

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON RULES, PRIVILEGES AND ELECTIONS

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September 4, 2014
Start: 10:50 a.m.
Recess: 11:26 a.m.

HELD AT: Committee Room - City Hall

B E F O R E: BRAD S. LANDER
Chairperson

COUNCIL MEMBERS:

Inez E. Dickens
Vincent M. Ignizio
Ydanis A. Rodriguez
Rafael L. Espinal, Jr.
Daniel R. Garodnick
David G. Greenfield
Corey D. Johnson
Melissa Mark-Viverito
Mark S. Weprin
Andy Cohen
Margaret S. Chin
Rosie Mendez

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

Anna Hayes Levin

City Planning Commission

2 CHAIRPERSON LANDER: Thank you.

3 [gavel]

4 CHAIRPERSON LANDER: Good morning and
5 welcome to the New York City Council's Committee on
6 Rules, Privileges and Elections; I'm Brad Lander, the
7 Chair of the Committee; I'm very pleased to be joined
8 this morning by Minority Leader Vinny Ignizio from
9 Staten Island and Council Member Inez Dickens from
10 Manhattan. I wanna also acknowledge the Committee's
11 Counsel, Jason Otano and thank the great staff that
12 helped us get ready for this hearing, our Director of
13 Investigations, Chuck Davis, as well as Deandra
14 Johnson and Diana Arriaga from the Investigations
15 staff. Also wanna welcome Anna Hayes Levin, who
16 we'll introduce in just a moment; thank you very
17 much. And we'll be joined by some other members
18 throughout this hearing; this is the public hearing
19 section of the nominations; we won't vote today, as
20 is procedure in this committee; we do the hearing at
21 a later time so members have had a chance to review
22 the transcripts and such before the vote, so we'll
23 recess at the end of today's hearing and open up
24 again just prior to the next Stated.

2 In a letter dated July 29th, 2014,
3 Manhattan Borough President Gale Brewer formally
4 submitted the name of Anna Hayes Levin to the Council
5 of the City of New York for our advice and consent
6 regarding her appointment to the City Planning
7 Commission and today the Council will consider
8 whether to give our advice and consent; we're very
9 pleased that Ms. Levin is here; Ms. Levin's already a
10 member of the City Planning Commission and if
11 reappointed, she'll serve a five-year term that would
12 expire on June 30th, 2019. I won't go through all
13 the details in the interest of time what the City
14 Charter says about the City Planning Commission, but
15 just for the record, it consists of 13 members, with
16 7 appointments, including the appointment of the
17 chair made by the Mayor and 1 each by the Public
18 Advocate and by each Borough President and this
19 position is the position appointed by the Manhattan
20 Borough President. All members except the chair are
21 subject to the advice and consent of the Council and
22 this Committee and Council have already approved
23 several of the Mayor's appointees for positions.
24 According to the Charter, members should be chosen
25 for their independence, integrity and civic

2 commitment, the members serve five-year terms, other
3 than the chair, who serves at the pleasure of the
4 Mayor; they're not considered regular City employees
5 and there's no limitation on the number of terms a
6 CPC member can serve; however, CPC members are
7 prohibited from holding any other City office while
8 serving on the CPC, but can have non-conflictual
9 outside income. While the chair receives an annual
10 salary of \$205,180, the vice-chair \$62,271 and all
11 the other members an annual salary or stipend of
12 \$54,150. CPC has many responsibilities around
13 planning, growth and development of the City,
14 assisting the Mayor and other elected officials in
15 developing the 10-year capital strategy, the next
16 edition of which will be coming later this fall into
17 winter and we've already started to have some
18 conversations about the four-year capital program,
19 the annual Citywide Statement of Needs, oversee City
20 Environmental Quality Review as mandated under the
21 State's Environmental Conservation Law, develop
22 planning policy, consider changes to the Zoning
23 Resolution; work with community boards and the
24 Council on those issues and CPC must review and
25 either approve or deny any City proposal involving

2 the City's request for acquisitions. I think I will
3 skip all the list of rules that go a little further
4 into detail.

5 We'll start today with an opening
6 statement from Ms. Levin, members have been an
7 advance set of answers to questions that she submit...
8 that we asked her to submit and that she submitted in
9 advance, as well as investigation materials by our
10 staff; after the opening statement, those that are
11 here will have a chance to ask a few questions and if
12 there are any members of the public here to testify
13 we'll listen and then we'll close the hearing.

14 We've been joined by Council Member
15 Ydanis Rodriguez from Manhattan. Even before you
16 start, I feel compelled to say since you're already
17 served quite a few years on the Planning Commission
18 and we've had the chance to work together in the
19 past, that I'm an enthusiast of Ms. Levin, I think
20 she's done great service on the Planning Commission;
21 really brought a thoughtful attention to neighborhood
22 issues, focused on the big picture, on the questions
23 of development, real estate, zoning, affordability,
24 but always and consistently been someone who is
25 bringing the neighborhood perspective in and making

2 sure that the kinds of concerns that our constituents
3 have and our community boards have are really well-
4 heard. So we're all listening with an open mind, but
5 still, I felt better to disclose my enthusiasm for
6 her past service. Ms. Levin, would you please raise
7 your right hand to be sworn in by our counsel?

8 COMMITTEE COUNSEL: Do you solemnly swear
9 or affirm that you will tell the truth, the whole
10 truth and nothing but the truth?

11 ANNA HAYES LEVIN: Yes I do.

12 COMMITTEE COUNSEL: Thank you.

13 CHAIRPERSON LANDER: Please proceed with
14 your opening statement.

15 ANNA HAYES LEVIN: 'Kay. Good morning.
16 My name is Anna Levin and I am please to be here
17 today as a nominee for reappointment to the City
18 Planning Commission. I'm immensely grateful to
19 Manhattan Borough President Gale Brewer for the honor
20 of the nomination; I've really enjoyed serving on the
21 Commission for the past five years and I'm keen to
22 continue for a second term, so I certainly hope you
23 will approve the reappointment.

24 You have my resume and my answers to your
25 sometimes very challenging pre-hearing questions,

2 which I trust lay out my background and
3 qualifications; if there are any gaps, I know you
4 will ask about them.

5 As a brief introduction, I spent 20 years
6 as a corporate lawyer in private practice and then
7 eight years on Manhattan Community Board No. 4, which
8 represents the neighborhoods of Clinton, Hell's
9 Kitchen and Chelsea. That experience turned me into
10 an advocate for community-based planning; affordable
11 housing, most of which I learned about from the Pratt
12 Center, under Brad's leadership, open space, good
13 schools and other public facilities, all in the face
14 of unprecedented neighborhood growth in the Hudson
15 Yards area. I led CB4's work in responding to 60
16 land use applications in the course of which I
17 learned about the ULURP process from beginning to
18 exhaustive end... [clearing throat] excuse me... and more
19 importantly, about the challenges and importance of
20 building community consensus around divisive issues.

21 When the Manhattan Borough President seat
22 on the Commission became available in 2009, I left
23 the community board and was honored to be appointed
24 to the Commission by then Borough President Scott
25 Stringer. On the Commission I've continued to be an

2 advocate for the things I mentioned before --
3 community-based planning, affordable housing, open
4 space, good schools and other public facilities. I
5 believe I've established a record as a careful and
6 attentive reader and listener and a thoughtful
7 decision-maker. I read all materials made available
8 to us, including the Environmental Statements, I
9 listen closely to all testimony and I pay particular
10 attention to the formal recommendations of the
11 community boards and the borough presidents and of
12 course any other recommendations we get from council
13 members and other local elected officials.

14 I visit the sites of all significant
15 applications and I'm actually pretty sure that I have
16 been to each of your districts in the course of my
17 service on the Commission, which has been one of the
18 best things about being on the Commission, and I ask
19 as lot of questions at the Commission's public
20 hearing, so here I am at your public hearing, on the
21 other side of the podium; I'd be happy to answer any
22 questions you may have for me and I'll be grateful
23 for your support. Thank you.

24 CHAIRPERSON LANDER: Thank you very much
25 for that and I'll also just direct council members to

2 the Q&A that is in your materials, which is very
3 thorough; we ask a lot of questions and Ms. Levin
4 gave very thorough answers, very... the... I knew there
5 was something about, sort of as we were discussing
6 beforehand, reappointment, when having seen it from
7 the inside, the ability to really give thoughtful
8 answers to questions is even better than someone
9 who's just thinking about it for the first time.

10 Let me recognize we've been joined by
11 some additional members of the Committee -- Council
12 Member Rafael Espinal, Council Member Dan Garodnick
13 from Manhattan; we're joined by the Chair of the Land
14 Use Committee, Council Member David Greenfield and
15 also by Council Member Corey Johnson, who represents
16 this... [interpose]

17 ANNA HAYES LEVIN: Our very own.

18 CHAIRPERSON LANDER: Exactly.

19 [laughter]

20 CHAIRPERSON LANDER: Alright, I kind of
21 expressed my enthusiasm before starting, so I won't
22 do the first questions; let me... it's our practice in
23 the Committee to have the chair of the relevant
24 council committee in the work lead off, so we'll
25 invite Chair Greenfield to go ahead and then we have

2 Council Members Dickens and Johnson who have signed
3 up... [crosstalk]

4 COUNCIL MEMBER GREENFIELD: Thank you,
5 Mr. Chairman; I appreciate it. First I wanna just
6 start off and say that I've reviewed Anna Hayes
7 Levin's record and I have spent a lot time looking to
8 the work that she's done at City Planning; I have met
9 with her and I have to agree with your conclusion; I
10 think she's exceptionally qualified for the position,
11 she's been doing a great job on the City's behalf,
12 especially as the "independent voice" on City
13 Planning, due to the fact that she's not a mayoral
14 appointee; I will let the press read between the
15 lines on that one. And so overall especially
16 encouraged by the fact that this is really what she
17 dedicates the majority of her time to. Unlike other
18 members who have different jobs and have competing
19 interest, she really has been conscientious, she has
20 great attendance and she's generally well thought of
21 in the land use community.

22 So with that being said, I just have two
23 questions, even though some of this has been
24 addressed before; I just wanna get it on the record.
25 The first question deals with the role of the New

2 York City Council; as you know, the City Charter
3 makes it very clear that the land use process really
4 has two mandatory signoffs and the first would be
5 City Planning and the second would be the City
6 Council. One of the things that we've made very
7 clear to City Planning is that when City Planning
8 considers applications, they need to keep in mind
9 that those applications will likely change once they
10 come to the City Council and therefore there needs to
11 be some breathing room for that to happen; I'm
12 wondering what your thoughts are on that.

13 ANNA HAYES LEVIN: Well, in fact, as I
14 indicated in my written answers, as a non-mayoral
15 appointee on the Commission, I've often taken great
16 comfort when it comes to the moment of voting yes or
17 no on an application. Being able to vote yes on what
18 I think is an imperfect application, knowing that
19 when it gets to the Council it's going to get fixed.
20 For example, that was the basis of my vote on East
21 Midtown; I shared many of Council Member Garodnick's
22 and many others' concerns about the completeness and
23 appropriateness of that application, but I could tell
24 from what was being discussed publicly that it was
25 headed in a very good direction once it got to the

2 Council and you know, nothing is perfect; I took a
3 big... drew a big breath and voted yes on that one, and
4 that's a place where I think the Council can play a
5 very effective role in pursuing issues that either
6 cannot be technically dealt with by the Commission,
7 because after all, we are constrained by the Zoning
8 Rules and if an applicant comes to us with an
9 application, they need all the findings; we might
10 have extraneous reasons for having a different point
11 of view, but legally it's a little bit challenging to
12 not stick with the constraints of the zoning. That
13 said I know that the Council does have the ability to
14 sometimes deal with some of those issues separately
15 from the ULURP process, so I think that's an
16 important place for the Council to play a role. I
17 would also note that there is an increasing move,
18 which I full support, to have the local council
19 members much more actively involved in planning of
20 applications before, long before the ULURP process
21 starts; as we all know, it's the precertification
22 period, the two or three years of local planning that
23 goes into preparing an application, which is where
24 all the important decisions are made. And I know
25 that it's now the Department of City Planning's

2 practice to encourage private applicants to consult
3 with local community board, local council member; get
4 that input early on and you know, I think we're gonna
5 see more and more of that and that makes for much
6 better applications when they get to certification.
7 Certification is too late to figure out anything
8 complicated on a zoning application.

9 COUNCIL MEMBER GREENFIELD: Great;
10 certainly agree with that line of thinking. Thank
11 you. And then the second and final question is
12 regarding the Mayor's Affordable Housing Plan.
13 Obviously it's a very ambitious plan to preserve and
14 create 200,000 units of affordable housing, just
15 generally what your thoughts are on that and more
16 specifically, our concern of course is that the voice
17 of the communities be represented in this
18 conversation and really, I think the reason why we're
19 so effective as council members is that unlike our
20 counterparts in government, we live, breathe and work
21 in our communities 24 hours a day, 7 days a week;
22 we're not in Albany, we're not in D.C., so we really
23 have that local touch and we are hearing from many of
24 our constituents who are concerned about what the
25 ramifications are, especially the considerations of

2 upzoning in certain neighborhoods and we intend to
3 make sure that their voices are heard; I'm wondering
4 on what you think is the appropriate forum for those
5 voices.

6 ANNA HAYES LEVIN: Well I think that is
7 absolutely the crux issue for the Mayor's Housing
8 Plan, which I fully support; we absolutely need those
9 additional units; I would add that with a projected
10 million more New Yorkers headed our way we also need
11 more market rate housing as well, although that
12 hasn't been in the public discussion so much, but all
13 of that is going to require density in places where
14 neighborhood haven't been so happy to see it, and you
15 can't just cram it down a neighborhood's throat, you
16 have to work in individual neighborhoods at the local
17 level and figure out what's appropriate for that
18 neighborhood, work with local constituents to figure
19 out what infrastructure is missing in that
20 neighborhood and what's gonna be needed in order to
21 support new growth, work on the push and pull of
22 developing census and [background comments] settling
23 tradeoffs and it can't be done in a top down, one
24 size fits all kinda way, it's got to be done
25 individually and locally and I've been pleased to

2 have heard Chair Carl Weisbrod talk about additional
3 budget resources that they intend to allocate to
4 neighborhoods that are targeted for this kind of
5 growth in order to provide the support that
6 communities... and it's hard to do this community
7 organizing stuff, to get disparate groups together
8 around a table to talk about... to recognize that they
9 all exist in a neighborhood and that there has to be
10 some local compromise involved; that has to happen
11 locally and it's gonna take some leg work and some
12 organizing and some manpower to get it to happen and
13 I'm pleased that the Department of City Planning
14 seems to recognize that and be committed to helping
15 communities do that kind of organizing and
16 collaborative decision-making.

17 COUNCIL MEMBER GREENFIELD: Thank you
18 Miss Levin; I think that's exactly the cooperation
19 that we have been looking for and look forward to
20 working with City Planning; I commend the Manhattan
21 Borough President on making your reappointment
22 nomination and Mr. Chair, I join you in
23 enthusiastically supporting this renomination for the
24 City Planning Commission. Thank you.

25 ANNA HAYES LEVIN: Thank you.

2 CHAIRPERSON LANDER: Thank you Chair
3 Greenfield and thanks for meeting with the nominee in
4 advance and helping add to the discussion and vetting
5 today. Very pleased that we have been joined by our
6 Speaker, welcome.

7 ANNA HAYES LEVIN: Good morning.

8 CHAIRPERSON LANDER: Council Member
9 Johnson is chairing the Health Committee hearing next
10 door, so Council Member Dickens has graciously agreed
11 to allow him to jump the stack and ask his questions;
12 we have Council Members Johnson, Dickens and
13 Garodnick.

14 COUNCIL MEMBER JOHNSON: Thank you, Chair
15 Lander; thank you to Council Member Dickens for
16 allowing me to jump my spot in line. I just wanted
17 to come by quickly, I have to get back to the
18 chambers to continue chairing the Health Committee
19 hearing and just enthusiastically tell my colleagues
20 and the public that I support the renomination of
21 Anna Hayes Levin to the City Planning Commission.
22 Anna and I served on Manhattan Community Board 4
23 together from 2005 to 2009; I joined the community
24 board just after... I believe the community board was
25 one of the main folks that ultimately help defeat the

2 West Side Stadium that was our former mayor's grand
3 plan for the West Side and Anna Hayes Levin was the
4 strategic mind in the community board working to
5 defeat the West Side Stadium plan, organizing the
6 community, having forums and rallies, working with
7 elected officials, developers, community
8 organizations, block associations, and everyone
9 really and she showed her medal there and then went
10 to actually see Hudson Yards through to being
11 Related... being chosen Tishman Speyer first and then
12 Related second and so Anna helped create the Hudson
13 Yards Community Advisory Committee and co-chaired
14 that committee and oversaw, as she noted in her
15 opening testimony, over 60 ULURP applications, many
16 of which were incredibly complicated with the new
17 zoning that was gonna exist in the Hudson Yards area,
18 so I just wanted to come by and say that I was really
19 pleased but not surprised when our new Borough
20 President decided to renominate Anna to represent our
21 borough on the Commission and I wholeheartedly and
22 enthusiastically support her nomination and I just
23 wanted to come by and state that. Thank you.

24 CHAIRPERSON LANDER: Thank you. Thanks,
25 Council Member Johnson. We have been joined by

2 Council Member Mark Weprin, who chairs the Land Use
3 Subcommittee on Zoning and Franchises and also
4 Council Member Andy Cohen from the Bronx, fresh from
5 the opening of the new Aldi Supermarket in his
6 community, so an important land use milestone for his
7 district. Council Member Dickens.

8 COUNCIL MEMBER DICKENS: Thank you, Chair
9 and good morning and thank you Anna for the service
10 that you've provided not only at City Planning, but
11 prior to that, on Community Board 4. Yesterday the
12 Board Land Use Committee chair came and gave
13 testimony in support of the Irish Arts Center and he
14 gave a very eclectic testimony that were both
15 informative yet entertaining.. [interpose]

16 ANNA HAYES LEVIN: Yeah.

17 COUNCIL MEMBER DICKENS: so.. and it was
18 passed at committee; it's now gonna go to..
19 [interpose]

20 ANNA HAYES LEVIN: Good to know.

21 COUNCIL MEMBER DICKENS: the full Land
22 Use Committee. But my question is somewhat to
23 piggyback on the Chair of Land Use, David
24 Greenfield's question and that's about our Mayor's
25 plan for the additional and increased affordable

2 housing that's necessary in this city and has been
3 lacking and that means the rezoning and upzoning
4 frequently. Now in what used to be my district, such
5 as the Upper West Side, contextual zoning is really
6 what the community, that community looks forward to,
7 they want the heights and not the increased density;
8 they even have... we did a rezoning that decreased the
9 amount for the large banks, the amount of frontage
10 they could have. How do you propose that that mix
11 that requires the rezoning, upzoning for the
12 increased density and yet allow for communities that
13 strongly support contextual zones?

14 ANNA HAYES LEVIN: Right. Well I think
15 we all anxiously await the Department of City
16 Planning and Department of Housing Preservation and
17 Development to give us some more information about
18 exactly how they propose to locate and implement this
19 very aggressive housing program. I mean it's very
20 easy to be enthusiastic about producing or preserving
21 200,000 units of housing; I think we all know that
22 the City needs it and probably needs more of it, but
23 when you get down to the realities of where to put
24 it, it's gonna take a very careful neighborhood by
25 neighborhood analysis and every one of those analyses

2 is gonna have to also be made in consultation with
3 those local communities. I think we've seen previous
4 zoning attempts to accomplish growth without having
5 laid the proper local groundwork to understand the
6 neighborhoods into which new development is being
7 inserted and understand what those neighborhoods'
8 needs are and it's gonna fail if that's the approach.

9 Now I also think that this kind of
10 increased growth represents an opportunity for local
11 neighborhoods; once they get their heads around
12 growth being a necessity, and this is the process
13 that went through in Community Board 4 -- okay, if
14 it's gonna happen, what can we do to make it good for
15 us? What do we wanna get out of it? And I think if
16 the Department of City Planning pursues conver...
17 [interpose, background comments] if the Department of
18 City Planning can pursue its conversations with
19 individual communities on that basis, what's going on
20 in your community and what do you need; what's
21 missing; what can we add and figure out how to
22 include those elements in the neighborhood changes
23 that are gonna be necessary to accommodate this
24 density; we've got a much greater chance of achieving
25 it.

2 COUNCIL MEMBER DICKENS: Thank you so
3 much for your answer, because that community and
4 there are a few others that are no in my district
5 that are very concerned and although they want the
6 potential of the growth, they want the increased
7 employment opportunities, they need the additional
8 affordability, but at the same time these are
9 neighborhoods that... many of them are historic
10 districts... [interpose]

11 ANNA HAYES LEVIN: Right.

12 COUNCIL MEMBER DICKENS: and they are
13 very concerned about the increased density.

14 ANNA HAYES LEVIN: Right.

15 COUNCIL MEMBER DICKENS: Thank you.

16 CHAIRPERSON LANDER: Thank you, Council
17 Member Dickens. Welcome Council Member Chin and on
18 the stack we have Council Member Garodnick, followed
19 by Council Member Chin.

20 COUNCIL MEMBER GARODNICK: Thank you very
21 much, Mr. Chairman and Ms. Levin, welcome back and I
22 wanted to share the view of many of my colleagues
23 that we are all very fortunate to have you serving in
24 this role and as demonstrated by your thoughtful
25 answers to the questions and also the service that

2 you have provided to the Commission to date. I have
3 only one question and it relates to something that is
4 sort of sprinkled throughout the answers that you
5 gave to the prehearing questions, and that is the
6 theme about comprehensive infrastructure and economic
7 development planning. One of the issues that has
8 been a challenge for us in the Council and as you
9 even noted in your reference to the East Midtown
10 Rezoning is the way that we can best do
11 infrastructure-related improvements in advance of
12 development... [interpose]

13 ANNA HAYES LEVIN: Uhm-hm.

14 COUNCIL MEMBER GARODNICK: when we and
15 City Planning evaluate an application, it is
16 frequently associated with an Environmental Impact
17 Statement or an Environmental Assessment Statement,
18 but even the more detailed EIS, while it may give an
19 identification of issues, does not prescribe an
20 avenue for a deliverable that we need to achieve.
21 How do we deal with that challenge; do you have any
22 thoughts on the subject; it's one I will admit that I
23 do not have a clear answer to, but you know, I
24 thought I would give you a chance to share your
25 thoughts.

2 ANNA HAYES LEVIN: [laugh] Well I think..
3 I'm afraid to say I'm pretty much where you are on
4 that, but you know this became crystal clear to us at
5 the local community level during the Hudson Yards
6 rezoning; that was a rezoning of 59 blocks with
7 essentially unlimited [background comments] density
8 being added to the neighborhood; it identified the
9 need for a whole bunch of stuff, like sewer and water
10 and two new substations and schools and libraries and
11 police stations and you name it and it was impossible
12 to get the city as a whole to grapple collectively
13 with the challenges of providing that, because
14 they're all provided by different organizations. I
15 think this needs leader... and this is not something
16 that the Planning Commission by itself can take on,
17 [background comments] it's got to come from, you know
18 the top levels of government to say that we simply
19 can't plan for dramatic change in large areas of the
20 city without adding the infrastructure that's gonna
21 be needed to support that development and I think
22 I've heard... we've heard statements from the Mayor and
23 certainly from Carl Weisbrod that indicate that this
24 is getting increased attention in the capital
25 budgeting process, so I'm hopeful that we get some

2 movement on it, but we've got far too many cases at
3 the Planning Commission where... for example, even if
4 the EIS, on a private application that's gonna be a
5 pretty big, big deal, EIS says okay, we're gonna
6 need, you know, 296 more school seats; that means we
7 need a school, right, so we negotiate in that
8 individual application for the developer to set space
9 aside for a school, but you can't get the School
10 Construction Authority to commit to taking up the
11 space; they say, well we'll deal with it later. We
12 had the same thing happen in Hudson Yards with a
13 police station; where are you gonna put a municipal
14 facility in a neighborhood where the market is taking
15 off like a rocket. We found a spot, we got a
16 developer who said I'll put the police station here
17 and the police department said oh no, we'll think
18 about it later and the upshot was that the property
19 got built, that site was gone, and when the police
20 get around to realizing that they need a police
21 station in that neighborhood, there's not gonna be
22 space anymore. So we really have to... we have to look
23 at this in a much more comprehensive way, which is... I
24 think I just went around in a big circle and said, I
25 don't know.

2 COUNCIL MEMBER GARODNICK: But I think
3 you... you identified the challenges clearly and we
4 encourage to stay on that in your role and we
5 certainly will do that here as well when these
6 applications come to us, so thank you again and
7 congratulations in advance.

8 CHAIRPERSON LANDER: And Chair Garodnick,
9 we'll use this as a teaser for the hearing that you
10 have coming up later this month, our second of the
11 Council's hearings, looking more deeply at
12 infrastructure questions; I don't remember the date,
13 but there's a... people can check the calendar, the
14 Economic Development and Transportation Committees
15 together are having a hearing and somebody's coming
16 our of East Harlem explosion at Council's second
17 hearing, looking at these infrastructure questions
18 and then later in this fall and winter in the Land
19 Use Committee, you know both... the Administration will
20 be bringing us the draft of the modifications to the
21 10-year capital plan and the Citywide Statement of
22 Needs and the Council has not in the past used those
23 as opportunities to really push hard on these
24 questions, so in addition to agreeing that we need...
25 and there's reasons to be hopeful, signs to be

2 hopeful from the other side of City Hall, the
3 Commission and the Council have jobs to do here, so.
4 Thank you, Council Member Garodnick. The last
5 council member on the list with questions is Council
6 Member Chin.

7 COUNCIL MEMBER CHIN: Thank you, Chair.
8 Hi... [interpose]

9 ANNA HAYES LEVIN: Good morning.

10 COUNCIL MEMBER CHIN: Miss Levin, thank
11 you for your service and congratulations for being
12 nominated again. My question to you is the question
13 of as-of-right development. This happened all over
14 the City and it's particularly in my district and
15 Lower Manhattan; we see all these projects going up
16 and we have no input because they're doing it as-of-
17 right and a lot of them, they buy up air rights and
18 these humungous tall, skinny building keeps going up
19 and it adds to the needs of school seats, but we
20 can't really get them to contribute to things like
21 that, in terms of the infrastructure.. [interpose]

22 ANNA HAYES LEVIN: Uhm-hm.

23 COUNCIL MEMBER CHIN: so how do you look
24 at in terms of this whole as-of-right issue and also
25 helping communities to look at how do use zoning,

2 whether a community needs to go through this process
3 again or some other types of zoning to really help
4 deal with this kind of as-of-right issues?

5 ANNA HAYES LEVIN: Well I should say that
6 it's thanks to that issue that I got... I left my
7 corporate legal practice and joined up the community
8 board, because I live immediately next door to what's
9 now the Time Warner Center and that was an as-of-
10 right project like no other. So you know this is
11 really hard; we've got a zoning arrangement that
12 allows... that... that... you know, in broad strokes
13 planned for certain kinds of uses and certain amount
14 of densities in various places and then the market
15 responds in unexpected ways and then local
16 communities sort of get worried about what's
17 happening, but I think... you know if you look at the
18 pattern of the... there are a tremendous number of, as
19 you know, contextual rezoning... neighborhood
20 contextual rezonings accomplished over the last 12
21 years; many of them in the outer boroughs where the
22 concern was about very low-scale neighborhoods having
23 people come in and you know, put four- or five-story
24 buildings in neighborhoods that had single-story
25 buildings and coming from the perspective of your

2 neighborhood and mine, I think, you know or one
3 tenancy to say well so what's the problem, you know
4 we're dealing with 1300-story buildings here. But it
5 really boils down to the same issue; is unanticipated
6 change in a neighborhood that has a certain context
7 and I think when... you know that's the... the... the role...
8 I think in the... in certain cases those are situations
9 that the Department of City Planning begins to pay
10 attention to, if stuff is getting out of whack, the
11 Department will initiate a rezoning. Many of these
12 individual efforts though also come from local
13 communities saying, you know we don't like what's
14 happening here and we wanna get in front of the
15 development world and we think that the zoning that
16 is here now is obsolete and is going to lead
17 inappropriate development and we need to come up with
18 an alternate plan and take it through to a rezoning.
19 That's what we did in... I hate to keep going back to
20 my experience at the community board, but in the
21 aftermath of the Hudson Yards rezoning, which
22 provided enormous potential in an area that hadn't
23 had any; we knew that it was only a matter of time
24 before those development pressures moved up 11th
25 Avenue, potentially overwhelming Hell's Kitchen and

2 there's a sloth of industrial land right along the
3 pier, along the waterfront that we knew the real
4 estate community was gonna be very interested in
5 dealing with and so we raised the issue with City
6 Planning, we got a commitment as part of the
7 Council's work on the Hudson Yards rezoning to commit
8 the City to looking at that area and ultimately came
9 in with a rezoning of the area that I think will, you
10 know, reduce the potential for unexpected as-of-right
11 development. It's a long, complex, exhaustive
12 process; I don't have to tell you, it's... you've been
13 through many of these in your district. But I think
14 that's the way we have to approach it.

15 COUNCIL MEMBER CHIN: I guess my last
16 question is, in terms of City Planning, going
17 forward, do you see in terms of providing more
18 supports to local community boards, local groups... I
19 mean a lot of times people don't have that kind of
20 resource to come up with a proposal or if they have
21 an idea, they don't have the support. And even as a
22 council member a lot of us may not have you know that
23 kind of background to really deal with these complex
24 zoning issues.

2 ANNA HAYES LEVIN: Right. So sometime...
3 if you don't have those resources in the people
4 around the table, you need to find a way to
5 encourage... to identify and get the right people to
6 the table and that sometimes take some extra funding
7 support or other kinds of resources. I've been
8 pleased to understand that the Department of City
9 Planning in the increased budget that you all
10 approved for them have included some funds that they
11 intend to allocate to local communities to do exactly
12 that. You know, when I read about the Mayor's new
13 housing plan, I shot an email to Carl Weisbrod saying
14 I hope you're gonna couple this with support for
15 communities, because you're gotta really invest in
16 the community organizing effort to get everyone
17 involved and I was pleased to see that there's some
18 behind that initiative, they seem to be really
19 believing in it.

20 COUNCIL MEMBER CHIN: Thank... thank you,
21 Chair.

22 CHAIRPERSON LANDER: Thank you, Council
23 Member Chin. We're joined also by Council Member
24 Rosie Mendez, who had to step out for a minute, but
25 whose stuff is here. Are there other council members

2 with questions? I just wanna thank you again; I
3 think your answers, both spoken and written, not only
4 give evidence of your fitness for reappointment, but
5 help point the way to a more thoughtful dialog about
6 this set of issues; one challenge we have, especially
7 as sort of the land use debates play out in the
8 media, but even sometimes as they play out on the
9 ground, is that they wind up being just very
10 polarized debates; I sometimes think of this as kind
11 of Revny [sp?] vs. Nimby [sp?]... [interpose]

12 ANNA HAYES LEVIN: Right.

13 CHAIRPERSON LANDER: you've got a
14 development plan and people pushing it hard and
15 you've got people fighting against it and so all the
16 important questions that we've started talking about
17 here, the city is growing, how do you make it work,
18 how do you invest in neighborhood infrastructure, how
19 do you think about working communities are often
20 treated as unimportant or can't get heard above the
21 den of that debate; you've you know been a champion
22 of kind of getting beyond that and trying to ask the
23 questions being willing to get to yes, but not being
24 willing to... also being willing to fight hard to kill
25 things when they're inappropriate, like that stadium,

2 but mostly trying to think about what does it mean to
3 actually make planning and growth and development
4 work for neighborhoods and for the city as a whole
5 and I appreciate that and I appreciate the way this
6 dialog today has not only thought about your
7 appointment, but about the Council and the Commission
8 and the Administration's work going forward to make
9 sure the growth and development of this city are done
10 in a thoughtful way that improves quality of life in
11 neighborhoods as well as addresses affordability and
12 sustainability. So thank you very much. We don't
13 have any appearance cards, so no one has signed up in
14 advance to give testimony, but if there is anyone
15 here... seeing none... we will go ahead and close the
16 public hearing [gavel] and as I said before, we'll
17 recess today's hearing, so seeing no further comments
18 or questions, we thank you for your appearance; we
19 expect to vote on the reappointment of Ms. Levin on
20 the morning of September 12... 10th, excuse me,
21 September 10th, 2014, next week; the Committee on
22 Rules, Privileges and Elections now stands in recess.
23 Thank you.

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2 COUNCIL MEMBER GREENFIELD: The Land Use
3 Committee will start in 60 seconds, so if you're on
4 the Committee, please stick around. Thank you.

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C E R T I F I C A T E

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



Date September 5, 2014