.

19 CHAIRPERSON WEPRIN: Your name
20 again?

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

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

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

15 BRAD TAYLOR: How'd you know?

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

18 BRAD TAYLOR: [laughs]

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

22 AGIS PICOS: Yeah.

23 CHAIRPERSON WEPRIN: Picos?

24 AGIS PICOS: Agis, yes.

25 CHAIRPERSON WEPRIN: I was close,

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

4 BRAD TAYLOR: Yes, if I can.

5 CHAIRPERSON WEPRIN: Taylor.

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

10 CHAIRPERSON WEPRIN: My pleasure.

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

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

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

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

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

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

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

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

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

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

25 AGIS ECOS: My name is Agis Ecos,

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

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

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

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

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here.

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

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

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

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

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

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

16 [gavel] Bye-bye.

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

C E R T I F I C A T E

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

Signature [Vendor must insert scanned signature]

Date October 12, 2012